

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6381

Chapter 247, Laws of 2010

(partial veto)

61st Legislature
2010 Regular Session

SUPPLEMENTAL TRANSPORTATION BUDGET

EFFECTIVE DATE: 03/30/10

Passed by the Senate March 9, 2010
YEAS 37 NAYS 11

BRAD OWEN

President of the Senate

Passed by the House March 8, 2010
YEAS 78 NAYS 19

FRANK CHOPP

Speaker of the House of Representatives

Approved March 30, 2010, 11:56 a.m.,
with the exception of Sections 215(3);
215(5); 221(13); 303(43); 304(15); 401,
page 89, lines 18-20, 23-25, and 26-27;
and 602 which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 6381** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 31, 2010

**Secretary of State
State of Washington**

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) The entire appropriation in this section is (~~provided solely~~)
4 for the projects and amounts listed in ARRA Washington State Project
5 LEAP document 2009, as developed on February 24, 2009. Funds under
6 this section may be reallocated among projects shown in the document to
7 the extent that the department finds it necessary for the purposes of
8 facilitating completion of the projects with the highest priority or to
9 maintain maximum federal funds eligibility.

10 (2) To achieve the legislative objectives provided in section 1(2)
11 of this act with respect to highway projects, it is the intent of the
12 legislature that the appropriation in this section be used for:
13 Transportation 2003 account (nickel account) projects and
14 transportation partnership account (TPA) projects that would have
15 otherwise been delayed due to decreased revenues, so as to advance
16 project completion dates similar to those envisioned in the enacted
17 2008 legislative list of projects; projects that preserve or
18 rehabilitate Washington state highways and roads; and projects that
19 modify roadway alignments and conditions to create safer roads for the
20 traveling public.

21 (3)(a) The department of transportation shall obligate at least
22 fifty percent of the funds no later than one hundred twenty days after
23 surface transportation program funds under the American Recovery and
24 Reinvestment Act of 2009 have been apportioned to the states;

25 (b) The department shall obligate all funds no later than one year
26 after surface transportation program funds under the American Recovery
27 and Reinvestment Act of 2009 have been apportioned to the states;

28 (c) The department shall place the first priority for allocating
29 funds on those projects listed as "First Tier" projects on ARRA
30 Washington State Project LEAP document 2009, as developed on February
31 24, 2009. The department shall place the second priority on projects
32 listed as "Second Tier" projects on the document; and

33 (d) Within each tier of projects on ARRA Washington State Project
34 LEAP document 2009, as developed on February 24, 2009, the department
35 shall place the highest priority for allocating funds on the
36 transportation 2003 account (nickel account) projects and
37 transportation partnership account (TPA) projects listed to advance

1 their completion. The department shall prioritize funding for other
2 projects within the tier according to how soon the contract for the
3 project could be awarded.

4 (4) By June 30, 2009, the department of transportation shall report
5 to the legislative standing committees on transportation and the office
6 of financial management on the status of federal stimulus funds
7 including, but not limited to, identifying the projects shown in ARRA
8 Washington State Project LEAP document 2009, as developed on February
9 24, 2009, for which federal stimulus funding has already been
10 obligated, the amount of federal recovery funds estimated to be
11 obligated to the projects, and the completion status of each project.
12 Subsequent status reports are due to the legislative standing
13 committees on transportation and the office of financial management on
14 August 31, 2009, and December 1, 2009.

15 **GENERAL GOVERNMENT AGENCIES--OPERATING**

16 **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

19 Motor Vehicle Account--State Appropriation ((~~\$422,000~~))
20 \$413,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: The entire appropriation is provided
23 solely for staffing costs to be dedicated to state transportation
24 activities. Staff hired to support transportation activities must have
25 practical experience with complex construction projects.

26 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as
27 follows:

28 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

29 Grade Crossing Protective Account--State
30 Appropriation ((~~\$705,000~~))
31 \$702,000

32 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as
33 follows:

1 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

2 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
3 \$3,526,000
4 Puget Sound Ferry Operations Account--State
5 Appropriation ((~~\$100,000~~))
6 \$98,000
7 TOTAL APPROPRIATION ((~~\$3,489,000~~))
8 \$3,624,000

9 The appropriations in this section are subject to the following
10 conditions and limitations:

11 (1) \$1,699,000 of the motor vehicle account--state appropriation is
12 provided solely for the office of regulatory assistance integrated
13 permitting project.

14 (2) \$1,004,000 of the motor vehicle account--state appropriation is
15 provided solely for the continued maintenance and support of the
16 transportation executive information system. Of the amount provided in
17 this subsection, \$502,000 is for two existing FTEs at the department of
18 transportation to maintain and support the system.

19 (3) \$150,000 of the motor vehicle account--state appropriation is
20 provided solely for the office of financial management to contract with
21 the Washington state association of counties for a pilot program to
22 develop and implement a streamlined process for programmatic hydraulic
23 project approvals for multiple, recurring local transportation and
24 public works projects. The pilot program must include the following:
25 (a) Describing, defining, and documenting classes of local
26 transportation and public works projects appropriate for programmatic
27 hydraulic project approvals permits; (b) developing technical
28 permitting requirements and conditions; (c) administratively adopting
29 and implementing programmatic hydraulic project approvals statewide;
30 and (d) piloting, reviewing, updating, and training throughout all
31 Washington counties. For the purpose of this subsection, the contract
32 with the Washington state association of counties is deemed a revenue
33 generation and auditing activity as that term is construed in section
34 602(2), chapter 3, Laws of 2010.

35 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as
36 follows:

1 **FOR THE MARINE EMPLOYEES COMMISSION**

2 Puget Sound Ferry Operations Account--State
3 Appropriation ((~~\$446,000~~))
4 \$440,000

5 **Sec. 105.** 2009 c 470 s 105 (uncodified) is amended to read as
6 follows:

7 **FOR THE STATE PARKS AND RECREATION COMMISSION**

8 Motor Vehicle Account--State Appropriation ((~~\$986,000~~))
9 \$985,000

10 The appropriation in this section is subject to the following
11 conditions and limitations: The entire appropriation in this section
12 is provided solely for road maintenance purposes.

13 **Sec. 106.** 2009 c 470 s 106 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF AGRICULTURE**

16 Motor Vehicle Account--State Appropriation ((~~\$1,507,000~~))
17 \$1,493,000

18 The appropriation in this section is subject to the following
19 conditions and limitations:

20 (1) \$351,000 of the motor vehicle account--state appropriation is
21 provided solely for costs associated with the motor fuel quality
22 program.

23 (2) \$1,004,000 of the motor vehicle account--state appropriation is
24 provided solely to test the quality of biofuel. The department must
25 test fuel quality at the biofuel manufacturer, distributor, and
26 retailer.

27 **Sec. 107.** 2009 c 470 s 107 (uncodified) is amended to read as
28 follows:

29 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

30 Motor Vehicle Account--State Appropriation ((~~\$502,000~~))
31 \$491,000

32 **Sec. 108.** 2009 c 470 s 108 (uncodified) is amended to read as
33 follows:

1 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

2 Multimodal Transportation Account--State Appropriation \$50,000

3 (1) As part of its 2009-11 fiscal biennium work plan, the joint
4 legislative audit and review committee shall audit the capital cost
5 accounting practices of the Washington state ferries. The audit must
6 review the following and provide a report on its findings and any
7 related recommendations to the legislature by January 2011:

8 (a) Costs assigned to capital accounts to determine whether they
9 are capital costs that meet the statutory requirements for preservation
10 and improvement activities and whether they are within the scope of
11 legislative appropriations;

12 (b) Implementation of the life-cycle cost model required under RCW
13 47.60.345 to determine if it was developed as required and is
14 maintained and updated when asset inspections are made; and

15 (c) Washington state ferries' implementation of the cost allocation
16 methodology evaluated under section 205, chapter 518, Laws of 2007,
17 assessing whether actual costs are allocated consistently with the
18 methodology, whether there are sufficient internal controls to ensure
19 proper allocation, and the adequacy of staff training.

20 (2) The joint legislative audit and review committee shall use
21 existing staff and resources to conduct a review of scoping and cost
22 estimates for transportation highway improvement and preservation
23 projects funded in whole, or in part, by transportation partnership
24 account--state and transportation 2003 account (nickel account)--state
25 funds, excluding mega-projects. The review will examine whether the
26 scoping and cost estimates guidelines used by the department of
27 transportation are consistent with general construction industry
28 practices and other appropriate standards. The review will include an
29 analysis of a sample of scope and cost estimates for future projects.
30 A report on the committee's findings and recommendations must be
31 submitted to the house of representatives and senate transportation
32 committees by December 2009.

33 (3) As part of its 2009-11 fiscal biennium work plan, the joint
34 legislative audit and review committee shall conduct an analysis of the
35 cost of credit card payment options at the department of
36 transportation. For programs where a credit card payment option is
37 offered, the review must include:

1 (a) An analysis of the direct and indirect cost per transaction to
2 process customer payments using credit cards;

3 (b) An analysis of the direct and indirect cost per transaction for
4 other methods of processing customer payments;

5 (c) An analysis of the historical and projected total aggregate
6 costs for processing all forms of customer payments;

7 (d) Identification of whether there are customer service,
8 administrative, and revenue collection benefits resulting from credit
9 card usage; and

10 (e) A review of the use of credit card payment options in other
11 state agencies and in similar transportation programs at other states.

12 The committee shall provide a report on its findings and any
13 related recommendations to the legislature by January 2010.

14 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire
15 appropriation in this section is for the joint legislative audit and
16 review committee to conduct an analysis of the storm water permit
17 requirements issued by the department of ecology in February 2009 to
18 determine the costs and benefits of alternative options for the
19 department of transportation to meet the requirements. However, if the
20 committee does not include the analysis as part of its 2009-11 fiscal
21 biennium work plan by April 15, 2010, the amount provided in this
22 section lapses. The analysis must include, at a minimum, an analysis
23 of the following:

24 (i) The department of transportation performing the functions of
25 the permit in house;

26 (ii) The functions of the permit being consolidated within the
27 department of ecology or otherwise centralizing efforts for all state
28 agencies; and

29 (iii) The use of an external firm or organization to meet the
30 requirements.

31 (b) The entire appropriation is for a consultant contract to assist
32 the committee with its analysis. For the purpose of this subsection,
33 the consultant contract is deemed an auditing activity as that term is
34 construed in section 602(2), chapter 3, Laws of 2010.

35 (c) The committee shall provide a report to the legislature by
36 December 2010.

1 (a) The commission shall comply with RCW 46.63.170 in administering
2 the projects.

3 (b) In order to ensure adequate time in the 2009-11 fiscal biennium
4 to evaluate the effectiveness of the pilot projects, any projects
5 authorized by the commission must be authorized by December 31, 2009.

6 (c) By January 1, 2011, the commission shall provide a report to
7 the legislature regarding the use, public acceptance, outcomes, and
8 other relevant issues regarding automated traffic safety cameras
9 demonstrated by the projects.

10 (3) \$18,000,000 of the highway safety account--federal
11 appropriation is for federal funds that may be received during the
12 2009-11 fiscal biennium. Upon receipt of the funds, the commission
13 shall provide a report on the use of the funds to the transportation
14 committees of the legislature and the office of financial management.

15 **Sec. 202.** 2009 c 470 s 202 (uncodified) is amended to read as
16 follows:

17 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

| | |
|--|------------------------------|
| 18 Rural Arterial Trust Account--State Appropriation | ((\$920,000)) |
| | <u>\$896,000</u> |
| 20 Motor Vehicle Account--State Appropriation | ((\$2,129,000)) |
| | <u>\$2,084,000</u> |
| 22 County Arterial Preservation Account--State | |
| 23 Appropriation | ((\$1,423,000)) |
| | <u>\$1,396,000</u> |
| 25 TOTAL APPROPRIATION | ((\$4,472,000)) |
| | <u>\$4,376,000</u> |

27 **Sec. 203.** 2009 c 470 s 203 (uncodified) is amended to read as
28 follows:

29 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

| | |
|--|------------------------------|
| 30 Urban Arterial Trust Account--State Appropriation | ((\$1,824,000)) |
| | <u>\$1,793,000</u> |
| 32 Transportation Improvement Account--State | |
| 33 Appropriation | ((\$1,827,000)) |
| | <u>\$1,796,000</u> |
| 35 TOTAL APPROPRIATION | ((\$3,651,000)) |
| | <u>\$3,589,000</u> |

1 **Sec. 204.** 2009 c 470 s 204 (uncodified) is amended to read as
2 follows:

3 **FOR THE JOINT TRANSPORTATION COMMITTEE**

| | |
|---|--------------------|
| 4 Motor Vehicle Account--State Appropriation | (\$1,901,000) |
| 5 | <u>\$2,163,000</u> |
| 6 <u>Multimodal Transportation Account--State Appropriation</u> | <u>\$400,000</u> |
| 7 <u>TOTAL APPROPRIATION</u> | <u>\$2,563,000</u> |

8 The appropriations in this section (~~is~~) are subject to the
9 following conditions and limitations:

10 (1) \$236,000 of the motor vehicle account--state appropriation is
11 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
12 analysis of mid-term and long-term transportation funding mechanisms
13 and methods. Elements of the study will include existing data and
14 trends, policy objectives, performance and evaluation criteria,
15 incremental transition strategies, and possibly, scaled testing.
16 Baseline data and methods assessment must be concluded by December 31,
17 2009. Performance criteria must be developed by June 30, 2010, and
18 recommended planning level alternative funding strategies must be
19 completed by December 31, 2010.

20 (2) \$200,000 of the motor vehicle account--state appropriation is
21 for the joint transportation committee to convene an independent expert
22 review panel to review the assumptions for toll operations costs used
23 by the department to model financial plans for tolled facilities. The
24 joint transportation committee shall work with staff from the senate
25 and the house of representatives transportation committees to identify
26 the scope of the review and to assure that the work performed meets the
27 needs of the house of representatives and the senate. The joint
28 transportation committee shall provide a report to the house of
29 representatives and senate transportation committees by September 1,
30 2009.

31 (3) \$300,000 of the motor vehicle account--state appropriation is
32 for an independent analysis of methodologies to value the reversible
33 lanes on Interstate 90 to be used for high capacity transit pursuant to
34 sound transit proposition 1 approved by voters in November 2008. The
35 independent analysis shall be conducted by sound transit and the
36 department of transportation, using consultant resources deemed
37 appropriate by the secretary of the department, the chief executive
38 officer of sound transit, and the cochairs of the joint transportation

1 committee. It shall be conducted in consultation with the federal
2 transit and federal highway administrations and account for applicable
3 federal laws, regulations, and practices. It shall also account for
4 the 1976 Interstate 90 memorandum of agreement and subsequent 2004
5 amendment and the 1978 federal secretary of transportation's
6 environmental decision on Interstate 90. The department and sound
7 transit must provide periodic reports to the joint transportation
8 committee, the sound transit board of directors, and the governor, and
9 report final recommendations by November 1, 2009.

10 (4) The joint transportation committee shall perform a review of
11 the fuel tax refunds for nonhighway or off-road use of gasoline and
12 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.
13 The review must: Provide an overview of the off-road programs; analyze
14 historical funding and expenditures from the respective treasury
15 accounts; outline and provide process documentation on how the funds
16 are distributed to the treasury accounts; and document future
17 identified off-road, snowmobile, and marine funding needs. A report on
18 the joint transportation committee review must be presented to the
19 house of representatives and senate transportation committees by
20 December 31, 2010.

21 (5)(a) \$350,000 of the multimodal transportation account--state
22 appropriation is for the joint transportation committee to conduct a
23 study to establish a statewide blueprint for public transportation that
24 will serve to guide state investments in public transportation. At a
25 minimum, the study should include an assessment of unmet operating and
26 capital needs of public transportation agencies, the state role in
27 funding those unmet needs, and the priorities for state investments.
28 The report should include efficiency and accountability measures that
29 inform future state investment in public transportation to maximize
30 mobility, social, economic, and environmental benefits provided to the
31 state.

32 (b) The statewide blueprint for public transportation should serve
33 to guide state investments to support public transportation and address
34 unmet needs to improve service, access to public transportation, and
35 connectivity between public transportation providers across
36 jurisdictional boundaries. The blueprint must be consistent with the
37 state's transportation system policy goals provided in RCW 47.04.280
38 and the statewide transportation plan provided in RCW 47.01.071(4).

1 (c) To provide input to the study, the joint transportation
2 committee shall convene a public transit advisory panel. The cochairs
3 of the committee shall appoint and convene the advisory panel to be
4 comprised of members as provided in this subsection:

5 (i) One member from each of the two largest caucuses of the senate;

6 (ii) One member from each of the two largest caucuses of the house
7 of representatives;

8 (iii) One representative of the department of transportation's
9 public transportation division;

10 (iv) Two representatives of users of public transportation systems,
11 one of which must represent persons with special needs;

12 (v) Three representatives from transit agencies from a list
13 recommended by the Washington state transit association;

14 (vi) Two representatives from regional transportation planning
15 organizations, one representing eastern Washington and one representing
16 western Washington;

17 (vii) Three representatives of employers at or owners of major work
18 sites in Washington;

19 (viii) The chief executive officer, or the chief executive
20 officer's designee, of a regional transit authority;

21 (ix) Two representatives of organizations that address primarily
22 environmental issues;

23 (x) One member of a collective bargaining organization that
24 primarily represents the interests of transit agency employees; and

25 (xi) Other individuals deemed appropriate.

26 Nonlegislative members of the advisory panel must seek
27 reimbursement for travel and other membership expenses through their
28 respective agencies or organizations. The committee may make
29 exceptions and approve certain expenses for good cause on a case-by-
30 case basis.

31 (d) The joint transportation committee shall submit a report on the
32 study to the standing transportation committees of the legislature by
33 December 15, 2010.

34 (6) The joint transportation committee shall work with the
35 department of licensing, the office of the code reviser, staff to the
36 legislative transportation committees, and other stakeholders to
37 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
38 evaluation must identify the unintended impacts of Senate Bill No. 6379

1 on policy and revenue collection, if any. The joint transportation
2 committee shall issue its evaluation, including corrective draft
3 legislation if needed, by December 1, 2010.

4 (7) \$125,000 of the motor vehicle account--state appropriation is
5 for the joint transportation committee to evaluate the preparation of
6 state-level transportation plans. The evaluation must include a review
7 of federal planning requirements, the Washington transportation plan
8 and statewide modal plan requirements, and transportation plan
9 requirements for regional and local entities. The evaluation must make
10 recommendations concerning the appropriate responsibilities for
11 preparation of plans, methods to develop plans more efficiently, and
12 the utility of the state-level planning documents. The committee shall
13 issue a report of its evaluation, including draft legislation if
14 required, to the house of representatives and senate transportation
15 committees by December 15, 2010.

16 (8)(a) \$200,000 of the motor vehicle account--state appropriation
17 is for the joint transportation committee to evaluate funding
18 assistance and services provided by the county road administration
19 board, transportation improvement board, freight mobility strategic
20 investment board, and the department of transportation's highway and
21 local programs division. In 2010, the governor recommended
22 consolidating small transportation agencies as part of an overall
23 effort to streamline state government, provide economies of scale, and
24 improve customer service. The evaluation may include recommendations
25 on consolidating the agencies within the department of transportation,
26 within another existing agency, or within a newly created agency. The
27 study may also make recommendations on restructuring grant programs to
28 generate efficiencies or other more efficient ways to distribute
29 associated revenues.

30 (b) The joint transportation committee shall form a policy work
31 group to oversee the evaluation. The work group must consist of
32 legislators appointed by the joint transportation committee and a
33 member of the governor's staff appointed by the governor.

34 (c) Any evaluation recommendations must be accompanied by a
35 detailed implementation plan. The plan must include details on the
36 recommended governance structure, accounts and program structure, and
37 transition process and associated costs. The plan must include a
38 proposed organization chart and proposed legislation to enact the

1 recommended changes. A preliminary evaluation must be made to the
2 joint transportation committee by November 15, 2010, and a final
3 evaluation is due on December 15, 2010.

