

INTERNAL / PRIVILEGED

Contract 9727 — I-405, Brickyard to SR 527 Improvement Project

Protest 003: Lateral Migration / Sammamish River (PCO 126) | Executive Briefing

The Contract requires "not low" lateral migration design for the Sammamish River bridges at I-405 MP 24.4. Skanska's hydraulic designer, AECOM, performed its own analysis during final design, concluded the risk is "low." WSDOT identified the deviation during its review of the draft Final Hydraulic Design, first flagging the issue in August 2024 review comments. After 10 months of iterative review, including FHD rejection, outside consultant review, and a multi-party technical meeting, WSDOT issued an Interpretive Engineering Decision (SL 116, June 2025) directing compliance. Skanska protested (LTR 309, December 2025). WSDOT denied the protest as without merit (SL 252, January 2026). Skanska filed a Notice of Dispute (LTR 348, February 2026). The parties are now awaiting the written DRB referral.

Section 2.30.5.2.1 Certain Structure and Channel Design Characteristics provides:

"The Sammamish River 'not low' lateral migration determination discussed in the Sammamish River Migration Risk Assessment (Appendix H) shall apply to the new structures within the river flow limits defined by the 500-year flood elevation."

"Shall apply" mandates the "not low" determination as a contract requirement. H26 concludes: "The risk of channel migration within the vicinity of I-405 MP 24.4 is NOT LOW and therefore will require further analysis during final design as part of the Hydraulic Design Report for this water crossing." Further analysis is a consequence of the "not low" determination, not a license to revisit it.

Per Section 1-03.5 Ambiguities / Interpretive Engineering Decisions, the IED interprets existing requirements and creates no entitlement to cost or time adjustment. The Design-Builder had six months' notice before contract award. Appendix H26 was added via Addendum 9 (January 2023) and Section 2.30.5.2.1 via Addendum 14 (March 2023). Skanska certified review via Form A.

Three bridges are affected: the Ramp Bridge (constructed), Mainline Bridge (in construction), and DAR Bridge (design phase, April 2026 construction). Skanska's supplemental (LTR 322, January 2026) presents two countermeasure cost scenarios. Option 1 (\$7,809,741) is vertical steel sheet pile walls driven to total scour depth around bridge piers. Option 2 (\$450,032) is rock and log vanes per HEC-23, a bioengineering approach using foundation boulders and logs to redirect flow and protect banks. Both figures are preliminary and exclude CLOMR application costs, extended general conditions, permitting, and potential reconstruction of completed work.

Section 2.30.5.6 provides that countermeasures proposed by the Design-Builder shall be designed per HEC-23. However, BDM Section 7.1.7.B (Appendix D01) states that "scour countermeasures shall not be placed at interior piers." For the affected structures, the only compliant path is foundation design that accommodates the full scour depth. Where lateral migration applies, BDM Section 7.1.7 requires that total scour account for the migrated channel position.

INTERNAL / PRIVILEGED

Contract 9727 — I-405, Brickyard to SR 527 Improvement Project

AECOM submitted a draft scour analysis in February 2026 concluding the DAR Bridge shaft design already accommodates "not low" scour without modification. The shafts were oversized for landslide demands. The Ramp Bridge and Mainline Bridge do not have the same casing design as the DAR Bridge, and those two structures may not accommodate "not low" scour depths. Only the DAR Bridge has been analyzed. This draft analysis is in review by WSDOT. WSDOT's review has identified questions about whether the draft analysis addresses all relevant load combinations under that condition.

Question for the DRB:

Does Section 2.30.5.2.1 Certain Structure and Channel Design Characteristics require the Design-Builder to apply the "not low" lateral migration determination to Sammamish River structures, or does it permit the Design-Builder to reach a different determination through independent analysis?

Risks

The Ramp Bridge and Mainline Bridge may not accommodate "not low" scour depths with their current design. Remediation would require either countermeasures around in-service piers (in-water work, environmental permits, fish work windows, traffic management) or reconstruction. Skanska's cost estimates exclude reconstruction entirely.