4 (9) The joint transportation committee shall conduct the following
5 studies by December 15, 2010:

6 (a) A comparison of medical, time-loss, vocational and disability
7 benefits available to injured workers, and costs payable by the state
8 of Washington and employees, under the federal Jones act and
9 Washington's industrial insurance act. The report must include
10 information regarding the experience of the Alaska marine highway
11 system; and

12 (b) A comparison of the processing time of grievances and hearings
13 at the personnel relations employment commission and the marine
14 employee commission. The review must also investigate whether the
15 necessary expertise exists at the personnel relations employment
16 commission to administer the grievances and hearings currently
17 administered by the marine employee commission.

18 (10)(a) \$50,000 of the multimodal transportation account--state
19 appropriation is for the joint transportation committee to conduct an
20 analysis of the storm water permit requirements issued by the
21 department of ecology in February 2009 to determine the costs and
22 benefits of alternative options for the department of transportation to
23 meet the requirements. However, if the committee does not include the
24 analysis as part of its 2009-11 fiscal biennium work plan by April 15,
25 2010, the amount provided in this subsection lapses. The analysis must
26 include, at a minimum, an analysis of the following:

27 (i) The department of transportation performing the functions of
28 the permit in house;

29 (ii) The functions of the permit being consolidated within the
30 department of ecology or otherwise centralizing efforts for all state
31 agencies; and

32 (iii) The use of an external firm or organization to meet the
33 requirements.

34 (b) The committee shall provide a report to the legislature by
35 December 2010.

36 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as
37 follows:

1 **FOR THE TRANSPORTATION COMMISSION**

| | | |
|---|--|--------------------------------|
| 2 | Motor Vehicle Account--State Appropriation | (((\$2,237,000))) |
| 3 | | <u>\$2,328,000</u> |
| 4 | Multimodal Transportation Account--State Appropriation | \$112,000 |
| 5 | TOTAL APPROPRIATION | (((\$2,349,000))) |
| 6 | | <u>\$2,440,000</u> |

7 The appropriations in this section are subject to the following
8 conditions and limitations:

9 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
10 the transportation commission shall periodically review and, if
11 necessary, modify the schedule of fares for the Washington state ferry
12 system. The transportation commission may increase ferry fares,
13 except no fare schedule modifications may be made prior to September 1,
14 2009. For purposes of this subsection, "modify" includes increases or
15 decreases to the schedule. (~~(The commission may only approve ferry
16 fare rate changes that have the same proportionate change for
17 passengers as for vehicles.)~~)

18 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
19 the transportation commission shall periodically review and, if
20 necessary, modify a schedule of toll charges applicable to the state
21 route number 167 high occupancy toll lane pilot project, as required
22 under RCW 47.56.403. For purposes of this subsection, "modify"
23 includes increases or decreases to the schedule.

24 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
25 the transportation commission shall periodically review and, if
26 necessary, modify the schedule of toll charges applicable to the Tacoma
27 Narrows bridge, taking into consideration the recommendations of the
28 citizen advisory committee created under RCW 47.46.091. For purposes
29 of this subsection, "modify" includes increases or decreases to the
30 schedule.

31 (4) The commission may name state ferry vessels consistent with its
32 authority to name state transportation facilities under RCW 47.01.420.
33 When naming or renaming state ferry vessels, the commission shall
34 investigate selling the naming rights and shall make recommendations to
35 the legislature regarding this option.

36 (5) \$350,000 of the motor vehicle account--state appropriation is
37 provided solely for consultant support services to assist the

1 commission in updating the statewide transportation plan. The updated
2 plan must be submitted to the legislature by December 1, 2010.

3 (6) If the commission considers implementing a ferry fuel
4 surcharge, it must first submit an analysis and business plan to the
5 office of financial management and either the joint transportation
6 committee or the transportation committees of the legislature. The
7 commission may impose a ferry fuel surcharge effective July 1, 2011.
8 When implementing a ferry fuel surcharge, the commission must regard
9 ferry fuel surcharges as fare policy changes and thus, ferry fuel
10 surcharges should be included in all public procedures and processes
11 currently used for fare pricing per RCW 47.60.290.

12 (7) The commission shall work with the department of
13 transportation's economic partnerships (Program K) in conducting a best
14 practices review of nontoll, public-private partnerships. The purpose
15 of this review is to identify the policies and procedures that would be
16 appropriate for application in Washington state. The commission must
17 report its findings and recommendations, including draft legislation if
18 warranted, to the house of representatives and senate transportation
19 committees by January 2011.

20 (8) As part of its development of the statewide transportation
21 plan, the commission shall review prioritized projects, including
22 preservation and maintenance projects, from regional transportation and
23 metropolitan planning organizations to identify statewide
24 transportation needs. The review should include a brief description
25 and status of each project along with the funding required and
26 associated timeline from start to completion. The commission shall
27 submit the review, along with recommendations, to the house of
28 representatives and senate transportation committees by January 2011.

29 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as
30 follows:

31 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

32 Motor Vehicle Account--State Appropriation ((\$695,000))
33 \$688,000

34 The appropriation in this section is subject to the following
35 conditions and limitations: The freight mobility strategic investment
36 board shall, on a quarterly basis, provide status reports to the office

1 of financial management and the transportation committees of the
2 legislature on the delivery of projects funded by this act.

3 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as
4 follows:

5 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

| | | |
|----|---|--------------------------------|
| 6 | State Patrol Highway Account--State | |
| 7 | Appropriation | ((\$228,024,000)) |
| 8 | | <u>\$227,958,000</u> |
| 9 | State Patrol Highway Account--Federal | |
| 10 | Appropriation | ((\$10,602,000)) |
| 11 | | <u>\$10,903,000</u> |
| 12 | State Patrol Highway Account--Private/Local | |
| 13 | Appropriation | ((\$859,000)) |
| 14 | | <u>\$867,000</u> |
| 15 | TOTAL APPROPRIATION | ((\$239,485,000)) |
| 16 | | <u>\$239,728,000</u> |

17 The appropriations in this section are subject to the following
18 conditions and limitations:

19 (1) Washington state patrol officers engaged in off-duty uniformed
20 employment providing traffic control services to the department of
21 transportation or other state agencies may use state patrol vehicles
22 for the purpose of that employment, subject to guidelines adopted by
23 the chief of the Washington state patrol. The Washington state patrol
24 shall be reimbursed for the use of the vehicle at the prevailing state
25 employee rate for mileage and hours of usage, subject to guidelines
26 developed by the chief of the Washington state patrol, and Cessna
27 pilots funded from the state patrol highway account who are certified
28 to fly the King Airs may pilot those aircraft for general fund purposes
29 with the general fund reimbursing the state patrol highway account an
30 hourly rate to cover the costs incurred during the flights since the
31 aviation section will no longer be part of the Washington state patrol
32 cost allocation system as of July 1, 2009.

33 (2) The patrol shall not account for or record locally provided DUI
34 cost reimbursement payments as expenditure credits to the state patrol
35 highway account. The patrol shall report the amount of expected
36 locally provided DUI cost reimbursements to the office of financial

1 management and transportation committees of the legislature by
2 September 30th of each year.

3 (3) During the 2009-11 fiscal biennium, the Washington state patrol
4 shall continue to perform traffic accident investigations on Thurston
5 county roads, and shall work with the county to transition the traffic
6 accident investigations on Thurston county roads to the county by July
7 1, 2011.

8 (4) Within existing resources, the Washington state patrol shall
9 make every reasonable effort to increase the enrollment in each academy
10 class that commences during the 2009-11 fiscal biennium to fifty-five
11 cadets.

12 (5) The Washington state patrol shall collaborate with the
13 Washington traffic safety commission to develop and implement the
14 target zero trooper pilot program referenced in section 201 of this
15 act.

16 (6) ~~((The Washington state patrol shall discuss the implementation
17 of the pilot program described under section 218(2) of this act with
18 any union representing the affected employees.~~

19 ~~(7) The Washington state patrol shall assign necessary personnel
20 and equipment to implement and operate the pilot program described
21 under section 218(2) of this act using the portion of the automated
22 traffic safety camera fines deposited into the state patrol highway
23 account, but not to exceed \$370,000. If the fines deposited into the
24 state patrol highway account from automated traffic safety camera
25 infractions do not reach \$370,000, the department of transportation
26 shall remit funds necessary to the Washington state patrol to ensure
27 the completion of the pilot program.))~~ \$370,000 of the state patrol
28 highway account--state appropriation is provided solely for costs
29 associated with the pilot program described under section 218(2) of
30 this act. The Washington state patrol may incur costs related only to
31 the assignment of cadets and necessary computer equipment and to the
32 reimbursement of the Washington state department of transportation for
33 contract costs. The appropriation in this subsection must be funded
34 from the portion of the automated traffic safety camera fines deposited
35 into the state patrol highway account; however, if the fines deposited
36 into the state patrol highway account from automated traffic safety
37 camera infractions do not reach three hundred seventy thousand dollars,
38 the department of transportation shall remit funds necessary to the

1 Washington state patrol to ensure the completion of the pilot program.
2 The Washington state patrol may not incur overtime as a result of this
3 pilot program. The Washington state patrol shall not assign troopers
4 to operate or deploy the pilot program equipment used in the roadway
5 construction zones.

6 (7) If, as a result of lower than average rate of attrition among
7 troopers, the Washington state patrol postpones the year 2011 training
8 for trooper cadets beyond June 30, 2011, funding provided in section
9 207, chapter 470, Laws of 2009 for the class must be used to fund the
10 salaries and benefits associated with the existing commissioned
11 Washington state patrol troopers that are funded within the field
12 operations bureau.

13 (8) \$2,832,000 of the state patrol highway account--state
14 appropriation is provided solely for the aerial traffic enforcement
15 program. The Washington state patrol shall evaluate the costs
16 associated with aerial traffic highway enforcement to determine if the
17 costs are accurately apportioned between the state patrol highway
18 account and the general fund. It is the intent of the legislature that
19 the state patrol highway account incurs costs that result only from
20 highway enforcement activities and that the general fund incurs costs
21 associated with the King Airstrip. The Washington state patrol shall
22 report the results of the evaluation to the legislature by June 30,
23 2010.

24 (9) For the remainder of the 2009-11 fiscal biennium, the
25 Washington state patrol shall continue to work with Island county on
26 traffic accident investigations.

27 (10) \$3,601,000 of the state patrol highway account--state
28 appropriation is provided solely for the costs associated with a basic
29 trooper class.

30 **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as
31 follows:

32 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
33 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
34 \$1,648,000

35 **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as
36 follows:

1 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

2 State Patrol Highway Account--State Appropriation . . . ((\$105,680,000))
3 \$108,560,000
4 State Patrol Highway Account--Private/Local
5 Appropriation ((\$2,008,000))
6 \$2,510,000
7 TOTAL APPROPRIATION ((\$107,688,000))
8 \$111,070,000

9 The appropriations in this section are subject to the following
10 conditions and limitations:

11 (1) The Washington state patrol shall work with the risk management
12 division in the office of financial management in compiling the
13 Washington state patrol's data for establishing the agency's risk
14 management insurance premiums to the tort claims account. The office
15 of financial management and the Washington state patrol shall submit a
16 report to the legislative transportation committees by December 31st of
17 each year on the number of claims, estimated claims to be paid, method
18 of calculation, and the adjustment in the premium.

19 (2) ((\$8,673,000)) \$10,425,000 of the total appropriation is
20 provided solely for automobile fuel in the 2009-11 fiscal biennium.

21 (3) \$7,421,000 of the total appropriation is provided solely for
22 the purchase of pursuit vehicles.

23 (4) ((\$6,328,000)) \$6,611,000 of the total appropriation is
24 provided solely for vehicle repair and maintenance costs of vehicles
25 used for highway purposes.

26 (5) ((\$384,000)) \$1,724,000 of the total appropriation is provided
27 solely for the purchase of mission vehicles used for highway purposes
28 in the commercial vehicle and traffic investigation sections of the
29 Washington state patrol.

30 (6) The Washington state patrol may submit information technology-
31 related requests for funding only if the patrol has coordinated with
32 the department of information services as required under section 601 of
33 this act.

34 (7) \$345,000 of the state patrol highway account--state
35 appropriation is provided solely for the implementation of Engrossed
36 Substitute House Bill No. 1445 (domestic partners/Washington state
37 patrol retirement system). If Engrossed Substitute House Bill No. 1445

1 is not enacted by June 30, 2009, the amount provided in this subsection
2 shall lapse.

3 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF LICENSING**

| | | |
|----|---|----------------------------|
| 6 | Marine Fuel Tax Refund Account--State Appropriation | \$32,000 |
| 7 | Motorcycle Safety Education Account--State | |
| 8 | Appropriation | (\$4,373,000) |
| 9 | | <u>\$4,356,000</u> |
| 10 | Wildlife Account--State Appropriation | (\$837,000) |
| 11 | | <u>\$821,000</u> |
| 12 | Highway Safety Account--State Appropriation | (\$145,085,000) |
| 13 | | <u>\$143,660,000</u> |
| 14 | Highway Safety Account--Federal Appropriation | (\$8,000) |
| 15 | | <u>\$944,000</u> |
| 16 | Motor Vehicle Account--State Appropriation | (\$78,805,000) |
| 17 | | <u>\$77,898,000</u> |
| 18 | Motor Vehicle Account--Private/Local Appropriation | \$1,372,000 |
| 19 | Motor Vehicle Account--Federal Appropriation | \$242,000 |
| 20 | Department of Licensing Services Account--State | |
| 21 | Appropriation | (\$3,867,000) |
| 22 | | <u>\$4,705,000</u> |
| 23 | Washington State Patrol Highway Account--State | |
| 24 | Appropriation | (\$738,000) |
| 25 | | <u>\$737,000</u> |
| 26 | Ignition Interlock Device Revolving Account--State | |
| 27 | Appropriation | (\$2,490,000) |
| 28 | | <u>\$1,315,000</u> |
| 29 | TOTAL APPROPRIATION | (\$237,849,000) |
| 30 | | <u>\$236,082,000</u> |

31 The appropriations in this section are subject to the following
32 conditions and limitations:

33 (1)(a) By November 1, 2009, the department of licensing, working
34 with the department of revenue, shall analyze and plan for the transfer
35 by July 1, 2010, of the administration of fuel taxes imposed under
36 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law
37 from the department of licensing to the department of revenue. By

1 November 1, 2009, the departments shall report findings and
2 recommendations to the governor and the transportation and fiscal
3 committees of the legislature.

4 (b) The analysis and planning directed under this subsection must
5 include, but is not limited to, the following:

6 (i) Outreach to and solicitation of comment from parties affected
7 by the fuel taxes, including taxpayers, industry associations, state
8 and federal agencies, and Indian tribes, and from the transportation
9 and fiscal committees of the legislature; and

10 (ii) Identification and analysis of relevant factors including, but
11 not limited to:

12 (A) Taxpayer reporting and payment processes;

13 (B) The international fuel tax agreement;

14 (C) Proportional registration under the provisions of the
15 international registration plan and chapter 46.87 RCW;

16 (D) Computer systems;

17 (E) Best management practices and efficiencies;

18 (F) Costs; and

19 (G) Personnel matters((+

20 ~~(iii) — Development — of — recommended — actions — to — accomplish — the~~
21 ~~transfer; and~~

22 ~~(iv) An implementation plan and schedule.~~

23 ~~(c) — The report must include draft legislation, which transfers~~
24 ~~administration of fuel taxes as described under (a) of this subsection~~
25 ~~to the department of revenue on July 1, 2010, and amends existing law~~
26 ~~as needed)).~~

27 (2) \$55,845,000 of the highway safety account--state appropriation
28 is provided solely for the driver examining program. In order to
29 reduce costs and make the most efficient use of existing resources, the
30 department may consolidate licensing service offices by closing the
31 vehicle services counter at the highways licensing building in Olympia
32 and up to twenty-five licensing service offices.

33 (a) When closing offices, the department may redistribute staff
34 from consolidated offices to neighboring offices and local community
35 supercenters.

36 (b) In order to mitigate the effects of office consolidations on
37 customers, the department shall, within existing resources, provide the
38 following enhanced services:

1 (i) Extended daily and weekend hours in regional supercenter
2 offices;

3 (ii) Staffed greeter stations to improve office work flow; and

4 (iii) Self-service stations for online transaction access,
5 including vehicle renewal transactions.

6 (c) In areas that are not consolidated, the department will work to
7 reduce costs by identifying opportunities to share facilities with
8 subagent offices and state, county, or local government offices and by
9 analyzing hours and days of operation to meet demand.

10 (d) The department shall work with vehicle licensing subagents
11 regarding potential placement of self-service driver licensing kiosks
12 in communities that will be affected by licensing services offices
13 closures. The department may place kiosks in those subagent offices
14 where both parties agree, and may pay the subagents the fair market
15 value for any space used for kiosks.

16 (e) The department shall report to the joint transportation
17 committee by November 30, 2009, on the department's consolidation
18 implementation to date and its plan for continued implementation.

19 (3) \$11,688,000 of the highway safety account--state appropriation
20 is provided solely for costs associated with: Issuing enhanced
21 drivers' licenses and identicards at the enhanced licensing services
22 offices; extended hours at those licensing services offices; cross-
23 border tourism education; and other education campaigns. This is the
24 maximum amount the department may expend for this purpose.

25 (4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device
26 revolving account--state appropriation is provided solely for the
27 department to assist indigent persons with the costs of installing,
28 removing, and leasing the device, and applicable licensing pursuant to
29 RCW 46.68.340.

30 (5) By December 31, 2009, the department shall report to the office
31 of financial management and the transportation committees of the
32 legislature a cost-benefit analysis of leasing versus purchasing field
33 office equipment.

34 (6) By December 31, 2009, the department shall submit to the office
35 of financial management and the transportation committees of the
36 legislature draft legislation that rewrites RCW 46.52.130 (driving
37 record abstracts) in plain language.

1 (7) The department may seek federal funds to implement a driver's
2 license and identicard biometric matching system pilot program to
3 verify the identity of applicants for, and holders of, drivers'
4 licenses and identicards. If funds are received, the department shall
5 report any benefits or problems identified during the course of the
6 pilot program to the transportation committees of the legislature upon
7 the completion of the program.

8 (8) The department may submit information technology-related
9 requests for funding only if the department has coordinated with the
10 department of information services as required under section 601 of
11 this act.

12 (9) Consistent with the authority delegated to the director of
13 licensing under RCW 46.01.100, the department may adopt a new
14 organizational structure that includes the following programs: (a)
15 Driver and vehicle services, which must encompass services relating to
16 driver licensing customers, vehicle industry and fuel tax licensees,
17 and vehicle and vessel licensing and registration; and (b) driver
18 policy and programs, which must encompass policy development for all
19 driver-related programs, including driver examining, driver records,
20 commercial driver's license testing and auditing, driver training
21 schools, motorcycle safety, technical services, hearings, driver
22 special investigations, drivers' data management, central issuance
23 contract management, and state and federal initiatives.

24 (10) The legislature finds that measuring the performance of the
25 department requires the measurement of quality, timeliness, and unit
26 cost of services delivered to customers. Consequently:

27 (a) The department shall develop a set of metrics that measure that
28 performance and report to the transportation committees of the house of
29 representatives and the senate and to the office of financial
30 management on the development of these measurements along with
31 recommendations to the 2010 legislature on which measurements must
32 become a part of the next omnibus transportation appropriations act;

33 (b) The department shall study the process in place at the
34 licensing services office and present to the 2010 legislature
35 recommendations for process changes to improve efficiencies for both
36 the department and the customer; and

37 (c) The department shall, on a quarterly basis, report to the
38 transportation committees of the legislature the following monthly data

1 by licensing service office locations: (i) Lease costs; (ii) salary
2 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of
3 transactions completed, by type of transaction; and (vi) office hours.

4 (11) \$25,000 of the motor vehicle account--state appropriation is
5 provided solely for the department to provide to at least five hundred
6 limousine chauffeurs an overview of the laws and rules governing
7 limousine carriers.

8 (12) \$938,000 of the highway safety account--federal appropriation
9 is for federal funds that may be received during the 2009-11 fiscal
10 biennium. Upon receipt of the funds, the department shall provide a
11 report on the use of the funds to the transportation committees of the
12 legislature and the office of financial management.

13 (13) \$869,000 of the department of licensing services account--
14 state appropriation is provided solely for purchasing equipment for the
15 field licensing service offices and subagent offices.

16 **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
19 **MAINTENANCE--PROGRAM B**

| | | |
|----|--|-------------------------------|
| 20 | High Occupancy Toll Lanes Operations Account--State | |
| 21 | Appropriation | ((\$2,867,000)) |
| 22 | | <u>\$2,852,000</u> |
| 23 | Motor Vehicle Account--State Appropriation | ((\$585,000)) |
| 24 | | <u>\$575,000</u> |
| 25 | Tacoma Narrows Toll Bridge Account--State | |
| 26 | Appropriation | ((\$27,358,000)) |
| 27 | | <u>\$26,543,000</u> |
| 28 | State Route Number 520 Corridor Account--State | |
| 29 | Appropriation | ((\$58,088,000)) |
| 30 | | <u>\$28,000,000</u> |
| 31 | <u>State Route Number 520 Civil Penalties</u> | |
| 32 | <u>Account--State Appropriation</u> | <u>\$2,130,000</u> |
| 33 | TOTAL APPROPRIATION | ((\$88,898,000)) |
| 34 | | <u>\$60,100,000</u> |

35 The appropriations in this section are subject to the following
36 conditions and limitations:

1 (1) The department shall make detailed quarterly expenditure
2 reports available to the transportation commission and to the public on
3 the department's web site using current department resources. The
4 reports must include a summary of revenue generated by tolls on the
5 Tacoma Narrows bridge and an itemized depiction of the use of that
6 revenue.

7 (2) The department shall work with the office of financial
8 management to review insurance coverage, deductibles, and limitations
9 on tolled facilities to assure that the assets are well protected at a
10 reasonable cost. Results from this review must be used to negotiate
11 any future new or extended insurance agreements.

12 (3) ~~((\$58,088,000))~~ \$28,000,000 of the state route number 520
13 corridor account--state appropriation is provided solely for the costs
14 directly related to tolling the state route number 520 floating bridge.
15 Of this amount, ~~((\$175,000 is for the immediate costs necessary to
16 pursue a request for proposal to implement variable, open road tolling
17 on the state route number 520 floating bridge. The request for
18 proposal must include tolling infrastructure and signage, customer
19 service centers, collection and billing procedures, and, to the extent
20 practicable, the maintenance and dispensing of transponders by the
21 vendor. The remaining \$57,913,000))~~ \$8,000,000 must be retained in
22 unallotted status, and may only be released by the office of financial
23 management after consultation with the joint transportation committee
24 ~~((following the committee's examination of toll operations costs
25 referenced in section 204(2) of this act. The amount provided in this
26 subsection is contingent on the enactment of (a) Engrossed Substitute
27 House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.
28 2326 or other legislation authorizing bonds for the state route number
29 520 corridor projects. If the conditions of this subsection are not
30 satisfied, the amount provided in this subsection shall lapse))~~.

31 (4) The department shall consider transitioning to all electronic
32 tolling on the Tacoma Narrows bridge toll facility and discontinuing a
33 cash toll option.

34 (5) \$2,130,000 of the state route number 520 civil penalties
35 account--state appropriation and \$140,000 of the Tacoma Narrows toll
36 bridge __ account--state __ appropriation __ are __ provided __ solely __ for
37 expenditures related to the toll adjudication process. The amount
38 provided in this subsection is contingent on the enactment by June 30,

1 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
2 House Bill No. 2897; however, if the enacted bill does not specify the
3 department as the toll penalty adjudicating agency, the amounts
4 provided in this subsection lapse.

5 (6) The department shall review, and revise where appropriate,
6 current signage and ingress/egress locations on the state route number
7 167 high occupancy toll lanes pilot project. The department shall
8 continue to work with the Washington state patrol on educating the
9 public on the rules of the road related to crossing a double white
10 line. The department shall continue to monitor the performance of the
11 high occupancy toll lanes to ensure that driving conditions for high
12 occupancy vehicles that share these lanes are not significantly
13 changed.

14 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
17 **C**

18 Transportation Partnership Account--State

19 Appropriation \$2,675,000

20 Motor Vehicle Account--State Appropriation (~~(\$67,811,000)~~)

21 \$68,650,000

22 Motor Vehicle Account--Federal Appropriation \$240,000

23 Multimodal Transportation Account--State

24 Appropriation \$363,000

25 Transportation 2003 Account (Nickel Account)--State

26 Appropriation \$2,676,000

27 TOTAL APPROPRIATION (~~(\$73,765,000)~~)

28 \$74,604,000

29 The appropriations in this section are subject to the following
30 conditions and limitations:

31 (1) The department shall consult with the office of financial
32 management and the department of information services to: (a) Ensure
33 that the department's current and future system development is
34 consistent with the overall direction of other key state systems; and
35 (b) when possible, use or develop common statewide information systems
36 to encourage coordination and integration of information used by the
37 department and other state agencies and to avoid duplication.

1 (2) \$1,216,000 of the transportation partnership account--state
2 appropriation and \$1,216,000 of the transportation 2003 account (nickel
3 account)--state appropriation are provided solely for the department to
4 develop a project management and reporting system which is a collection
5 of integrated tools for capital construction project managers to use to
6 perform all the necessary tasks associated with project management.
7 The department shall integrate commercial off-the-shelf software with
8 existing department systems and enhanced approaches to data management
9 to provide web-based access for multi-level reporting and improved
10 business work flows and reporting. On a quarterly basis, the
11 department shall report to the office of financial management and the
12 transportation committees of the legislature on the status of the
13 development and integration of the system. At a minimum, the reports
14 shall indicate the status of the work as it compares to the work plan,
15 any discrepancies, and proposed adjustments necessary to bring the
16 project back on schedule or budget if necessary.

17 (3) The department may submit information technology-related
18 requests for funding only if the department has coordinated with the
19 department of information services as required under section 601 of
20 this act.

21 (4) \$573,000 of the motor vehicle account--state appropriation is
22 provided solely for the department to maintain the investment in the
23 electronic fare system at Washington's ferry terminals. Investment in
24 the electronic fare system must include the following: Replacement of
25 critical hardware components that are at risk of failure;
26 implementation of software to allow ORCA cards to be used for vehicles;
27 repair of the turnstiles to ensure that the turnstiles properly record
28 ORCA credit and debit card charges; and dedication of a communication
29 line for transmission of ORCA data to the clearinghouse.

30 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
33 **AND CONSTRUCTION--PROGRAM D--OPERATING**

34 Motor Vehicle Account--State Appropriation ((\$25,501,000))
35 \$25,292,000

1 (1) The department shall develop a plan for all current and future
2 surplus property parcels based on the recommendations from the surplus
3 property legislative work group that were presented to the senate
4 transportation committee on February 26, 2009. The plan must include,
5 at a minimum, strategies for maximizing the number of parcels sold, a
6 schedule that optimizes proceeds, a recommended cash discount, a plan
7 to report to the joint transportation committee, a recommendation for
8 regional incentives, and a recommendation for equivalent value
9 exchanges. This plan must accompany the department's 2010 supplemental
10 budget request. If the department determines that all or a portion of
11 real property or an interest in real property that was acquired through
12 condemnation within the previous ten years is no longer necessary for
13 a transportation purpose, the former owner has a right of repurchase as
14 described in this subsection. For the purposes of this subsection,
15 "former owner" means the person or entity from whom the department
16 acquired title. At least ninety days prior to the date on which the
17 property is intended to be sold by the department, the department must
18 mail notice of the planned sale to the former owner of the property at
19 the former owner's last known address or to a forwarding address if
20 that owner has provided the department with a forwarding address. If
21 the former owner of the property's last known address, or forwarding
22 address if a forwarding address has been provided, is no longer the
23 former owner of the property's address, the right of repurchase is
24 extinguished. If the former owner notifies the department within
25 thirty days of the date of the notice that the former owner intends to
26 repurchase the property, the department shall proceed with the sale of
27 the property to the former owner for fair market value and shall not
28 list the property for sale to other owners. If the former owner does
29 not provide timely written notice to the department of the intent to
30 exercise a repurchase right, or if the sale to the former owner is not
31 completed within seven months of the date of notice that the former
32 owner intends to repurchase the property, the right of repurchase is
33 extinguished. By December 1, 2010, the department shall report to the
34 legislative transportation committees on the individuals and entities
35 eligible to receive surplus property provided in RCW 47.12.063 to
36 determine the frequency with which the department transfers property to
37 those individuals and entities and the implications to the department.
38 It is the intent of the legislature that the list of individuals and

1 entities eligible to receive surplus property be periodically evaluated
2 to determine whether the list is appropriate and provides utility to
3 the department.

4 ~~((+3+))~~ (2) The legislature recognizes that the Dryden pit site
5 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
6 real property under the jurisdiction of the department of
7 transportation, and that the public would benefit significantly from
8 the complete enjoyment of the natural scenic beauty and recreational
9 opportunities available at the site. Therefore, pursuant to RCW
10 47.12.080, the legislature declares that transferring the property to
11 the department of fish and wildlife for recreational use and fish and
12 wildlife restoration efforts is consistent with the public interest in
13 order to preserve the area for the use of the public and the betterment
14 of the natural environment. The department of transportation shall ~~((~~
15 ~~as soon as is practicable,~~) work with the department of fish and
16 wildlife, and shall transfer and convey the Dryden pit site to the
17 department of fish and wildlife as is for ~~((adequate consideration in~~
18 ~~the amount of no less than \$600,000))~~ an adjusted fair market value
19 reflecting site conditions, the proceeds of which must be deposited in
20 the motor vehicle fund. ~~((By July 1, 2009))~~ The department of
21 transportation is not responsible for any costs associated with the
22 cleanup or transfer of this property. By July 1, 2010, and annually
23 thereafter until the entire Dryden pit property has been transferred,
24 the department shall submit a status report regarding the transaction
25 to the chairs of the legislative transportation committees.

26 ~~((+5) \$750,000))~~ (3) ***\$3,175,000 of the motor vehicle account--state***
27 ***appropriation is provided solely for the department's compliance with***
28 ***its national pollution discharge elimination system permit. The***
29 ***department's work may include the completion of system development,***
30 ***reporting, and planning to meet deadlines in the current biennium. The***
31 ***appropriation provided in this subsection is contingent on either the***
32 ***joint legislative audit and review committee or the joint***
33 ***transportation committee including the analysis identified in sections***
34 ***108(4) and 204 of this act in its respective 2009-11 fiscal biennium***
35 ***work plan by April 15, 2010.***

36 ~~((+6+))~~ (4) The department shall provide updated information on six
37 project milestones for all active projects, funded in part or in whole
38 with 2005 transportation partnership account funds or 2003 nickel

1 account funds, on a quarterly basis in the transportation executive
2 information system (TEIS). The department shall also provide updated
3 information on six project milestones for projects, funded with
4 preexisting funds and that are agreed to by the legislature, office of
5 financial management, and the department, on a quarterly basis in TEIS.

6 (5) It is the intent of the legislature that the real estate
7 services division of the department will recover the cost of its
8 efforts from future sale proceeds. By January 31, 2011, the department
9 must report to the office of financial management and the legislative
10 transportation committees on the status of surplus property. The
11 report must include: (a) The department's plan for continued disposal
12 of surplus property; (b) a detail of changes from the previous report;
13 and (c) a current list of surplus property by region that includes the
14 acquisition date and price of the property, the status of the surplus
15 property, and estimated value of the property. Except as provided
16 otherwise in this subsection, by June 30, 2010, the department must
17 finalize all pending equal value exchange activity for the construction
18 or improvement of facilities, after which time the department may not
19 pursue any other equal value exchanges for the construction or
20 improvement of facilities. However, the northwest region may pursue an
21 equal value exchange to replace the Mount Baker headquarters office.
22 The exchange may include an exchange for the old Puget Sound energy
23 site, the old Arco site, or any combination of the two.

*Sec. 215 was partially vetoed. See message at end of chapter.

24 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
27 **K**

| | |
|---|----------------|
| 28 Motor Vehicle Account--State Appropriation | (((\$615,000)) |
| 29 | \$673,000 |
| 30 Multimodal Transportation Account--State Appropriation | \$200,000 |
| 31 TOTAL APPROPRIATION | (((\$815,000)) |
| 32 | \$873,000 |

33 The appropriations in this section are subject to the following
34 conditions and limitations:

35 (1) \$200,000 of the multimodal transportation account--state
36 appropriation is provided solely for the department to develop and
37 implement public private partnerships at high priority terminals as

1 identified in the January 12, 2009, final report on joint development
2 opportunities at Washington state ferries terminals. The department
3 shall first consider a mutually beneficial agreement at the Edmonds
4 terminal.

5 (2) \$50,000 of the motor vehicle account--state appropriation is
6 provided solely for the department to investigate the potential to
7 generate revenue from web site sponsorships and similar ventures and,
8 if feasible, pursue partnership opportunities.

9 (3) \$75,000 of the motor vehicle account--state appropriation is
10 provided solely for the implementation of a pilot project allowing
11 advertisements and sponsorships on select web pages. The pilot project
12 must be organized under the partnership model described in the
13 department's web site monetizing feasibility study, which was prepared
14 under subsection (2) of this section. Once operational, the pilot
15 project must operate for at least twelve consecutive months. After
16 twelve months of continuous operation, the department shall provide a
17 report with recommendations on whether to continue project operations
18 to the office of financial management and the chairs of the
19 transportation committees. The department may end the pilot project
20 after less than twelve consecutive months of operation if insufficient
21 bids or proposals are received from potential sponsors or advertisers.
22 For the purpose of this subsection, if a consultant contract is
23 warranted, the consultant contract is deemed a revenue generation
24 activity as that term is construed in section 602(2), chapter 3, Laws
25 of 2010.

26 **Sec. 217.** 2009 c 470 s 217 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

| | |
|--|--------------------------------|
| 29 Motor Vehicle Account--State Appropriation | ((\$347,637,000)) |
| | <u>\$347,645,000</u> |
| 31 Motor Vehicle Account--Federal Appropriation | ((\$2,000,000)) |
| | <u>\$7,000,000</u> |
| 33 Motor Vehicle Account--Private/Local Appropriation | \$5,797,000 |
| 34 (Water Pollution Account--State Appropriation) | \$12,500,000) |
| 35 TOTAL APPROPRIATION | ((\$367,934,000)) |
| | <u>\$360,442,000</u> |

36

1 The appropriations in this section are subject to the following
2 conditions and limitations:

3 (1) If portions of the appropriations in this section are required
4 to fund maintenance work resulting from major disasters not covered by
5 federal emergency funds such as fire, flooding, snow, and major slides,
6 supplemental appropriations must be requested to restore state funding
7 for ongoing maintenance activities.

8 (2) The department shall request an unanticipated receipt for any
9 federal moneys received for emergency snow and ice removal and shall
10 place an equal amount of the motor vehicle account--state into
11 unallotted status. This exchange shall not affect the amount of
12 funding available for snow and ice removal.

13 (3) The department shall request an unanticipated receipt for any
14 private or local funds received for reimbursements of third party
15 damages that are in excess of the motor vehicle account--private/local
16 appropriation.

17 (4) (~~(\$2,000,000)~~) \$7,000,000 of the motor vehicle account--federal
18 appropriation is for unanticipated federal funds that may be received
19 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
20 department shall provide a report on the use of the funds to the
21 transportation committees of the legislature and the office of
22 financial management.

23 (5) The department may incur costs related to the maintenance of
24 the decorative lights on the Tacoma Narrows bridge only if:

25 (a) The nonprofit corporation, narrows bridge lights organization,
26 maintains an account balance sufficient to reimburse the department for
27 all costs; and

28 (b) The department is reimbursed from the narrows bridge lights
29 organization within three months from the date any maintenance work is
30 performed. If the narrows bridge lights organization is unable to
31 reimburse the department for any future costs incurred, the lights must
32 be removed at the expense of the narrows bridge lights organization
33 subject to the terms of the contract.

34 (6) The department may work with the department of corrections to
35 utilize corrections crews for the purposes of litter pickup on state
36 highways.

37 (7) \$650,000 of the motor vehicle account--state appropriation is

1 provided solely for increased asphalt costs. (~~If Senate Bill No. 5976~~
2 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~
3 ~~shall lapse.~~)

4 (8) \$16,800,000 of the motor vehicle account--state appropriation
5 is provided solely for the high priority maintenance backlog.
6 Addressing the maintenance backlog must result in increased levels of
7 service.

8 ~~((10))~~ (9) \$750,000 of the motor vehicle account--state
9 appropriation is provided solely for the department's compliance with
10 its national pollution discharge elimination system permit.

11 (10) \$317,000 of the motor vehicle account--state appropriation is
12 provided solely for maintaining a new active traffic management system
13 on Interstate 5, Interstate 90, and SR 520. The department shall track
14 the costs associated with these systems on a corridor basis and report
15 to the legislative transportation committees on the cost and benefits
16 of the system.

17 (11) \$286,000 of the motor vehicle account--state appropriation is
18 provided solely for storm water assessment fees charged by local
19 governments.

20 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as
21 follows:

22 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
23 **OPERATING**

| | | |
|----|--|-------------------------------|
| 24 | Motor Vehicle Account--State Appropriation | ((\$51,526,000)) |
| 25 | | <u>\$51,128,000</u> |
| 26 | Motor Vehicle Account--Federal Appropriation | \$2,050,000 |
| 27 | Motor Vehicle Account--Private/Local Appropriation | \$127,000 |
| 28 | TOTAL APPROPRIATION | ((\$53,703,000)) |
| 29 | | <u>\$53,305,000</u> |

30 The appropriations in this section are subject to the following
31 conditions and limitations:

32 (1) \$2,400,000 of the motor vehicle account--state appropriation is
33 provided solely for low-cost enhancements. The department shall give
34 priority to low-cost enhancement projects that improve safety or
35 provide congestion relief. The department shall prioritize low-cost
36 enhancement projects on a statewide rather than regional basis. By
37 September 1st of each even-numbered year, the department shall provide

1 a report to the legislature listing all low-cost enhancement projects
2 prioritized on a statewide rather than regional basis completed in the
3 prior year.