The DAR Bridge construction is scheduled for April 2026. Design is blocked pending resolution. Skanska will use this schedule pressure at the hearing to argue for expedited resolution or to frame WSDOT's position as the cause of delay. WSDOT's response is that the requirement has been in the Contract since award, that WSDOT first flagged the issue in August 2024 review comments, and that the Design-Builder bore the compliance obligation from the start.

Recommendation: Proceed to DRB. WSDOT holds strong contractual ground on the plain language of Section 2.30.5.2.1. The IED framework under Section 1-03.5 precludes entitlement. The hearing preserves the IED framework as precedent for the remainder of the project.

Before the hearing: WSDOT should complete its review of the AECOM draft scour analysis to determine whether the existing foundations satisfy the "not low" design requirements across all three structures. The outcome of this review will inform the path forward. WSDOT has identified concerns with the draft that require resolution before conclusions can be drawn.

Alternative: AECOM's draft scour analysis suggests the DAR Bridge foundations may accommodate "not low" lateral migration without modification. If confirmed, a collaborative resolution on that structure may be viable, narrowing the dispute's impact while preserving WSDOT's contractual position. The Ramp Bridge and Mainline Bridge have not been evaluated.

Decision requested: Approve proceeding to DRB hearing on Protest 003.

INTERNAL / PRIVILEGED

Contract 9727 — I-405, Brickyard to SR 527 Improvement Project

Date	Party	Event
2024-07-12	AECOM	Draft FHD submitted with "low" lateral migration classification
2024-08-06	WSDOT	Review comments flag "not low" issue. "Not enough information to change the original determination of not low"
2025-01-13	WSDOT	FHD rejected. Review comments not resolved
2025-02-10	Both	Multi-party technical meeting. WSDOT requests pier scour analysis assuming channel migrates to piers
2025-03-04	AECOM	Revised FHD submitted. Conclusion unchanged: "no significant lateral migration"
2025-04-21	WSDOT	Formal written notice: WSDOT does not concur with "low" classification
2025-06-13	WSDOT	SL 116: IED issued. Directs application of "not low" per Section 2.30.5.2.1
2025-06-27	Skanska	LTR 204: Response to IED. Disputes interpretation
2025-07-09	WSDOT	SL 125: RE: LTR 204
2025-07-17	Skanska	LTR 214: Requests workshop
2025-07-21	WSDOT	SL 127: Agrees to workshop
2025-07-23	Skanska	LTR 215: Pre-workshop AECOM position letter
2025-08-07	Both	Workshop held. Multi-discipline discussion, no resolution
2025-08-15	WSDOT	SL 139: Withholds determination while Skanska explores alternatives
2025-10-13	WSDOT	SL 178: CLOMR guidance. Warns of 12–18 month timeline
2025-12-17	WSDOT	SL 220: Follow-up. No compliant solution presented. Reiterated protest option
2025-12-30	Skanska	LTR 309: Notice of Protest. PCO 126. Requests 75-day extension
2025-12-31	WSDOT	SL 228: Denies 75-day request. Supplemental due Jan 16, 2026
2026-01-16	Skanska	LTR 322: Supplemental. 138 pages. AECOM analysis. Cost estimates \$450K–\$7.8M
2026-01-29	WSDOT	SL 252: Written Determination. Protest denied as "without merit"
2026-02-10	AECOM	DRAFT pier scour analysis for DAR Bridge submitted under protest (DATED BUT WHEN RECEIVED?)
2026-02-12	Skanska	LTR 348: Notice of Dispute. Formal DRB escalation
2026-02-17	AECOM	DRAFT drilled shaft evaluation. Concludes current DAR Bridge design accommodates "not low" scour
2026-02-20	WSDOT	SL 269: Acknowledges dispute. Awaits written DRB referral

Scenario	Cost	Schedule Risk	Notes
Option 1: Sheet Pile Walls	\$7,809,741	Unknown	Excludes CLOMR, extended GCs, permitting, reconstruction
Option 2: Rock/Log Vanes	\$450,032	Unknown	Excludes CLOMR, extended GCs, permitting, reconstruction
DAR Bridge RFC	–	April 2026 at risk	Design blocked pending dispute resolution