4 (2) The department, in consultation with the Washington state
5 patrol, may continue a pilot program for the patrol to issue
6 infractions based on information from automated traffic safety cameras
7 in roadway construction zones on state highways. For the purpose of
8 this pilot program, during the 2009-11 fiscal biennium, a roadway
9 construction zone includes areas where public employees or private
10 contractors are not present but where a driving condition exists that
11 would make it unsafe to drive at higher speeds, such as, when the
12 department is redirecting or realigning lanes on any public roadway
13 pursuant to ongoing construction. The department shall use the
14 following guidelines to administer the program:

15 (a) Automated traffic safety cameras may only take pictures of the
16 vehicle and vehicle license plate and only while an infraction is
17 occurring. The picture must not reveal the face of the driver or of
18 passengers in the vehicle;

19 (b) The department shall plainly mark the locations where the
20 automated traffic safety cameras are used by placing signs on locations
21 that clearly indicate to a driver that he or she is entering a roadway
22 construction zone where traffic laws are enforced by an automated
23 traffic safety camera;

24 (c) Notices of infractions must be mailed to the registered owner
25 of a vehicle within fourteen days of the infraction occurring;

26 (d) The owner of the vehicle is not responsible for the violation
27 if the owner of the vehicle, within fourteen days of receiving
28 notification of the violation, mails to the patrol, a declaration under
29 penalty of perjury, stating that the vehicle involved was, at the time,
30 stolen or in the care, custody, or control of some person other than
31 the registered owner, or any other extenuating circumstances;

32 (e) For purposes of the 2009-11 fiscal biennium pilot program,
33 infractions detected through the use of automated traffic safety
34 cameras are not part of the registered owner's driving record under RCW
35 46.52.101 and 46.52.120. Additionally, infractions generated by the
36 use of automated traffic safety cameras must be processed in the same
37 manner as parking infractions for the purposes of RCW 3.50.100,
38 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the

1 fine issued under this subsection (2) for an infraction generated
2 through the use of an automated traffic safety camera is one hundred
3 thirty-seven dollars. The court shall remit thirty-two dollars of the
4 fine to the state treasurer for deposit into the state patrol highway
5 account; and

6 (f) If a notice of infraction is sent to the registered owner and
7 the registered owner is a rental car business, the infraction must be
8 dismissed against the business if it mails to the patrol, within
9 fourteen days of receiving the notice, a declaration under penalty of
10 perjury of the name and known mailing address of the individual driving
11 or renting the vehicle when the infraction occurred. If the business
12 is unable to determine who was driving or renting the vehicle at the
13 time the infraction occurred, the business must sign a declaration
14 under penalty of perjury to this effect. The declaration must be
15 mailed to the patrol within fourteen days of receiving the notice of
16 traffic infraction. Timely mailing of this declaration to the issuing
17 agency relieves a rental car business of any liability under this
18 section for the notice of infraction. A declaration form suitable for
19 this purpose must be included with each automated traffic infraction
20 notice issued, along with instructions for its completion and use.

21 (3) The department shall implement a pilot project to evaluate the
22 benefits of using electronic traffic flagging devices. Electronic
23 traffic flagging devices must be tested by the department at multiple
24 sites and reviewed for efficiency and safety. The department shall
25 report to the transportation committees of the legislature on the best
26 use and practices involving electronic traffic flagging devices,
27 including recommendations for future use, by June 30, 2010.

28 (4) \$173,000 of the motor vehicle account--state appropriation is
29 provided solely for the department to continue a pilot tow truck
30 incentive program and to expand the program to other areas of the
31 state. The department may provide incentive payments to towing
32 companies that meet clearance goals on accidents that involve heavy
33 trucks. The department shall report to the office of financial
34 management and the transportation committees of the legislature on the
35 effectiveness of the clearance goals and submit recommendations to
36 improve the pilot program with the department's 2010 supplemental
37 omnibus transportation appropriations act submittal. The tow truck
38 incentive program may continue to provide incentives for quick

1 clearance of traffic incidents involving large vehicles. The
2 department shall make recommendations as part of its biennial budget
3 proposal for expanding the use of the incentive program.

4 (5) \$92,000 of the motor vehicle account--state appropriation is
5 provided solely for operating a new active traffic management system on
6 Interstate 5, Interstate 90, and SR 520. The department shall track
7 the costs associated with these systems on a corridor basis and report
8 to the legislative transportation committees on the cost and benefits
9 of the system.

10 (6) To the extent practicable, the department shall synchronize
11 traffic lights on state route number 161 in the vicinity of Puyallup.

12 (7) During the 2009-11 biennium, the department shall implement a
13 pilot program that expands private transportation providers' access to
14 high occupancy vehicle lanes. Under the pilot program, when the
15 department reserves a portion of a highway based on the number of
16 passengers in a vehicle, the following vehicles must be authorized to
17 use the reserved portion of the highway if the vehicle has the capacity
18 to carry eight or more passengers, regardless of the number of
19 passengers in the vehicle: (a) Auto transportation company vehicles
20 regulated under chapter 81.68 RCW; (b) passenger charter carrier
21 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
22 stretch limousines and stretch sport utility vehicles as defined under
23 department rules; (c) private nonprofit transportation provider
24 vehicles regulated under chapter 81.66 RCW; and (d) private employer
25 transportation service vehicles. For purposes of this subsection,
26 "private employer transportation service" means regularly scheduled,
27 fixed-route transportation service that is offered by an employer for
28 the benefit of its employees. By June 30, 2011, the department shall
29 report to the transportation committees of the legislature on whether
30 private transportation provider use of high occupancy vehicle lanes
31 under the pilot program reduces the speeds of high occupancy vehicle
32 lanes. Nothing in this subsection is intended to authorize the
33 conversion of public infrastructure to private, for-profit purposes or
34 to otherwise create an entitlement or other claim by private users to
35 public infrastructure.

36 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as
37 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
2 **SUPPORT--PROGRAM S**

| | | |
|----|--|---------------------|
| 3 | Motor Vehicle Account--State Appropriation | ((\$29,153,000)) |
| 4 | | <u>\$28,468,000</u> |
| 5 | Motor Vehicle Account--Federal Appropriation | \$30,000 |
| 6 | Multimodal Transportation Account--State | |
| 7 | Appropriation | ((\$973,000)) |
| 8 | | <u>\$971,000</u> |
| 9 | State Route Number 520 Corridor Account--State | |
| 10 | Appropriation | \$264,000 |
| 11 | TOTAL APPROPRIATION | ((\$30,420,000)) |
| 12 | | <u>\$29,733,000</u> |

13 The appropriations in this section are subject to the following
14 conditions and limitations: \$264,000 of the state route number 520
15 corridor account--state appropriation is provided solely for the costs
16 directly related to tolling the state route number 520 floating bridge.
17 This amount must be retained in unallotted status, and may only be
18 released by the office of financial management after consultation with
19 the joint transportation committee ((following the committee's
20 examination of toll operations costs referenced in section 204(2) of
21 this act. The amount provided in this section is contingent on the
22 enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)
23 either Engrossed Substitute House Bill No. 2326 or other legislation
24 authorizing bonds for the state route number 520 corridor projects. If
25 the conditions of this section are not satisfied, the amount provided
26 in this section shall lapse)).

27 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
30 **AND RESEARCH--PROGRAM T**

| | | |
|----|--|---------------------|
| 31 | Motor Vehicle Account--State Appropriation | ((\$24,724,000)) |
| 32 | | <u>\$25,955,000</u> |
| 33 | Motor Vehicle Account--Federal Appropriation | ((\$19,116,000)) |
| 34 | | <u>\$22,002,000</u> |
| 35 | Multimodal Transportation Account--State | |
| 36 | Appropriation | ((\$696,000)) |
| 37 | | <u>\$1,090,000</u> |

1 that have high truck volumes. TransNow shall contribute additional
2 federal funds that are not appropriated in this act. The department
3 shall work with the freight mobility strategic investment board to
4 implement this database.

5 (4) \$2,000,000 of the motor vehicle account--state appropriation is
6 provided solely for scoping unfunded state highway projects to ensure
7 that a well-vetted project list is available for future program funding
8 discussions.

9 (a) It is the intent of the legislature that the funding provided
10 in this subsection support the development of transportation solutions
11 that benefit all state residents, including addressing the impacts of
12 traffic diversion from tolled facilities. It is further the intent of
13 the legislature that the buying power of future revenue packages is
14 maximized.

15 (b) Scoping work must be consistent with achieving transportation
16 system policy goals as stated in RCW 47.04.280.

17 (c) The department shall provide cost-effective design solutions
18 that achieve the desired functional outcomes. This may be achieved by
19 providing _ one _ or _ more _ design _ alternatives _ for _ legislative
20 consideration, based on a reasonable range of assumptions about traffic
21 volume and speeds.

22 (d) Prior to the commencement of the 2011 legislative session, the
23 department shall provide a report to the legislative transportation
24 committees and the office of financial management that includes
25 estimated costs and construction time frames.

26 (5) \$150,000 of the motor vehicle account--state appropriation is
27 provided solely for a corridor study of state route number 516 from the
28 eastern border of Maple Valley to state route number 167 to determine
29 whether _ improvements _ are _ needed _ and _ the _ costs _ of _ any _ needed
30 improvements.

31 (6) \$500,000 of the multimodal transportation account--federal
32 appropriation is provided solely for continued support of the
33 International Mobility and Trade Corridor project and for the
34 department to work with the Whatcom council of governments to examine
35 potential improvements to international border freight and passenger
36 rail movement and the use of diesel multiple units.

37 (7) \$80,000 of the motor vehicle account--state appropriation is

1 provided solely to continue existing work regarding feasibility of a
2 new interchange between Rochester and Harrison Avenue on Interstate 5.

3 *Sec. 221. 2009 c 470 s 222 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
6 **V**

| | | |
|----|--|--------------------------------|
| 7 | Regional Mobility Grant Program Account--State | |
| 8 | Appropriation | ((\$54,677,000)) |
| 9 | | <u>\$65,274,000</u> |
| 10 | Multimodal Transportation Account--State | |
| 11 | Appropriation | ((\$65,795,000)) |
| 12 | | <u>\$65,667,000</u> |
| 13 | Multimodal Transportation Account--Federal | |
| 14 | Appropriation | ((\$2,582,000)) |
| 15 | | <u>\$2,573,000</u> |
| 16 | Multimodal Transportation Account--Private/Local | |
| 17 | Appropriation | ((\$1,027,000)) |
| 18 | | <u>\$1,025,000</u> |
| 19 | TOTAL APPROPRIATION | ((\$124,081,000)) |
| 20 | | <u>\$134,539,000</u> |

21 The appropriations in this section are subject to the following
22 conditions and limitations:

23 (1) \$25,000,000 of the multimodal transportation account--state
24 appropriation is provided solely for a grant program for special needs
25 transportation provided by transit agencies and nonprofit providers of
26 transportation.

27 (a) \$5,500,000 of the amount provided in this subsection is
28 provided solely for grants to nonprofit providers of special needs
29 transportation. Grants for nonprofit providers shall be based on need,
30 including the availability of other providers of service in the area,
31 efforts to coordinate trips among providers and riders, and the cost
32 effectiveness of trips provided.

33 (b) \$19,500,000 of the amount provided in this subsection is
34 provided solely for grants to transit agencies to transport persons
35 with special transportation needs. To receive a grant, the transit
36 agency must have a maintenance of effort for special needs
37 transportation that is no less than the previous year's maintenance of

1 effort for special needs transportation. Grants for transit agencies
2 shall be prorated based on the amount expended for demand response
3 service and route deviated service in calendar year 2007 as reported in
4 the "Summary of Public Transportation - 2007" published by the
5 department of transportation. No transit agency may receive more than
6 thirty percent of these distributions.

7 (2) Funds are provided for the rural mobility grant program as
8 follows:

9 (a) \$8,500,000 of the multimodal transportation account--state
10 appropriation is provided solely for grants for those transit systems
11 serving small cities and rural areas as identified in the "Summary of
12 Public Transportation - 2007" published by the department of
13 transportation. Noncompetitive grants must be distributed to the
14 transit systems serving small cities and rural areas in a manner
15 similar to past disparity equalization programs.

16 (b) \$8,500,000 of the multimodal transportation account--state
17 appropriation is provided solely to providers of rural mobility service
18 in areas not served or underserved by transit agencies through a
19 competitive grant process.

20 (3) \$7,000,000 of the multimodal transportation account--state
21 appropriation is provided solely for a vanpool grant program for: (a)
22 Public transit agencies to add vanpools or replace vans; and (b)
23 incentives for employers to increase employee vanpool use. The grant
24 program for public transit agencies will cover capital costs only;
25 operating costs for public transit agencies are not eligible for
26 funding under this grant program. Additional employees may not be
27 hired from the funds provided in this section for the vanpool grant
28 program, and supplanting of transit funds currently funding vanpools is
29 not allowed. The department shall encourage grant applicants and
30 recipients to leverage funds other than state funds. At least
31 \$1,600,000 of this amount must be used for vanpool grants in congested
32 corridors.

33 (4) \$400,000 of the multimodal transportation account--state
34 appropriation is provided solely for a grant for a flexible carpooling
35 pilot project program to be administered and monitored by the
36 department. Funds are appropriated for one time only. The pilot
37 project program must: Test and implement at least one flexible
38 carpooling system in a high-volume commuter area that enables

1 carpooling without prearrangement; utilize technologies that, among
2 other things, allow for transfer of ride credits between participants;
3 and be a membership system that involves prescreening to ensure safety
4 of the participants. The program must include a pilot project that
5 targets commuter traffic on the state route number 520 bridge. The
6 department shall submit to the legislature by December 2010 a report on
7 the program results and any recommendations for additional flexible
8 carpooling programs.

9 (5) \$3,318,000 of the multimodal transportation account--state
10 appropriation and \$21,248,000 of the regional mobility grant program
11 account--state appropriation are reappropriated and provided solely for
12 the regional mobility grant projects identified on the LEAP
13 Transportation Document 2007-B, as developed April 20, 2007, or the
14 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
15 department shall continue to review all projects receiving grant awards
16 under this program at least semiannually to determine whether the
17 projects are making satisfactory progress. The department shall
18 promptly close out grants when projects have been completed, and any
19 remaining funds available to the office of transit mobility must be
20 used only to fund projects on the LEAP Transportation Document 2006-D,
21 as developed March 8, 2006; the LEAP Transportation Document 2007-B,
22 as developed April 20, 2007; or the LEAP Transportation Document 2009-B,
23 as developed April 24, 2009. It is the intent of the legislature to
24 appropriate funds through the regional mobility grant program only for
25 projects that will be completed on schedule. However, the Chuckanut
26 park and ride project (101100G) is recognized as a crucial investment
27 in the transportation system. For this reason, the department shall
28 not close out the grant for the Chuckanut park and ride project until
29 Skagit transit has exhausted all other pending opportunities for
30 federal and local funds. If additional funds cannot be secured, the
31 department shall consider this project a priority in the 2011-13 grant
32 process. The department shall make every effort to advance the
33 Chuckanut park and ride project within existing resources.

34 (6) \$33,429,000 of the regional mobility grant program account--
35 state appropriation is provided solely for the regional mobility grant
36 projects identified in LEAP Transportation Document 2009-B, as
37 developed April 24, 2009. The department shall review all projects
38 receiving grant awards under this program at least semiannually to

1 determine whether the projects are making satisfactory progress. Any
2 project that has been awarded funds, but does not report activity on
3 the project within one year of the grant award, must be reviewed by the
4 department to determine whether the grant should be terminated. The
5 department shall promptly close out grants when projects have been
6 completed, and any remaining funds available to the office of transit
7 mobility must be used only to fund projects identified in LEAP
8 Transportation Document 2009-B, as developed April 24, 2009. The
9 department shall provide annual status reports on December 15, 2009,
10 and December 15, 2010, to the office of financial management and the
11 transportation committees of the legislature regarding the projects
12 receiving the grants. It is the intent of the legislature to
13 appropriate funds through the regional mobility grant program only for
14 projects that will be completed on schedule.

15 (7) \$10,596,768 of the regional mobility grant program account--
16 state appropriation must be obligated no later than December 31, 2010,
17 and is provided solely for the following recommended contingency
18 regional mobility grant projects identified in the 2009-11 omnibus
19 transportation appropriations act, LEAP Transportation Document 2009-B,
20 as developed April 24, 2009, as follows:

21 (a) \$4,000,000 is provided solely for the Rainier/Jackson transit
22 priority corridor improvements;

23 (b) \$2,100,000 is provided solely for the state route number 522
24 west city limits to Northeast 180th stage 2A (91st Ave NE to west of
25 96th Ave NE) project; and

26 (c) \$4,496,768 is provided solely for the sound transit express bus
27 expansion - Snohomish to King county project.

28 (8) \$300,000 of the multimodal transportation account--state
29 appropriation is provided solely for a transportation demand management
30 program, developed by the Whatcom council of governments, to further
31 reduce drive-alone trips and maximize the use of sustainable
32 transportation choices. The community-based program must focus on all
33 trips, not only commute trips, by providing education, assistance, and
34 incentives to four target audiences: (a) Large work sites; (b)
35 employees of businesses in downtown areas; (c) school children; and (d)
36 residents of Bellingham.

37 ~~((+8))~~ (9) \$130,000 of the multimodal transportation account--

1 state appropriation is provided solely to the department to distribute
2 to support Engrossed Substitute House Bill No. 2072 (special needs
3 transportation).

4 (a) \$80,000 of the amount provided in this subsection is provided
5 solely for implementation of the work group related to federal
6 requirements in section 1, chapter . . . (Engrossed Substitute House
7 Bill No. 2072), Laws of 2009.

8 (b) \$50,000 of the amount provided in this subsection is provided
9 solely to support the pilot project to be developed or implemented by
10 the local coordinating coalition comprised of a single county,
11 described in sections 9, 10, and 11, chapter . . . (Engrossed
12 Substitute House Bill No. 2072), Laws of 2009. The department shall
13 assist the local coordinating coalition to seek funding sufficient to
14 fully fund the pilot project from a variety of sources including, but
15 not limited to, the regional transit authority serving the county, the
16 regional transportation planning organization serving the county, and
17 other appropriate state and federal agencies and grants. Development
18 or implementation of the pilot project is contingent on securing
19 funding sufficient to fully fund the pilot project.

20 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
21 June 30, 2009, the amount provided in this subsection (~~((+8))~~) (9)
22 lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June
23 30, 2009, but a commitment from other sources to fully fund the pilot
24 project described in (b) of this subsection has not been obtained by
25 September 30, 2009, the amount provided in (b) of this subsection
26 lapses.

27 (~~((+9))~~) (10) Funds provided for the commute trip reduction program
28 may also be used for the growth and transportation efficiency center
29 program.

30 (~~((+10))~~) (11) An affected urban growth area that has not previously
31 implemented a commute trip reduction program is exempt from the
32 requirements in RCW 70.94.527 if a solution to address the state
33 highway deficiency that exceeds the person hours of delay threshold has
34 been funded and is in progress during the 2009-11 fiscal biennium.

35 (~~((+11))~~) (12) \$2,309,000 of the multimodal transportation account--
36 state appropriation is provided solely for the tri-county connection
37 service for Island, Skagit, and Whatcom transit agencies.

1 (13) During the 2009-11 biennium, the department shall implement a
2 pilot project that expands opportunities for private transportation
3 providers' use of high occupancy vehicle lanes, transit-only lanes, and
4 certain park and ride facilities. Nothing in this subsection is
5 intended to authorize the conversion of public infrastructure to
6 private, for-profit purposes or to otherwise create an entitlement or
7 other claim by private users to public infrastructure. The pilot
8 project must establish that to receive grant funding from a program
9 administered by the public transportation office of the department
10 during the 2009-11 biennium, the local jurisdiction in which the
11 applicant is located must be able to show that it has in place an
12 application process for the reasonable use by private transportation
13 providers of high occupancy vehicle lanes, transit-only lanes, and
14 certain park and ride facilities that are regulated by the local
15 jurisdiction. If a private transportation provider clearly
16 demonstrates that the local jurisdiction failed to consider an
17 application in good faith, the department may not award the
18 jurisdiction any grant funding. Reasonable use exists if the private
19 transportation provider has applied for the use of: (a) High occupancy
20 vehicle or transit-only lanes, and such use will not interfere with the
21 safety of public transportation operations and not reduce the speed of
22 the lanes more than five percent during peak hours; and (b) a park and
23 ride lot (i) during peak hours at a lot that is below ninety percent
24 capacity during peak hours or (ii) during off-peak hours only. A
25 transit agency may require that a private transportation provider enter
26 into an agreement for use of the park and ride lot, and may include
27 provisions to recover actual costs for the use of the lot and its
28 related facilities. For purposes of this subsection: A "private
29 transportation provider" means an auto transportation company regulated
30 under chapter 81.68 RCW; a passenger charter carrier regulated under
31 chapter 81.70 RCW; a private nonprofit transportation provider
32 regulated under chapter 81.66 RCW; or a private employer transportation
33 service provider; and "private employer transportation service" means
34 regularly scheduled, fixed-route transportation service that is offered
35 by an employer for the benefit of its employees.

*Sec. 221 was partially vetoed. See message at end of chapter.

36 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as
37 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

2 Puget Sound Ferry Operations Account--State

3 Appropriation ((~~\$400,592,000~~))

4 \$425,922,000

5 The appropriation in this section is subject to the following
6 conditions and limitations:

7 (1) (~~(\$53,110,560)~~) \$78,754,952 of the Puget Sound ferry operations
8 account--state appropriation is provided solely for auto ferry vessel
9 operating fuel in the 2009-11 fiscal biennium. This appropriation is
10 contingent upon the enactment of sections 716 and 701 of this act. All
11 fuel purchased by the Washington state ferries at Harbor Island truck
12 terminal for the operation of the Washington state ferries diesel
13 powered vessels must be a minimum of five percent biodiesel blend so
14 long as the per gallon price of diesel containing a five percent
15 biodiesel blend level does not exceed the per gallon price of diesel by
16 more than five percent.

17 (2) To protect the waters of Puget Sound, the department shall
18 investigate nontoxic alternatives to fuel additives and other
19 commercial products that are used to operate, maintain, and preserve
20 vessels.

21 (3) If, after the department's review of fares and pricing
22 policies, the department proposes a fuel surcharge, the department must
23 evaluate other cost savings and fuel price stabilization strategies
24 that would be implemented before the imposition of a fuel surcharge.
25 The department shall report to the legislature and transportation
26 commission on its progress of implementing new fuel forecasting and
27 budgeting practices, price hedging contracts for fuel purchases, and
28 fuel conservation strategies by November 30, 2010.

29 (4) The department shall strive to significantly reduce the number
30 of injuries suffered by Washington state ferries employees. By
31 December 15, 2009, the department shall submit to the office of
32 financial management and the transportation committees of the
33 legislature its implementation plan to reduce such injuries.

34 (5) The department shall continue to provide service to Sidney,
35 British Columbia. The department may place a Sidney terminal departure
36 surcharge on fares for out of state residents riding the Washington
37 state ferry route that runs between Anacortes, Washington and Sidney,

1 British Columbia, if the cost for landing/license fee, taxes, and
2 additional amounts charged for docking are in excess of \$280,000 CDN.
3 The surcharge must be limited to recovering amounts above \$280,000 CDN.

4 (6) The department shall analyze operational solutions to enhance
5 service on the Bremerton to Seattle ferry run. The Washington state
6 ferries shall report its analysis to the transportation committees of
7 the legislature by December 1, 2009.

8 (7) The office of financial management budget instructions require
9 agencies to recast enacted budgets into activities. The Washington
10 state ferries shall include a greater level of detail in its 2011-13
11 omnibus transportation appropriations act request, as determined
12 jointly by the office of financial management, the Washington state
13 ferries, and the legislative transportation committees.

14 (8) (~~(\$3,000,000)~~) \$4,794,000 of the Puget Sound ferry operations
15 account--state appropriation is provided solely for commercial
16 insurance for ferry assets. The office of financial management, after
17 consultation with the transportation committees of the legislature,
18 must present a business plan for the Washington state ferry system's
19 insurance coverage to the 2010 legislature. The business plan must
20 include a cost-benefit analysis of Washington state ferries' current
21 commercial insurance purchased for ferry assets and a review of self-
22 insurance for noncatastrophic events.

23 (9) \$1,100,000 of the Puget Sound ferry operations account--state
24 appropriation is provided solely for a marketing program. The
25 department shall present a marketing program proposal to the
26 transportation committees of the legislature during the 2010
27 legislative session before implementing this program. Of this amount,
28 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
29 Coupeville for mitigation expenses related to only one vessel operating
30 on the Port Townsend/Keystone ferry route. The moneys provided to the
31 city of Port Townsend and town of Coupeville are not contingent upon
32 the required marketing proposal.

33 (10) \$350,000 of the Puget Sound ferry operations account--state
34 appropriation is provided solely for two extra trips per day during the
35 summer of 2009 season, beyond the current schedule, on the Port
36 Townsend/Keystone route.

37 (11) When purchasing uniforms that are required by collective

1 bargaining agreements, the department shall contract with the lowest
2 cost provider.

3 (12) The legislature finds that measuring the performance of
4 Washington state ferries requires the measurement of quality,
5 timeliness, and unit cost of services delivered to customers.
6 Consequently, the department must develop a set of metrics that measure
7 that performance and report to the transportation committees of the
8 legislature and to the office of financial management on the
9 development of these measurements along with recommendations to the
10 2010 legislature on which measurements must become a part of the next
11 omnibus transportation appropriations act.

12 (13) As a priority task, the department is directed to propose a
13 comprehensive incident and accident investigation policy and
14 appropriate procedures, and to provide the proposal to the legislature
15 by November 1, 2009, using existing resources and staff expertise. In
16 addition to consulting with ferry system unions and the United States
17 coast guard, the Washington state ferries is encouraged to solicit
18 independent outside expertise on incident and accident investigation
19 best practices as they may be found in other organizations with a
20 similar concern for marine safety. It is the intent of the legislature
21 to enact the policies into law and to publish that law and procedures
22 as a manual for Washington state ferries' accident/incident
23 investigations. Until that time, the Washington state ferry system
24 must exercise particular diligence to assure that any incident or
25 accident investigations are conducted within the spirit of the
26 guidelines of this act. The proposed policy must contain, at a
27 minimum:

28 (a) The definition of an incident and an accident and the type of
29 investigation that is required by both types of events;

30 (b) The process for appointing an investigating officer or officers
31 and a description of the authorities and responsibilities of the
32 investigating officer or officers. The investigating officer or
33 officers must:

34 (i) Have the appropriate training and experience as determined by
35 the policy;

36 (ii) Not have been involved in the incident or accident so as to
37 avoid any conflict of interest;

1 (iii) Have full access to all persons, records, and relevant
2 organizations that may have information about or may have contributed
3 to, directly or indirectly, the incident or accident under
4 investigation, in compliance with any affected employee's or employees'
5 respective collective bargaining agreement and state laws and rules
6 regarding public disclosure under chapter 42.56 RCW;

7 (iv) Be provided with, if requested by the investigating officer or
8 officers, appropriate outside technical expertise; and

9 (v) Be provided with staff and legal support by the Washington
10 state ferries as may be appropriate to the type of investigation;

11 (c) The process of working with the affected employee or employees
12 in accordance with the employee's or employees' respective collective
13 bargaining agreement and the appropriate union officials, within
14 protocols afforded to all public employees;

15 (d) The process by which the United States coast guard is kept
16 informed of, interacts with, and reviews the investigation;

17 (e) The process for review, approval, and implementation of any
18 approved recommendations within the department; and

19 (f) The process for keeping the public informed of the
20 investigation and its outcomes, in compliance with any affected
21 employee's or employees' respective collective bargaining agreement and
22 state laws and rules regarding public disclosure under chapter 42.56
23 RCW.

24 (14) \$7,300,000 of the Puget Sound ferry operations account--state
25 appropriation is provided solely for the purposes of travel time
26 associated with Washington state ferries employees. However, if
27 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
28 system) is enacted by June 30, 2010, containing an appropriation for
29 purposes of travel time associated with Washington state ferries
30 employees, the amount provided in this subsection lapses.

31 (15) \$50,000 of the Puget Sound ferry operations account--state
32 appropriation is provided solely to implement a mechanism to report on-
33 time performance statistics.

34 (a) The department shall conduct a study to identify process
35 changes that would improve on-time performance on a route-by-route
36 basis. The study must include looking into the slowing down of vessels
37 for fuel economy purposes and touch-and-go sailings on peak runs. The

1 department shall report its findings to the transportation committees
2 of the senate and house of representatives by December 1, 2010.

3 (b) The department shall, by November 1, 2010, report to the
4 transportation committees of the legislature statistics regarding its
5 on-time arrival and departure status on a route-by-route and month-by-
6 month basis, as well as an annual route-by-route and systemwide basis,
7 weighted by the number of customers on each sailing and distinguishing
8 peak period on-time performance. The statistics must include reasons
9 for any delays over ten minutes from the scheduled time. The
10 statistics must be prominently displayed on the Washington state
11 ferries' web site. Each Washington state ferries vessel and terminal
12 must prominently display the statistics as they relate to their
13 specific route.

14 (16) The department shall investigate outsourcing the call center
15 functions planned for the ferry reservation system and report its
16 findings to the transportation committees of the senate and house of
17 representatives by December 15, 2010.

18 (17) By July 1, 2010, the department shall provide to the governor
19 and the transportation committees of the senate and house of
20 representatives a listing of all benefits that Washington state ferries
21 union employees receive that other state employees do not traditionally
22 receive. The listing must include any costs associated with these
23 benefits.

24 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

27 Multimodal Transportation Account--State

28 Appropriation ((\$34,933,000))
29 \$37,371,000

30 The appropriation in this section is subject to the following
31 conditions and limitations:

32 (1) ((\$29,091,000)) \$31,591,000 of the multimodal transportation
33 account--state appropriation is provided solely for the Amtrak service
34 contract and Talgo maintenance contract associated with providing and
35 maintaining the state-supported passenger rail service. Upon
36 completion of the rail platform project in the city of Stanwood, the
37 department shall provide daily Amtrak Cascades service to the city.

- 1 (2) Amtrak Cascade runs may not be eliminated.
- 2 (3) The department shall begin planning for a third roundtrip
- 3 Cascades train between Seattle and Vancouver, B.C. by 2010.

4 **Sec. 224.** 2009 c 470 s 225 (uncodified) is amended to read as
 5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
 7 **OPERATING**

| | | |
|----|--|---------------------------------|
| 8 | Motor Vehicle Account--State Appropriation | (((\$8,739,000))) |
| 9 | | <u>\$8,621,000</u> |
| 10 | Motor Vehicle Account--Federal Appropriation | (((\$2,567,000))) |
| 11 | | <u>\$2,545,000</u> |
| 12 | TOTAL APPROPRIATION | (((\$11,306,000))) |
| 13 | | <u>\$11,166,000</u> |

14 **TRANSPORTATION AGENCIES--CAPITAL**

15 **Sec. 301.** 2009 c 470 s 302 (uncodified) is amended to read as
 16 follows:

17 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

| | | |
|----|---|---------------------------------|
| 18 | Rural Arterial Trust Account--State Appropriation . . . | (((\$51,000,000))) |
| 19 | | <u>\$73,000,000</u> |
| 20 | Motor Vehicle Account--State Appropriation | \$1,048,000 |
| 21 | County Arterial Preservation Account--State | |
| 22 | Appropriation | \$31,400,000 |
| 23 | TOTAL APPROPRIATION | (((\$83,448,000))) |
| 24 | | <u>\$105,448,000</u> |

25 The appropriations in this section are subject to the following
 26 conditions and limitations:

27 (1) \$1,048,000 of the motor vehicle account--state appropriation
 28 may be used for county ferry projects as developed pursuant to RCW
 29 47.56.725(4).

30 (2) The appropriations in this section include funding to counties
 31 to assist them in efforts to recover from federally declared
 32 emergencies, by providing capitalization advances and local match for
 33 federal emergency funding as determined by the county road
 34 administration board. The county road administration board shall

1 specifically identify any such selected projects and shall include
2 information concerning such selected projects in its next annual report
3 to the legislature.

4 (3) \$22,000,000 of the rural arterial trust account--state
5 appropriation is provided solely for additional grants for county road
6 projects as approved by the county road administration board.

7 **Sec. 302.** 2009 c 470 s 303 (uncodified) is amended to read as
8 follows:

9 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

| | | |
|----|---|--------------------------------|
| 10 | Small City Pavement and Sidewalk Account--State | |
| 11 | Appropriation | ((\$5,779,000)) |
| 12 | | <u>\$3,927,000</u> |
| 13 | Urban Arterial Trust Account--State Appropriation | ((\$122,400,000)) |
| 14 | | <u>\$123,900,000</u> |
| 15 | Transportation Improvement Account--State | |
| 16 | Appropriation | ((\$85,643,000)) |
| 17 | | <u>\$81,643,000</u> |
| 18 | TOTAL APPROPRIATION | ((\$213,822,000)) |
| 19 | | <u>\$209,470,000</u> |

20 The appropriations in this section are subject to the following
21 conditions and limitations:

22 (1) The transportation improvement account--state appropriation
23 includes up to \$7,143,000 in proceeds from the sale of bonds authorized
24 in RCW 47.26.500.

25 (2) The urban arterial trust account--state appropriation includes
26 up to ((~~\$15,000,000~~)) \$7,143,000 in proceeds from the sale of bonds
27 authorized in RCW 47.26.420.

28 ***Sec. 303.** 2009 c 470 s 306 (uncodified) is amended to read as
29 follows:

30 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

| | | |
|----|---|----------------------------------|
| 31 | Multimodal Transportation Account--State | |
| 32 | Appropriation | ((\$1,000)) |
| 33 | | <u>\$98,000</u> |
| 34 | Transportation Partnership Account--State | |
| 35 | Appropriation | ((\$1,723,834,000)) |
| 36 | | <u>\$1,665,644,000</u> |

| | | |
|----|--|----------------------------------|
| 1 | Motor Vehicle Account--State Appropriation | ((\$80,735,000)) |
| 2 | | <u>\$85,534,000</u> |
| 3 | Motor Vehicle Account--Federal Appropriation | ((\$410,341,000)) |
| 4 | | <u>\$570,107,000</u> |
| 5 | Motor Vehicle Account--Private/Local | |
| 6 | Appropriation | ((\$65,494,000)) |
| 7 | | <u>\$70,714,000</u> |
| 8 | Special Category C Account--State Appropriation | ((\$24,549,000)) |
| 9 | | <u>\$25,221,000</u> |
| 10 | Transportation 2003 Account (Nickel Account)--State | |
| 11 | Appropriation | ((\$703,708,000)) |
| 12 | | <u>\$713,205,000</u> |
| 13 | Freight Mobility Multimodal Account--State | |
| 14 | Appropriation | ((\$4,422,000)) |
| 15 | | <u>\$4,574,000</u> |
| 16 | Tacoma Narrows Toll Bridge Account--State | |
| 17 | Appropriation | ((\$788,000)) |
| 18 | | <u>\$789,000</u> |
| 19 | State Route Number 520 Corridor Account--State | |
| 20 | Appropriation | ((\$106,000,000)) |
| 21 | | <u>\$231,763,000</u> |
| 22 | <u>State Route Number 520 Civil Penalties Account--State</u> | |
| 23 | <u>Appropriation</u> | <u>\$1,190,000</u> |
| 24 | TOTAL APPROPRIATION | ((\$3,119,872,000)) |
| 25 | | <u>\$3,368,839,000</u> |

26 The appropriations in this section are subject to the following
27 conditions and limitations:

28 (1) Except as provided otherwise in this section, the entire
29 transportation 2003 account (nickel account) appropriation and the
30 entire transportation partnership account appropriation are provided
31 solely for the projects and activities as listed by fund, project, and
32 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed
33 ((~~April 24, 2009~~)) March 8, 2010, Program - Highway Improvement Program
34 (I). However, limited transfers of specific line-item project
35 appropriations may occur between projects for those amounts listed
36 subject to the conditions and limitations in section 603 of this act.

37 (2) ((~~As a result of economic changes since the initial development~~
38 ~~of the improvement program budget for the 2009-11 fiscal biennium, the~~

1 department has received bids on construction contracts over the last
2 several months that are favorable with respect to current estimates of
3 project costs. National economic forecasts indicate that inflationary
4 pressures are likely to remain lower than previously expected for the
5 next several years. As a result, the nominal project cost totals shown
6 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
7 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
8 the likely amount necessary to deliver the projects listed within those
9 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000
10 in the 2011-13 fiscal biennium. The appropriations provided in this
11 section for the projects in those biennia are therefore \$63,500,000
12 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
13 fiscal biennium than the aggregate total of project costs listed. It
14 is the intent of the legislature that the department shall deliver the
15 projects listed in LEAP Transportation Document 2009-1 within the time,
16 scope, and budgets identified in that document, provided that the
17 prices of commodities used in transportation projects do not differ
18 significantly from those assumed for the 2009-11 and 2011-13 fiscal
19 biennia in the March 2009 forecast of the economic and revenue forecast
20 council.

21 ~~(3) \$162,900,000~~) \$163,385,000 of the transportation partnership
22 account--state appropriation and ~~((\$106,000,000))~~ \$231,763,000 of the
23 state route number 520 corridor account--state appropriation are
24 provided solely for the state route number 520 bridge replacement and
25 HOV project. The department shall submit an application for the
26 eastside transit and HOV project to the supplemental discretionary
27 grant program for regionally significant projects as provided in the
28 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route
29 number 520 improvements shall be designed and constructed to
30 accommodate a future full interchange at 124th Avenue Northeast.
31 Concurrent with the eastside transit and HOV project, the department
32 shall conduct engineering design of a full interchange at 124th Avenue
33 Northeast. The amount provided in this subsection from the state route
34 number 520 corridor account state appropriation is contingent on the
35 enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)
36 either Engrossed Substitute House Bill No. 2326 or other legislation
37 authorizing bonds for the state route number 520 corridor projects. If~~

1 ~~the conditions of this subsection are not satisfied, the state route~~
2 ~~number 520 corridor account state appropriation shall lapse.~~

3 ~~(4))~~ (3) As required under section 305(6), chapter 518, Laws of
4 2007, the department shall report by January 2010 to the transportation
5 committees of the legislature on the findings of the King county noise
6 reduction solutions pilot project.

7 ~~((5))~~ (4) Funding allocated for mitigation costs is provided
8 solely for the purpose of project impact mitigation, and shall not be
9 used to develop or otherwise participate in the environmental
10 assessment process.

11 ~~((6))~~ (5) The department shall apply for surface transportation
12 program (STP) enhancement funds to be expended in lieu of or in
13 addition to state funds for eligible costs of projects in Programs I
14 and P including, but not limited to, the SR 518, SR 520, Columbia river
15 crossing, and Alaskan Way viaduct projects.

16 ~~((7))~~ (6) The department shall, on a quarterly basis beginning
17 July 1, 2009, provide to the office of financial management and the
18 legislature reports providing the status on each active project funded
19 in part or whole by the transportation 2003 account (nickel account) or
20 the transportation partnership account. Funding provided at a
21 programmatic level for transportation partnership account and
22 transportation 2003 account (nickel account) projects relating to
23 bridge rail, guard rail, fish passage barrier removal, and roadside
24 safety projects should be reported on a programmatic basis. Projects
25 within this programmatic level funding should be completed on a
26 priority basis and scoped to be completed within the current
27 programmatic budget. ~~((The department shall work with the office of~~
28 ~~financial management and the transportation committees of the~~
29 ~~legislature to agree on report formatting and elements. Elements must~~
30 ~~include, but not be limited to, project scope, schedule, and costs.~~
31 For)) Report formatting and elements must be consistent with the
32 October 2009 quarterly project report. On a representative sample of
33 new construction contracts valued at fifteen million dollars or more,
34 the department must also use an earned value method of project
35 monitoring. ((The department shall also provide the information
36 required under this subsection on a quarterly basis via the
37 transportation executive information systems (TEIS).

1 ~~(8)~~) (7) The transportation 2003 account (nickel account)--state
2 appropriation includes up to (~~(\$628,000,000)~~) \$653,630,000 in proceeds
3 from the sale of bonds authorized by RCW 47.10.861.

4 ~~((9))~~ (8) The transportation partnership account--state
5 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,347,939,000 in
6 proceeds from the sale of bonds authorized in RCW 47.10.873.

7 ~~((10))~~ (9) The special category C account--state appropriation
8 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of
9 bonds authorized in RCW 47.10.812.

10 ~~((11))~~ (10) The motor vehicle account--state appropriation
11 includes up to (~~(\$31,500,000)~~) \$43,000,000 in proceeds from the sale of
12 bonds authorized in RCW 47.10.843.

13 (11) The state route number 520 corridor account--state
14 appropriation includes up to \$231,763,000 in proceeds from the sale of
15 bonds authorized in RCW 47.10.879.

16 (12) The department must prepare a tolling study for the Columbia
17 river crossing project. While conducting the study, the department
18 must coordinate with the Oregon department of transportation to perform
19 the following activities:

20 (a) Evaluate the potential diversion of traffic from Interstate 5
21 to other parts of the transportation system when tolls are implemented
22 on Interstate 5 in the vicinity of the Columbia river;

23 (b) Evaluate the most advanced tolling technology to maintain
24 travel time speed and reliability for users of the Interstate 5 bridge;

25 (c) Evaluate available active traffic management technology to
26 determine the most effective options for technology that could maintain
27 travel time speed and reliability on the Interstate 5 bridge;

28 (d) Confer with the project sponsor's council, as well as local and
29 regional governing bodies adjacent to the Interstate 5 Columbia river
30 crossing corridor and the Interstate 205 corridor regarding the
31 implementation of tolls, the impacts that the implementation of tolls
32 might have on the operation of the corridors, the diversion of traffic
33 to local streets, and potential mitigation measures;

34 (e) Regularly report to the Washington transportation commission
35 regarding the progress of the study for the purpose of guiding the
36 commission's potential toll setting on the facility;

37 (f) Research and evaluate options for a potential toll-setting
38 framework between the Oregon and Washington transportation commissions;

1 (g) Conduct public work sessions and open houses to provide
2 information to citizens, including users of the bridge and business and
3 freight interests, regarding implementation of tolls on the Interstate
4 5 and to solicit citizen views on the following items:

5 (i) Funding a portion of the Columbia river crossing project with
6 tolls;

7 (ii) Implementing variable tolling as a way to reduce congestion on
8 the facility; and

9 (iii) Tolling Interstate 205 separately as a management tool for
10 the broader state and regional transportation system; and

11 (h) Provide a report to the governor and the legislature by January
12 2010.

13 (13)(a) By January 2010, the department must prepare a traffic and
14 revenue study for Interstate 405 in King county and Snohomish county
15 that includes funding for improvements and high occupancy toll lanes,
16 as defined in RCW 47.56.401, for traffic management. The department
17 must develop a plan to operate up to two high occupancy toll lanes in
18 each direction on Interstate 405.

19 (b) For the facility listed in (a) of this subsection, the
20 department must:

21 (i) Confer with the mayors and city councils of jurisdictions in
22 the vicinity of the project regarding the implementation of high
23 occupancy toll lanes and the impacts that the implementation of these
24 high occupancy toll lanes might have on the operation of the corridor
25 and adjacent local streets;

26 (ii) Conduct public work sessions and open houses to provide
27 information to citizens regarding implementation of high occupancy toll
28 lanes and to solicit citizen views;

29 (iii) Regularly report to the Washington transportation commission
30 regarding the progress of the study for the purpose of guiding the
31 commission's toll setting on the facility; and

32 (iv) Provide a report to the governor and the legislature by
33 January 2010.

34 (14)((~~-\$9,199,985~~)) \$6,488,000 of the motor vehicle account--state
35 appropriation ((~~is~~)) and \$5,000 of the motor vehicle account--federal
36 appropriation are provided solely for project 100224I, ((~~as identified~~
37 ~~in the LEAP transportation document in subsection (1) of this~~
38 ~~section~~)) US 2 high priority safety project. Expenditure of these

1 funds is for safety projects on state route number 2 between Monroe and
2 Gold Bar, which may include median rumble strips, traffic cameras, and
3 electronic message signs.

4 (15) Expenditures for the state route number 99 Alaskan Way viaduct
5 replacement project must be made in conformance with Engrossed
6 Substitute Senate Bill No. 5768.

7 (16) The department shall conduct a public outreach process to
8 identify and respond to community concerns regarding the Belfair
9 bypass. The process must include representatives from Mason county,
10 the legislature, area businesses, and community members. The
11 department shall use this process to consider and develop design
12 alternatives that alter the project's scope so that the community's
13 needs are met within the project budget. The department shall provide
14 a report on the process and outcomes to the legislature by June 30,
15 2010.

16 (17) The legislature is committed to the timely completion of R8A
17 which supports the construction of sound transit's east link.
18 Following the completion of the independent analysis of the
19 methodologies to value the reversible lanes on Interstate 90 which may
20 be used for high capacity transit as directed in section 204 of this
21 act, the department shall complete the process of negotiations with
22 sound transit. Such agreement shall be completed no later than
23 December 1, 2009.

24 (18) \$250,000 of the motor vehicle account--state appropriation is
25 provided solely for the design and construction of a right turn lane to
26 improve visibility and traffic flow on state route number 195 and
27 Cheney-Spokane Road (project L1000001).

28 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal
29 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--
30 state appropriation are provided solely for the Westview school noise
31 wall (project WESTV).

32 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state
33 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
34 federal appropriation are provided solely for interchange design and
35 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

36 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership
37 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle
38 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor

1 vehicle account--private/local appropriation, and ((~~\$1,482,066~~))
2 \$4,334,000 of the motor vehicle account--federal appropriation are
3 provided solely for project 400506A, the I-5/Columbia river
4 crossing/Vancouver project. The funding described in this subsection
5 includes a ((~~\$30,003,473~~)) \$30,000,000 contribution from the state of
6 Oregon.

7 (22) It is important that the public and policymakers have accurate
8 and timely access to information related to the Alaskan Way viaduct
9 replacement project as it proceeds to, and during, the construction of
10 all aspects of the project including, but not limited to, information
11 regarding costs, schedules, contracts, project status, and neighborhood
12 impacts. Therefore, it is the intent of the legislature that the
13 state, city, and county departments of transportation establish a
14 single source of accountability for integration, coordination,
15 tracking, and information of all requisite components of the
16 replacement project, which must include, at a minimum:

17 (a) A master schedule of all subprojects included in the full
18 replacement project or program; and

19 (b) A single point of contact for the public, media, stakeholders,
20 and other interested parties.

21 ~~(23) ((The — state — route — number — 520 — corridor — account — state
22 appropriation includes up to \$106,000,000 in proceeds from the sale of
23 bonds authorized in Engrossed Substitute House Bill No. 2326 or in
24 legislation authorizing bonds for the state route number 520 corridor
25 projects. If Engrossed Substitute House Bill No. 2326, or legislation
26 authorizing bonds for the state route number 520 corridor projects, is
27 not enacted by June 30, 2009, the amount provided in this subsection
28 shall lapse.~~

29 ~~(24))~~ The department shall evaluate a potential deep bore culvert
30 for the state route number 305/Bjorgen creek fish barrier project
31 identified as project 330514A in LEAP Transportation Document ALL
32 PROJECTS 2009-2, as developed April 24, 2009. The department shall
33 evaluate whether a deep bore culvert will be a less costly alternative
34 than a traditional culvert since a traditional culvert would require
35 extensive road detours during construction.

36 ~~((+25+))~~ (24) Project number 330215A in the LEAP transportation
37 document described in subsection (1) of this section is expanded to
38 include safety and congestion improvements from the Key Peninsula

1 Highway to the vicinity of Purdy. The department shall consult with
2 the Washington traffic safety commission to ensure that this project
3 includes improvements at intersections and along the roadway to reduce
4 the frequency and severity of collisions related to roadway conditions
5 and traffic congestion.

6 ~~((+26) - \$10,600,000))~~ (25) \$8,890,000 of the transportation
7 partnership account--state appropriation is provided solely for project
8 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
9 2 and 3 project, as indicated in the LEAP transportation document
10 referenced in subsection (1) of this section. ~~((Funds shall be used
11 solely for preliminary engineering on stages 2 and 3 of this project.~~

12 ~~(+27))~~ (26) The department shall continue to work with the local
13 partners in developing transportation solutions necessary for the
14 economic growth in the Red Mountain American Viticulture Area of Benton
15 county.

16 ~~((+28))~~ (27) For highway construction projects where the
17 department considers agricultural lands of long-term commercial
18 significance, as defined in RCW 36.70A.030, in reviewing and selecting
19 sites to meet environmental mitigation requirements under the national
20 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
21 environmental policy act (chapter 43.21C RCW), the department shall, to
22 the greatest extent possible, consider using public land first. If
23 public lands are not available that meet the required environmental
24 mitigation needs, the department may use other sites while making every
25 effort to avoid any net loss of agricultural lands that have a
26 designation of long-term commercial significance.

27 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation
28 and motor vehicle account--federal appropriation, the department may
29 transfer funds between programs I and P, except for funds that are
30 otherwise restricted in this act.

31 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000
32 of the transportation partnership account--state appropriation is
33 provided solely for the department to prepare a comprehensive tolling
34 study of the state route number 167 corridor to determine the
35 feasibility of administering tolls within the corridor, identified as
36 project number 316718A in the LEAP transportation document described in
37 subsection (1) of this section. The department shall report to the
38 joint transportation committee by September 30, 2010. The department

1 shall regularly report to the Washington transportation commission
2 regarding the progress of the study for the purpose of guiding the
3 commission's potential toll setting on the facility. The elements of
4 the study must include, at a minimum:

5 (a) The potential for value pricing to generate revenues for needed
6 transportation facilities within the corridor;

7 (b) Maximizing the efficient operation of the corridor; and

8 (c) Economic considerations for future system investments.

9 ~~((31))~~ (30) Within the amounts provided in this section, \$200,000
10 of the transportation partnership account--state appropriation is
11 provided solely for the department to prepare a comprehensive tolling
12 study of the state route number 509 corridor to determine the
13 feasibility of administering tolls within the corridor, identified as
14 project number 850901F in the LEAP transportation document described in
15 subsection (1) of this section. The department shall report to the
16 joint transportation committee by September 30, 2010. The department
17 shall regularly report to the Washington transportation commission
18 regarding the progress of the study for the purpose of guiding the
19 commission's potential toll setting on the facility. The elements of
20 the study must include, at a minimum:

21 (a) The potential for value pricing to generate revenues for needed
22 transportation facilities within the corridor;

23 (b) Maximizing the efficient operation of the corridor; and

24 (c) Economic considerations for future system investments.

25 ~~((32))~~ (31) Within the amounts provided in this section,
26 \$28,000,000 of the transportation partnership account--state
27 appropriation is for project 600010A, as identified in the LEAP
28 transportation document in subsection (1) of this section: NSC-North
29 Spokane corridor design and right-of-way - new alignment. Expenditure
30 of these funds is for preliminary engineering and right-of-way
31 purchasing to prepare for four lanes to be built from where existing
32 construction ends at Francis Avenue for three miles to the Spokane
33 river. Additionally, any savings realized on project 600001A, as
34 identified in the LEAP transportation document in subsection (1) of
35 this section: US 395/NSC-Francis Avenue to Farwell Road - New
36 Alignment, must be applied to project 600010A.

37 ~~((33))~~ (32) \$400,000 of the motor vehicle account--state
38 appropriation is provided solely for the department to conduct a state

1 route number 2 route development plan (project L2000016) that will
2 identify essential improvements needed between the port of
3 Everett/Naval station and approaching the state route number 9
4 interchange near the city of Snohomish.

5 ~~((+34))~~ (33) If the SR 26 - Intersection and Illumination
6 Improvements are not completed by June 30, 2009, the department shall
7 ensure that the improvements are completed as soon as practicable after
8 June 30, 2009, and shall submit monthly progress reports on the
9 improvements beginning July 1, 2009.

10 ~~((+35))~~ (34) \$200,000 of the transportation partnership account--
11 state appropriation, identified on project number 400506A in the LEAP
12 transportation document described in subsection (1) of this section, is
13 provided solely for the department to work with the department of
14 archaeology and historic preservation to ensure that the cultural
15 resources investigation is properly conducted on the Columbia river
16 crossing project. This project must be conducted with active
17 archaeological management and result in one report that spans the
18 single cultural area in Oregon and Washington. Additionally, the
19 department shall establish a scientific peer review of independent
20 archaeologists that are knowledgeable about the region and its cultural
21 resources.

22 ~~((+36))~~ (35) The department shall work with the department of
23 archaeology and historic preservation to ensure that the cultural
24 resources investigation is properly conducted on all mega-highway
25 projects and large ferry terminal projects. These projects must be
26 conducted with active archaeological management. Additionally, the
27 department shall establish a scientific peer review of independent
28 archaeologists that are knowledgeable about the region and its cultural
29 resources.

30 ~~((+37))~~ (36) Within the amounts provided in this section,
31 \$1,500,000 of the motor vehicle account--state appropriation is
32 provided solely for necessary work along the south side of SR 532,
33 identified as project number 053255C in the LEAP transportation
34 document described in subsection (1) of this section.

35 ~~((+38))~~ (37) \$10,000,000 of the transportation partnership
36 account--state appropriation is provided solely for the Spokane street
37 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -

1 Replacement project as indicated in the LEAP transportation document
2 referenced in subsection (1) of this section.

3 ~~((+39+))~~ (38) The department shall conduct a public outreach
4 process to identify and respond to community concerns regarding the
5 portion of John's Creek Road that connects state route number 3 and
6 state route number 101. The process must include representatives from
7 Mason county, the legislature, area businesses, and community members.
8 The department shall use this process to consider, develop, and design
9 a project scope so that the community's needs are met for the lowest
10 cost. The department shall provide a report on the process and
11 outcomes to the legislature by June 30, 2010.

12 ~~((+40+))~~ (39) The department shall apply for the competitive
13 portion of federal transit administration funds for eligible transit-
14 related costs of the state route number 520 bridge replacement and HOV
15 project and the Columbia river crossing project. The federal funds
16 described in this subsection must not include those federal transit
17 administration funds distributed by formula. The department shall
18 provide a report regarding this effort to the legislature by January 1,
19 2010.

20 (40) \$5,500,000 of the motor vehicle account--federal appropriation
21 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown
22 project, identified as project L1000034.

23 (41) \$2,244,000 of the motor vehicle account--federal appropriation
24 and \$122,000 of the motor vehicle account--state appropriation are
25 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
26 Build New Highway project, identified as project 501210T.

27 (42) \$790,000 of the motor vehicle account--federal appropriation
28 is provided solely for the Express Lanes System Concept Study project,
29 identified as project 800020A. As part of this project, the department
30 shall prepare a comprehensive tolling study of the Interstate 5 express
31 lanes to determine the feasibility of administering tolls within the
32 corridor. The department shall regularly report to the Washington
33 transportation commission regarding the progress of the study. The
34 elements of the study must include, at a minimum:

35 (i) The potential for value pricing to generate revenues for needed
36 transportation facilities;

37 (ii) Maximizing the efficient operation of the corridor;

38 (iii) Economic considerations for future system investments; and

1 (iv) An analysis of the impacts to the regional transportation
2 system.

3 (b) The department shall submit a final report on the study to the
4 joint transportation committee by June 30, 2011.

5 **(43) Any redistributed federal funds received by the department**
6 **must, to the greatest extent possible, be first applied to offset**
7 **planned expenditures of state funds, and second to offset planned**
8 **expenditures of federal funds, on projects as identified in the LEAP**
9 **transportation documents described in this act. If the redistributed**
10 **federal funds cannot be used in this manner, the department must**
11 **consult with the joint transportation committee prior to obligating any**
12 **redistributed federal funds.**

13 (44) \$226,000 of the motor vehicle account--federal appropriation
14 and \$9,000 of the motor vehicle account--state appropriation are
15 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
16 Road project (301639C). These funds must not be expended before an
17 agreement stating that the city of Gig Harbor will take ownership of
18 the road has been signed. The frontage road must be built for driving
19 speeds of no more than thirty-five miles per hour.

20 (45) The department shall work with the Washington state
21 transportation commission, the Oregon state department of
22 transportation, and the Oregon state transportation commission to
23 analyze and review potential options for a bistrate, toll setting
24 framework. As part of the analysis, the department shall undertake the
25 following actions: Review statutory provisions and the governance
26 structures of toll facilities in the United States that are located
27 within two or more states; review relevant federal law regarding
28 transportation facilities that are located within two or more states;
29 consult with the state treasurers in Washington and Oregon regarding
30 the appropriate structure for the issuance of debt for toll facilities
31 that are located within two states; report findings and recommendations
32 to the Columbia river project sponsor's council by October 1, 2010; and
33 provide a final report to the governor and the legislature by June 30,
34 2011.

35 (46) \$750,000 of the motor vehicle account--state appropriation is
36 provided solely for improvements from Allan Road to state route number
37 12 (501207Z).

1 (47) \$500,000 of the motor vehicle account--state appropriation is
2 provided solely for a traffic signal at the intersection of state route
3 number 7 and state route number 702 (300738A).

4 (48) \$750,000 of the motor vehicle account--state appropriation is
5 provided solely for environmental work on the Belfair Bypass (project
6 300344C).

7 (49) The legislature finds that state route number 522 corridor
8 provides an important link between Interstates 5 and 405 and will be
9 impacted by diversion from tolling elsewhere in the region. State
10 route number 522 must be reviewed as part of the scoping work conducted
11 under section 220(4) of this act. As such, the legislature intends to
12 provide additional funding for the corridor as a priority in the next
13 revenue package. The state will work with the affected cities and the
14 federal government to secure the necessary resources to address the
15 needs of this critical corridor.

16 (50) \$500,000 of the motor vehicle account--state appropriation is
17 provided solely for the US 12/SR 122/Mossyrock - Intersection project
18 (401212R) for safety improvements.

19 (51) \$200,000 of the motor vehicle account--federal appropriation
20 is provided solely for project US 97A/North of Wenatchee - Wildlife
21 Fence (209790B), and an offsetting reduction is anticipated in the
22 2011-13 biennium.

23 (52) If a planned roundabout in the vicinity of state route number
24 526 and 84th Street SW would divert commercial traffic onto
25 neighborhood streets, the department may not proceed with improvements
26 at state route number 526 and 84th Street SW until the traffic impacts
27 in the vicinity of state route number 526 and 40th Avenue West are
28 addressed.

29 (53) The department shall conduct a collision analysis corridor
30 study on state route number 167 from milepost 0 to milepost 5 and
31 report to the transportation committees of the legislature on the
32 analysis results by December 1, 2010.

33 (54) \$2,600,000 of the motor vehicle account--federal appropriation
34 is provided solely for the ITS Advanced Traveler Information System
35 project in Whatcom county (100589B).

36 (55) \$900,000 of the motor vehicle account--federal appropriation
37 is provided solely for the US 97/Cameron Lake Road intersection
38 improvements project in Okanogan county (209700W).

1 (56) \$400,000 of the motor vehicle account--federal appropriation
2 and \$100,000 of the motor vehicle account--state appropriation are
3 provided solely for the SR 9/SR 204 Intersection Improvement project
4 (L2000040).

5 (57) The legislature finds that the state route number 12 widening
6 from state route number 124 to Walla Walla is an important east-west
7 corridor in the southeast region of the state. Widening the highway to
8 four lanes will increase safety and improve freight mobility.
9 Therefore, the legislature intends for the department to use up to two
10 million dollars in future redistributed federal obligation authority
11 that may be received by the department for right-of-way purchase for
12 the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A
13 project (501210T).

**Sec. 303 was partially vetoed. See message at end of chapter.*

14 ***Sec. 304.** 2009 c 470 s 307 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

| | | |
|----|--|----------------------|
| 17 | Transportation Partnership Account--State | |
| 18 | Appropriation | (((\$103,077,000)) |
| 19 | | <u>\$75,305,000</u> |
| 20 | Motor Vehicle Account--State Appropriation | (((\$88,142,000)) |
| 21 | | <u>\$96,884,000</u> |
| 22 | Motor Vehicle Account--Federal Appropriation | (((\$524,954,000)) |
| 23 | | <u>\$556,705,000</u> |
| 24 | Motor Vehicle Account--Private/Local Appropriation | (((\$6,417,000)) |
| 25 | | <u>\$18,768,000</u> |
| 26 | Transportation 2003 Account (Nickel Account)--State | |
| 27 | Appropriation | (((\$7,237,000)) |
| 28 | | <u>\$6,328,000</u> |
| 29 | Puyallup Tribal Settlement Account--State | |
| 30 | Appropriation | (((\$6,500,000)) |
| 31 | | <u>\$6,636,000</u> |
| 32 | TOTAL APPROPRIATION | (((\$736,327,000)) |
| 33 | | <u>\$760,626,000</u> |

34 The appropriations in this section are subject to the following
35 conditions and limitations:

36 (1) Except as provided otherwise in this section, the entire
37 transportation 2003 account (nickel account) appropriation and the

1 entire transportation partnership account appropriation are provided
2 solely for the projects and activities as listed by fund, project, and
3 amount in LEAP Transportation Document (~~((2009-1))~~) 2010-1 as developed
4 (~~((April-24,-2009))~~) March 8, 2010, Program - Highway Preservation
5 Program (P). However, limited transfers of specific line-item project
6 appropriations may occur between projects for those amounts listed
7 subject to the conditions and limitations in section 603 of this act.

8 (2) (~~((544,639))~~) \$542,000 of the motor vehicle account--federal
9 appropriation and (~~((455,361))~~) \$453,000 of the motor vehicle account--
10 state appropriation are provided solely for project 602110F, (~~(as~~
11 ~~identified in the LEAP transportation document in subsection (1) of~~
12 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are
13 provided solely for preservation work on the existing vessel, the
14 Martha S.

15 (3) The department shall apply for surface transportation program
16 (STP) enhancement funds to be expended in lieu of or in addition to
17 state funds for eligible costs of projects in Programs I and P.

18 (4) (~~((6,500,000))~~) \$6,636,000 of the Puyallup tribal settlement
19 account--state appropriation is provided solely for (~~(mitigation))~~
20 costs associated with the Murray Morgan/11th Street bridge
21 (~~(demolition. The department may negotiate with the city of Tacoma for~~
22 ~~the purpose of transferring ownership of the Murray Morgan/11th Street~~
23 ~~bridge to the city. If the city agrees to accept ownership of the~~
24 ~~bridge, the department))~~) project. The city of Tacoma may use the
25 Puyallup tribal settlement account appropriation and other appropriated
26 funds for bridge rehabilitation, bridge replacement, bridge demolition,
27 and related mitigation. The department's participation, including
28 prior expenditures, may not exceed (~~((39,953,000))~~) \$40,270,000.
29 (~~((Funds may not be expended unless))~~) The city of Tacoma (~~((agrees to~~
30 ~~take))~~) has taken ownership of the bridge in its entirety, and
31 (~~((provides that))~~) the payment of these funds extinguishes any real or
32 implied agreements regarding future bridge expenditures.

33 (5) The department and the city of Tacoma must present to the
34 legislature an agreement on the timing of the transfer of ownership of
35 the Murray Morgan/11th Street bridge and any additional necessary state
36 funding required to achieve the transfer and rehabilitation of the
37 bridge by January 1, 2010.

1 (6) The department shall, on a quarterly basis beginning July 1,
2 2009, provide to the office of financial management and the legislature
3 reports providing the status on each active project funded in part or
4 whole by the transportation 2003 account (nickel account) or the
5 transportation partnership account. Funding provided at a programmatic
6 level for transportation partnership account projects relating to
7 seismic bridges should be reported on a programmatic basis. Projects
8 within this programmatic level funding should be completed on a
9 priority basis and scoped to be completed within the current
10 programmatic budget. The department shall work with the office of
11 financial management and the transportation committees of the
12 legislature to agree on report formatting and elements. Elements must
13 include, but not be limited to, project scope, schedule, and costs.
14 For new construction contracts valued at fifteen million dollars or
15 more, the department must also use an earned value method of project
16 monitoring. The department shall also provide the information required
17 under this subsection on a quarterly basis via the transportation
18 executive information systems (TEIS).

19 (7) The department of transportation shall continue to implement
20 the lowest life cycle cost planning approach to pavement management
21 throughout the state to encourage the most effective and efficient use
22 of pavement preservation funds. Emphasis should be placed on
23 increasing the number of roads addressed on time and reducing the
24 number of roads past due.

25 (8)(a) The department shall conduct an analysis of state highway
26 pavement replacement needs for the next ten years. The report must
27 include:

28 (i) The current backlog of asphalt and concrete pavement
29 preservation projects;

30 (ii) The level of investment needed to reduce or eliminate the
31 backlog and resume the lowest life-cycle cost;

32 (iii) Strategies for addressing the recent rapid escalation of
33 asphalt prices, including alternatives to using hot mix asphalt;

34 (iv) Criteria for determining which type of pavement will be used
35 for specific projects, including annualized cost per mile, traffic
36 volume per lane mile, and heavy truck traffic volume per lane mile; and

37 (v) The use of recycled asphalt and concrete in state highway
38 construction and the effect on highway pavement replacement needs.

1 (b) Additionally, the department shall work with the department of
2 ecology, the county road administration board, and the transportation
3 improvement board to explore and explain the potential use of permeable
4 asphalt and concrete pavement in state highway construction as an
5 alternative method of storm water mitigation and the potential effects
6 on highway pavement replacement needs.

7 (c) The department shall submit the report to the office of
8 financial management and the transportation committees of the
9 legislature by (~~December~~) September 1, 2010, in order to inform the
10 development of the 2011-13 omnibus transportation appropriations act.

11 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
12 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
13 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
14 transportation partnership account--state appropriation are provided
15 solely for the SR 104/Hood Canal bridge - replace east half project,
16 identified as project 310407B in the LEAP transportation document
17 described in subsection (1) of this section.

18 (10) Within the motor vehicle account--state appropriation and
19 motor vehicle account--federal appropriation, the department may
20 transfer funds between programs I and P, except for funds that are
21 otherwise restricted in this act.

22 (11) Within the amounts provided in this section, \$1,510,000 of the
23 motor vehicle account--state appropriation is provided solely to
24 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

25 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
26 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
27 state appropriation are provided solely for the environmental impact
28 statement and preliminary planning for the replacement of the state
29 route number 9 Snohomish river bridge (project L2000018).

30 (13) \$12,503,000 of the motor vehicle account--federal
31 appropriation and \$497,000 of the motor vehicle account--state
32 appropriation are provided solely for the SR 410/Nile Valley Landslide
33 - Establish Interim Detour project (541002R).

34 (14) \$4,239,000 of the motor vehicle account--federal appropriation
35 and \$662,000 of the motor vehicle account--state appropriation are
36 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
37 Route project (541002T).

1 (15) Any redistributed federal funds received by the department
2 must, to the greatest extent possible, be first applied to offset
3 planned expenditures of state funds, and second, to offset planned
4 expenditures of federal funds, on projects as identified in the LEAP
5 transportation documents described in this act. If the redistributed
6 federal funds cannot be used in this manner, the department must
7 consult with the joint transportation committee prior to obligating any
8 redistributed federal funds.

9 (16) The legislature anticipates a report in September 2010 that
10 will outline the department's recommendation for developing a Keller
11 Ferry replacement at the lowest cost. The legislature supports the
12 request to the federal government for federal aid for a replacement
13 vessel and intends to provide reasonable matching amounts as necessary.

14 (17) \$2,100,000 of the motor vehicle account--federal appropriation
15 is provided solely for the SR 21/Kettle River to Malo paving project in
16 Ferry county (602117A).

**Sec. 304 was partially vetoed. See message at end of chapter.*

17 **Sec. 305.** 2009 c 470 s 308 (uncodified) is amended to read as
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
20 **CAPITAL**

| | |
|---|-------------------|
| 21 Motor Vehicle Account--State Appropriation | (((\$6,394,000)) |
| | \$8,158,000 |
| 22 | |
| 23 Motor Vehicle Account--Federal Appropriation | (((\$9,262,000)) |
| 24 | \$18,037,000 |
| 25 Motor Vehicle Account--Private/Local Appropriation | \$173,000 |
| 26 TOTAL APPROPRIATION | (((\$15,656,000)) |
| 27 | \$26,368,000 |

28 **Sec. 306.** 2009 c 470 s 309 (uncodified) is amended to read as
29 follows:

30 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
31 **CONSTRUCTION--PROGRAM W**

| | |
|--|--------------------|
| 32 Puget Sound Capital Construction Account--State | |
| 33 Appropriation | (((\$118,752,000)) |
| 34 | \$126,824,000 |
| 35 Puget Sound Capital Construction Account--Federal | |
| 36 Appropriation | (((\$38,306,000)) |

| | | |
|----|---|--------------------------------|
| 1 | | <u>\$60,364,000</u> |
| 2 | Puget Sound Capital Construction Account--Local | |
| 3 | Appropriation | ((\$8,492,000)) |
| 4 | | <u>\$200,000</u> |
| 5 | Transportation 2003 Account (Nickel Account)--State | |
| 6 | Appropriation | \$51,734,000 |
| 7 | Transportation Partnership Account--State | |
| 8 | Appropriation | ((\$67,234,000)) |
| 9 | | <u>\$66,879,000</u> |
| 10 | Multimodal Transportation Account--State | |
| 11 | Appropriation | ((\$170,000)) |
| 12 | | <u>\$149,000</u> |
| 13 | TOTAL APPROPRIATION | ((\$284,688,000)) |
| 14 | | <u>\$306,150,000</u> |

15 The appropriations in this section are subject to the following
16 conditions and limitations:

17 (1) ((~~\$118,752,000~~)) \$126,824,000 of the Puget Sound capital
18 construction account--state appropriation, ((~~\$38,306,000~~)) \$60,364,000
19 of the Puget Sound capital construction account--federal appropriation,
20 ((~~\$8,492,000~~)) \$200,000 of the Puget Sound capital construction
21 account--local appropriation, ((~~\$67,234,000~~)) \$66,879,000 of the
22 transportation partnership account--state appropriation, \$51,734,000 of
23 the transportation 2003 account (nickel account)--state appropriation,
24 and ((~~\$170,000~~)) \$149,000 of the multimodal transportation account--
25 state appropriation are provided solely for ferry capital projects,
26 project support, and administration as listed in LEAP Transportation
27 Document ALL PROJECTS ((~~2009-2~~)) 2010-2 as developed ((~~April 24, 2009~~))
28 March 8, 2010, Program - Ferries Construction Program (W). Of the
29 total appropriation, a maximum of \$10,627,000 may be used for
30 administrative support, a maximum of \$8,184,000 may be used for
31 terminal project support, and a maximum of \$4,497,000 may be used for
32 vessel project support. Of the total appropriation, \$5,851,000 is
33 provided solely for a reservation system and associated communications
34 projects.

35 (2) \$51,734,000 of the transportation 2003 account (nickel
36 account)--state appropriation ((~~and~~)), \$63,100,000 of the
37 transportation partnership account--state appropriation, and
38 \$10,164,000 of the Puget Sound capital construction account--state

1 appropriation are provided solely for the acquisition of three new
2 Island Home class ferry vessels subject to the conditions of RCW
3 47.56.780. The department shall pursue a contract for the second and
4 third Island Home class ferry vessels with an option to purchase a
5 fourth Island Home class ferry vessel. However, if sufficient
6 resources are available to build one 144-auto vessel prior to
7 exercising the option to build the fourth Island Home class ferry
8 vessel, procurement of the fourth Island Home class ferry vessel will
9 be postponed and the department shall pursue procurement of a 144-auto
10 vessel.

11 (a) The first two Island Home class ferry vessels must be placed on
12 the Port Townsend-Keystone route.

13 (b) The department may add additional passenger capacity to one of
14 the Island Home class ferry vessels to make it more flexible within the
15 system in the future, if doing so does not require additional staffing
16 on the vessel.

17 (c) Cost savings from the following initiatives will be included in
18 the funding of these vessels: The department's review and update of
19 the vessel life-cycle cost model as required under this section; and
20 the implementation of technology efficiencies as required under section
21 602 of this act.

22 (3) (~~(\$2,450,000 of the Puget Sound capital construction account—~~
23 ~~state appropriation is provided solely for contingencies associated~~
24 ~~with closing out the existing contract for the technical design of the~~
25 ~~144-auto vessel and the storage and maintenance of vessel owner-~~
26 ~~furnished equipment already procured. The department shall use as much~~
27 ~~of the already procured equipment as is practicable on the Island Home~~
28 ~~class ferry vessel if it is likely to be obsolete before it is used in~~
29 ~~procured 144-auto vessels.)) (a) \$8,450,000 of the Puget Sound capital
30 construction account--state appropriation and \$2,450,000 of the
31 transportation partnership account--state appropriation are provided
32 solely for the following projects related to the design of a 144-
33 vehicle vessel class: (i) \$1,380,000 is provided solely for completion
34 of the contract for owner-furnished equipment; (ii) \$8,320,000 is
35 provided solely for completion of the technical design, detail design,
36 and production drawings, all of which must plan for an aluminum
37 superstructure; (iii) \$480,000 is provided solely for the storage of
38 owner-furnished equipment; and (iv) a maximum of \$720,000 is for~~

1 construction engineering. In completing the contract for owner-
2 furnished equipment, the department shall use as much of the already
3 procured equipment as is practicable on the Island Home class ferry
4 vessels if it is likely to be obsolete before it is used in procured
5 144-vehicle vessels.

6 (b) The department shall conduct a cost-benefit study on
7 alternative furnishings and fittings for the 144-vehicle vessel class.
8 The study must review the proposed interior furnishings and fittings
9 for the long-term maintenance and out-of-service vessel costs and, if
10 appropriate, propose alternative interior furnishings and fittings that
11 will decrease long-term maintenance and out-of-service vessel costs.
12 The study must include a projection of out-of-service time and a life-
13 cycle cost analysis of planned out-of-service time, including the
14 impact on fleet size. The department must submit the study to the
15 joint transportation committee by August 1, 2010.

16 (c) The department shall identify costs for any additional detail
17 design and production drawings costs related to incorporating the
18 aluminum superstructure and any changes in the proposed furnishings and
19 fittings.

20 (4) \$6,300,000 of the Puget Sound capital construction account--
21 state appropriation is provided solely for emergency capital costs.

22 ~~(5) ((The Anacortes terminal may be replaced if additional federal~~
23 ~~funds are sought and received by the department. If federal funds~~
24 ~~received are not sufficient to replace the terminal, only usable,~~
25 ~~discrete phases of the project, up to the amount of federal funds~~
26 ~~received, may be constructed with the funds.))~~ \$3,000,000 of the Puget
27 Sound capital construction account--federal appropriation is provided
28 solely for completing the Anacortes terminal design up to the maximum
29 allowable construction cost phase. Beyond preparing environmental
30 work, these funds may be spent only after the following conditions have
31 been met: (a) A value engineering process is conducted on the existing
32 design and the concept of a terminal building smaller than preferred
33 alternative; (b) the office of financial management participates in the
34 value engineering process; (c) the office of financial management
35 concurs with the recommendations of the value engineering process; and
36 (d) the office of financial management gives its approval to proceed
37 with the design work.

1 (6) \$3,965,000 of the Puget Sound capital construction account--
2 state appropriation is provided solely for the following vessel
3 projects: Waste heat recovery pilot project for the Issaquah; jumbo
4 Mark 1 class steering gear ventilation pilot project; and ((a-new
5 ~~propulsion system for the MV Yakima~~) improvements to the Yakima and
6 Kaleetan propulsion controls to allow for two engine operation. Before
7 beginning these projects, the Washington state ferries must ensure the
8 vessels' out-of-service time does not negatively impact service to the
9 system.

10 (7) The department shall pursue purchasing a foreign-flagged vessel
11 for service on the Anacortes, Washington to Sidney, British Columbia
12 ferry route.

13 (8) The department shall provide to the office of financial
14 management and the legislature quarterly reports providing the status
15 on each project listed in this section and in the project lists
16 submitted pursuant to this act and on any additional projects for which
17 the department has expended funds during the 2009-11 fiscal biennium.
18 Elements must include, but not be limited to, project scope, schedule,
19 and costs. The department shall also provide the information required
20 under this subsection via the transportation executive information
21 systems (TEIS). The quarterly report regarding the status of projects
22 identified on the list referenced in subsection (1) of this section
23 must be developed according to an earned value method of project
24 monitoring.

25 (9) The department shall review and adjust its capital program
26 staffing levels to ensure staffing is at the most efficient level
27 necessary to implement the capital program in the omnibus
28 transportation appropriations act. The Washington state ferries shall
29 report this review and adjustment to the office of financial management
30 and the house and senate transportation committees of the legislature
31 by July 2009.

32 ~~(10) ((\$3,763,000 of the total appropriation is provided solely for~~
33 ~~the Washington state ferries to develop a reservation system. The~~
34 ~~department shall complete a predesign study and present the study to~~
35 ~~the joint transportation committee by November 1, 2009. This analysis~~
36 ~~must include an evaluation of the compatibility of the Washington state~~
37 ~~ferries' electronic fare system, proposed reservation system, and the~~

1 ~~implementation of smart card. The department may not implement a~~
2 ~~statewide reservation system until the department is authorized to do~~
3 ~~so in the 2010 supplemental omnibus transportation appropriations act.~~

4 ~~((11))~~ \$1,200,000 of the total appropriation is provided solely for
5 improving the toll booth configuration at the Port Townsend and
6 Keystone ferry terminals.

7 ~~((12) \$3,249,915))~~ (11) \$2,636,000 of the total appropriation is
8 provided solely for continued permitting ~~((and archaeological work in~~
9 ~~order to determine the feasibility of relocating))~~ work on the Mukilteo
10 ferry terminal. ~~((In order to ensure that the cultural resources~~
11 ~~investigation is properly conducted in a coordinated fashion, the~~
12 ~~department shall work with the department of archaeology and historic~~
13 ~~preservation and shall conduct work with active archaeological~~
14 ~~management.))~~ The department shall seek additional federal funding for
15 this project.

16 ~~((13))~~ (12) The department shall develop a proposed ferry vessel
17 maintenance, preservation, and improvement program and present it to
18 the transportation committees of the legislature by July 1, 2010. The
19 proposal must:

20 (a) Improve the basis for budgeting vessel maintenance,
21 preservation, and improvement costs and for projecting those costs into
22 a sixteen-year financial plan;

23 (b) Limit the amount of planned out-of-service time to the greatest
24 extent possible, including options associated with department staff as
25 well as commercial shipyards. At a minimum, the department shall
26 consider the following:

27 (i) The costs compared to benefits of Eagle Harbor repair and
28 maintenance facility operations options to include staffing costs and
29 benefits in terms of reduced out-of-service time;

30 (ii) The maintenance requirements for on-vessel staff, including
31 the benefits of a systemwide standard;

32 (iii) The costs compared to benefits of staff performing
33 preservation or maintenance work, or both, while the vessel is
34 underway, tied up between sailings, or not deployed;

35 (iv) A review of the department's vessel maintenance, preservation,
36 and improvement program contracting process and contractual
37 requirements;

1 (v) The costs compared to benefits of allowing for increased costs
2 associated with expedited delivery;

3 (vi) A method for comparing the anticipated out-of-service time of
4 proposed projects and other projects planned during the same
5 construction period;

6 (vii) Coordination with required United States coast guard dry
7 dockings;

8 (viii) A method for comparing how proposed projects relate to the
9 service requirements of the route on which the vessel normally
10 operates; and

11 (ix) A method for evaluating the ongoing maintenance and
12 preservation costs associated with proposed improvement projects; and

13 (c) Be based on the service plan in the capital plan, recognizing
14 that vessel preservation and improvement needs may vary by route.

15 ~~((14))~~ (13) \$247,000 of the Puget Sound capital construction
16 account--state appropriation is provided solely for the Washington
17 state ferries to review and update its vessel life-cycle cost model and
18 report the results to the house of representatives and senate
19 transportation committees of the legislature by ~~((December 1, 2009))~~
20 March 15, 2010. This review will evaluate the impact of the planned
21 out-of-service periods scheduled for each vessel on the ability of the
22 overall system to deliver uninterrupted service and will assess the
23 risk of service disruption from unscheduled maintenance or longer than
24 planned maintenance periods.

25 ~~((15))~~ (14) The department shall work with the department of
26 archaeology and historic preservation to ensure that the cultural
27 resources investigation is properly conducted on all large ferry
28 terminal projects. These projects must be conducted with active
29 archaeological management. Additionally, the department shall
30 establish a scientific peer review of independent archaeologists that
31 are knowledgeable about the region and its cultural resources.

32 ~~((16))~~ (15) The Puget Sound capital construction account--state
33 appropriation includes up to ~~((118,000,000))~~ \$114,000,000 in proceeds
34 from the sale of bonds authorized in RCW 47.10.843.

35 (16) The Puget Sound capital construction account--state
36 appropriation reflects the reduction of three terminal positions due to
37 decreased terminal activity and funding.

1 (~~iii~~) (~~Within the amounts provided in this section, \$3,684,000 of~~
2 ~~the transportation infrastructure account state appropriation is for~~
3 ~~a low interest loan through the freight rail investment bank program to~~
4 ~~the Port of Quincy for construction of a rail loop.~~

5 (~~iv~~)) The department shall issue the loans referenced in this
6 subsection (1)(b) with a repayment period of no more than ten years,
7 and only so much interest as is necessary to recoup the department's
8 costs to administer the loans.

9 (c)(i) Within the amounts provided in this section, (~~(\$1,712,022)~~)
10 \$1,713,000 of the multimodal transportation account--state
11 appropriation and (~~(\$175,000)~~) \$333,000 of the essential rail
12 assistance account--state appropriation are for statewide - emergent
13 freight rail assistance projects as follows: Port of Ephrata/Ephrata -
14 additional spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000;
15 Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000;
16 CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
17 (~~(\$370,650)~~) \$371,000; (~~Clark County~~) Chelatchie Prairie owned
18 railroad/Vancouver - track rehabilitation (BIN 710110A) (~~(\$366,813)~~)
19 \$367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN
20 711010B) (~~(\$366,813)~~) \$525,000.

21 (ii) (~~Within the amounts provided in this section, \$500,000 of the~~
22 ~~essential rail assistance account state appropriation and \$25,000 of~~
23 ~~the multimodal transportation account state appropriation are for a~~
24 ~~statewide--emergent freight rail assistance project grant for the~~
25 ~~Tacoma Rail/Roy---new connection to BNSF and Yelm (BIN 711310A)~~
26 ~~project, provided that the grantee first executes a written instrument~~
27 ~~that imposes on the grantee the obligation to repay the grant within~~
28 ~~thirty days in the event that the grantee discontinues or significantly~~
29 ~~diminishes service along the line within a period of five years from~~
30 ~~the date that the grant is awarded.~~

31 (~~iii~~)) Within the amounts provided in this section, (~~(\$337,978)~~)
32 \$338,000 of the multimodal transportation account--state appropriation
33 is for a statewide - emergent freight rail assistance project grant for
34 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
35 provided that the grantee first documents to the satisfaction of the
36 department sufficient commitments from the new shipper or shippers to
37 locate in the publicly owned industrial park west of Creston to ensure

1 that the net present value of the public benefits of the project is
2 greater than the grant amount.

3 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)
4 \$8,115,000 of the transportation infrastructure account--state
5 appropriation is for grants to any intergovernmental entity or local
6 rail district to which the department of transportation assigns the
7 management and oversight responsibility for the business and economic
8 development elements of existing operating leases on the Palouse River
9 and Coulee City (PCC) rail lines. \$300,000 of the transportation
10 infrastructure account--state appropriation is provided solely for the
11 fence line replacement project on the CW line. The PCC rail line
12 system is made up of the CW, P&L, and PV Hooper rail lines. Business
13 and economic development elements include such items as levels of
14 service and business operating plans, but must not include the state's
15 oversight of railroad regulatory compliance, rail infrastructure
16 condition, or real property management issues. The PCC rail system
17 must be managed in a self-sustaining manner and best efforts must be
18 used to ensure that it does not require state capital or operating
19 subsidy beyond the level of state funding expended on it to date. The
20 assignment of the stated responsibilities to an intergovernmental
21 entity or rail district must be on terms and conditions as the
22 department of transportation and the intergovernmental entity or rail
23 district mutually agree. The grant funds may be used only to refurbish
24 the rail lines. It is the intent of the legislature to make the funds
25 appropriated in this section available as grants to an
26 intergovernmental entity or local rail district for the purposes stated
27 in this section at least until June 30, 2012, and to reappropriate as
28 necessary any portion of the appropriation in this section that is not
29 used by June 30, 2011.

30 (2)(a) The department shall issue a call for projects for the
31 freight rail investment bank program and the emergent freight rail
32 assistance program, and shall evaluate the applications according to
33 the cost benefit methodology developed during the 2008 interim using
34 the legislative priorities specified in (c) of this subsection. By
35 November 1, 2010, the department shall submit a prioritized list of
36 recommended projects to the office of financial management and the
37 transportation committees of the legislature.

1 (b) When the department identifies a prospective rail project that
2 may have strategic significance for the state, or at the request of a
3 proponent of a prospective rail project or a member of the legislature,
4 the department shall evaluate the prospective project according to the
5 cost benefit methodology developed during the 2008 interim using the
6 legislative priorities specified in (c) of this subsection. The
7 department shall report its cost benefit evaluation of the prospective
8 rail project, as well as the department's best estimate of an
9 appropriate construction schedule and total project costs, to the
10 office of financial management and the transportation committees of the
11 legislature.

12 (c) The legislative priorities to be used in the cost benefit
13 methodology are, in order of relative importance:

14 (i) Economic, safety, or environmental advantages of freight
15 movement by rail compared to alternative modes;

16 (ii) Self-sustaining economic development that creates family-wage
17 jobs;

18 (iii) Preservation of transportation corridors that would otherwise
19 be lost;

20 (iv) Increased access to efficient and cost-effective transport to
21 market for Washington's agricultural and industrial products;

22 (v) Better integration and cooperation within the regional,
23 national, and international systems of freight distribution; and

24 (vi) Mitigation of impacts of increased rail traffic on
25 communities.

26 (3) The department is directed to seek the use of unprogrammed
27 federal rail crossing funds to be expended in lieu of or in addition to
28 state funds for eligible costs of projects in program Y.

29 (4) At the earliest possible date, the department shall apply, and
30 assist ports and local jurisdictions in applying, for any federal
31 funding that may be available for any projects that may qualify for
32 such federal funding. State projects must be (a) currently identified
33 on the project list referenced in subsection (1)(a) of this section or
34 (b) projects for which no state match is required to complete the
35 project. Local or port projects must not require additional state
36 funding in order to complete the project, with the exception of (c)
37 state funds currently appropriated for such project if currently
38 identified on the project list referenced in subsection (1)(a) of this

1 section or (d) potential grants awarded in the competitive grant
2 process for the essential rail assistance program. If the department
3 receives any federal funding, the department is authorized to obligate
4 and spend the federal funds in accordance with federal law. To the
5 extent permissible by federal law, federal funds may be used (e) in
6 addition to state funds appropriated for projects currently identified
7 on the project list referenced in subsection (1)(a) of this section in
8 order to advance funding from future biennia for such project(s) or (f)
9 in lieu of state funds; however, the state funds must be redirected
10 within the rail capital program to advance funding for other projects
11 currently identified on the project list referenced in subsection
12 (1)(a) of this section. State funds may be redirected only upon
13 consultation with the transportation committees of the legislature and
14 the office of financial management, and approval by the director of the
15 office of financial management. The department shall spend the federal
16 funds before the state funds, and shall consult the office of financial
17 management and the transportation committees of the legislature
18 regarding project scope changes.

19 (5) The department shall provide quarterly reports to the office of
20 financial management and the transportation committees of the
21 legislature regarding applications that the department submits for
22 federal funds((7)) and the status of such applications((7--and--the
23 ~~status of projects identified on the list referenced in subsection~~
24 ~~(1)(a) of this section. The quarterly report regarding the status of~~
25 ~~projects identified on the list referenced in subsection (1)(a) of this~~
26 ~~section must be developed according to an earned value method of~~
27 ~~project monitoring)).~~

28 (6) The department shall, on a quarterly basis, provide to the
29 office of financial management and the legislature reports providing
30 the status on active projects identified in the LEAP transportation
31 document described in subsection (1)(a) of this section. Report
32 formatting and elements must be consistent with the October 2009
33 quarterly project report.

34 (7) The multimodal transportation account--state appropriation
35 includes up to ((\$20,000,000)) \$48,000,000 in proceeds from the sale of
36 bonds authorized in RCW 47.10.867.

37 ((+7)) (8) When the balance of that portion of the miscellaneous

1 program account apportioned to the department for the grain train
2 program reaches \$1,180,000, the department shall acquire twenty-nine
3 additional grain train railcars.

4 (9) \$590,000,000 of the multimodal transportation account--federal
5 appropriation is provided solely for high-speed rail projects awarded
6 to Washington state from the high-speed intercity passenger rail
7 program under the American recovery and reinvestment act. Funding will
8 allow for two additional round trips between Seattle and Portland, and
9 other rail improvements.

10 (10) \$2,200,000 of the multimodal transportation account--state
11 appropriation is provided solely for expenditures related to the
12 capital high-speed passenger rail grant that are not federally
13 reimbursable.

14 (11) The Burlington Northern Santa Fe Skagit river bridge is an
15 integral part of the rail system. Constructed in 1916, the bridge does
16 not meet current design standards and is at risk during flood events
17 that occur on the Skagit river. The department shall work with
18 Burlington Northern Santa Fe and local jurisdictions to secure federal
19 funding for the Skagit river bridge and to develop an appropriate
20 replacement plan and schedule.

21 (12) \$1,000,000 of the multimodal transportation account--state
22 appropriation is provided solely for additional expenditures along the
23 Chelatchie Prairie railroad (LN2000025).

24 **Sec. 308.** 2009 c 470 s 311 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
27 **CAPITAL**

| | |
|--|---------------------|
| 28 Highway Infrastructure Account--State Appropriation | \$207,000 |
| 29 Highway Infrastructure Account--Federal | |
| 30 Appropriation | \$1,602,000 |
| 31 Freight Mobility Investment Account--State | |
| 32 Appropriation | ((\$13,548,000)) |
| 33 | <u>\$13,848,000</u> |
| 34 Transportation Partnership Account--State | |
| 35 Appropriation | \$8,863,000 |
| 36 Motor Vehicle Account--State Appropriation | ((\$12,954,000)) |
| 37 | <u>\$14,068,000</u> |

| | | |
|----|--|--------------------------------|
| 1 | Motor Vehicle Account--Federal Appropriation | ((\$39,572,000)) |
| 2 | | <u>\$43,835,000</u> |
| 3 | Freight Mobility Multimodal Account--State | |
| 4 | Appropriation | ((\$14,920,000)) |
| 5 | | <u>\$15,620,000</u> |
| 6 | Freight Mobility Multimodal Account--Local | |
| 7 | Appropriation | ((\$3,135,000)) |
| 8 | | <u>\$3,258,000</u> |
| 9 | Multimodal Transportation Account--Federal | |
| 10 | Appropriation | ((\$2,098,000)) |
| 11 | | <u>\$2,118,000</u> |
| 12 | Multimodal Transportation Account--State | |
| 13 | Appropriation | ((\$28,262,000)) |
| 14 | | <u>\$28,855,000</u> |
| 15 | Transportation 2003 Account (Nickel Account)--State | |
| 16 | Appropriation | ((\$709,000)) |
| 17 | | <u>\$2,709,000</u> |
| 18 | Passenger Ferry Account--State Appropriation | \$2,879,000 |
| 19 | <u>Puyallup Tribal Settlement Account--State</u> | |
| 20 | <u>Appropriation</u> | <u>\$5,895,000</u> |
| 21 | TOTAL APPROPRIATION | ((\$128,749,000)) |
| 22 | | <u>\$143,757,000</u> |

23 The appropriations in this section are subject to the following
24 conditions and limitations:

25 (1) The department shall, on a quarterly basis, provide status
26 reports to the legislature on the delivery of projects as outlined in
27 the project lists incorporated in this section. For projects funded by
28 new revenue in the 2003 and 2005 transportation packages, reporting
29 elements shall include, but not be limited to, project scope, schedule,
30 and costs. Other projects may be reported on a programmatic basis.
31 The department shall also provide the information required under this
32 subsection on a quarterly basis via the transportation executive
33 information system (TEIS).

34 (2) \$2,729,000 of the passenger ferry account--state appropriation
35 is provided solely for near and long-term costs of capital improvements
36 in a business plan approved by the governor for passenger ferry
37 service.

1 (3) \$150,000 of the passenger ferry account--state appropriation is
2 provided solely for the Port of Kingston for a one-time operating
3 subsidy needed to retain a federal grant.

4 (4) \$3,000,000 of the motor vehicle account--federal appropriation
5 is provided solely for the Coal Creek parkway project (L1000025).

6 (5) The department shall seek the use of unprogrammed federal rail
7 crossing funds to be expended in lieu of or in addition to state funds
8 for eligible costs of projects in local programs, program Z capital.

9 (6) The department shall apply for surface transportation program
10 (STP) enhancement funds to be expended in lieu of or in addition to
11 state funds for eligible costs of projects in local programs, program
12 Z capital.

13 (7) Federal funds may be transferred from program Z to programs I
14 and P and state funds shall be transferred from programs I and P to
15 program Z to replace those federal funds in a dollar-for-dollar match.
16 Fund transfers authorized under this subsection shall not affect
17 project prioritization status. Appropriations shall initially be
18 allotted as appropriated in this act. The department may not transfer
19 funds as authorized under this subsection without approval of the
20 office of financial management. The department shall submit a report
21 on those projects receiving fund transfers to the office of financial
22 management and the transportation committees of the legislature by
23 December 1, 2009, and December 1, 2010.

24 (8) The city of Winthrop may utilize a design-build process for the
25 Winthrop bike path project. Of the amount appropriated in this section
26 for this project, \$500,000 of the multimodal transportation account--
27 state appropriation is contingent upon the state receiving from the
28 city of Winthrop \$500,000 in federal funds awarded to the city of
29 Winthrop by its local planning organization.

30 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
31 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
32 vehicle account--federal appropriation, and \$4,000,000 of the
33 transportation partnership account--state appropriation are provided
34 solely for the pedestrian and bicycle safety program projects and safe
35 routes to schools program projects identified in LEAP Transportation
36 Document 2009-A, pedestrian and bicycle safety program projects and
37 safe routes to schools program projects, as developed March 30, 2009,
38 LEAP Transportation Document 2007-A, pedestrian and bicycle safety

1 program projects and safe routes to schools program projects, as
2 developed April 20, 2007, and LEAP Transportation Document 2006-B,
3 pedestrian and bicycle safety program projects and safe routes to
4 schools program projects, as developed March 8, 2006. Projects must be
5 allocated funding based on order of priority. The department shall
6 review all projects receiving grant awards under this program at least
7 semiannually to determine whether the projects are making satisfactory
8 progress. Any project that has been awarded funds, but does not report
9 activity on the project within one year of the grant award must be
10 reviewed by the department to determine whether the grant should be
11 terminated. The department shall promptly close out grants when
12 projects have been completed, and identify where unused grant funds
13 remain because actual project costs were lower than estimated in the
14 grant award.

15 (10) Except as provided otherwise in this section, the entire
16 appropriations in this section are provided solely for the projects and
17 activities as listed by ~~((fund 7))~~ project ~~((7))~~ and amount in LEAP
18 Transportation Document ALL PROJECTS ~~((2009-2))~~ 2010-2 as developed
19 ~~((April 24, 2009))~~ March 8, 2010, Program ~~((s))~~ - Local Program (Z).

20 (11) For the 2009-11 project appropriations, unless otherwise
21 provided in this act, the director of financial management may
22 authorize a transfer of appropriation authority between projects
23 managed by the freight mobility strategic investment board in order for
24 the board to manage project spending and efficiently deliver all
25 projects in the respective program.

26 (12) \$913,386 of the motor vehicle account--state appropriation and
27 ~~((2,858,216))~~ \$2,858,000 of the motor vehicle account--federal
28 appropriation are provided solely for completion of the US 101
29 northeast peninsula safety rest area and associated roadway
30 improvements east of Port Angeles at the Deer Park scenic view point.
31 The department must surplus any right-of-way previously purchased for
32 this project near Sequim. Approval to proceed with construction is
33 contingent on surplus of previously purchased right-of-way. \$865,000
34 of the motor vehicle account--state appropriation is to be placed into
35 unallotted status until such time as the right-of-way sale is
36 completed.

37 (13) \$5,894,000 of the Puyallup tribal settlement account--state
38 appropriation is provided solely for costs associated with the Murray

1 Morgan/11th Street bridge project. The city of Tacoma may use the
2 Puyallup tribal settlement account appropriation and other appropriated
3 funds for bridge rehabilitation, bridge replacement, bridge demolition,
4 and bridge mitigation. The department's participation, including prior
5 expenditures, may not exceed \$40,270,000. The city of Tacoma has taken
6 ownership of the bridge in its entirety, and the payment of these funds
7 extinguishes any real or implied agreements regarding future bridge
8 expenditures.

9 (14) Up to \$3,702,000 of the motor vehicle account--federal
10 appropriation and \$75,000 of the motor vehicle account--state
11 appropriation are provided solely to reimburse the cities of Kirkland
12 and Redmond for pavement and bridge deck rehabilitation on state route
13 number 908 (project 1LP611A). These funds may not be expended unless
14 the cities sign an agreement stating that the cities agree to take
15 ownership of state route number 908 in its entirety and agree that the
16 payment of these funds represents the entire state commitment to the
17 cities for state route number 908 expenditures. The amount provided in
18 this subsection is contingent on the enactment by June 30, 2010, of
19 Senate Bill No. 6555.

20 (15) The department shall consider the condition of the Broadway
21 bridge in the city of Everett when prioritizing bridge projects.

22 (16) In order to make the Hood Canal bridge safe for cyclists, the
23 department must work with stakeholders to review bicycle safety needs
24 on the bridge, including consideration of accident data and
25 improvements already made to this project.

26 (17) \$250,000 of the multimodal transportation account--state
27 appropriation is provided solely for the Shell Valley emergency access
28 road and bicycle/pedestrian path.

29 (18) \$500,000 of the motor vehicle account--state appropriation is
30 provided solely for improvements to the 150th and Murray Road
31 intersection in the city of Lakewood.

32 (19) \$250,000 of the motor vehicle account--state appropriation is
33 provided solely for flood reduction solutions on state route number 522
34 caused by the lower McAleer and Lyon creek basins.

35 (20) \$200,000 of the motor vehicle account--state appropriation is
36 provided solely for improvements to the intersection of 39th Ave SE and
37 state route number 96 in Snohomish county.

1 TRANSFERS AND DISTRIBUTIONS

2 *Sec. 401. 2009 c 470 s 401 (uncodified) is amended to read as
3 follows:

4 FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING
5 BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND
6 DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND
7 REVENUE

8 Highway Bond Retirement Account Appropriation ((~~\$742,400,000~~))
9 \$733,667,000

10 Ferry Bond Retirement Account Appropriation \$33,771,000

11 State Route Number 520 Corridor Account--State
12 Appropriation \$600,000

13 Transportation Improvement Board Bond Retirement
14 Account--State Appropriation ((~~\$22,541,000~~))
15 \$22,962,000

16 Nondebt-Limit Reimbursable Account Appropriation ((~~\$18,400,000~~))
17 \$18,451,000

18 **Transportation Partnership Account--State**
19 **Appropriation ((~~\$8,318,000~~))**
20 **\$4,722,000**

21 Motor Vehicle Account--State Appropriation ((~~\$901,000~~))
22 \$732,000

23 **Transportation 2003 Account (Nickel Account)--State**
24 **Appropriation ((~~\$4,116,000~~))**
25 **\$2,182,000**

26 **Special Category C Account--State Appropriation ((~~\$148,000~~))**
27 **\$94,000**

28 Urban Arterial Trust Account--State Appropriation \$85,000

29 Transportation Improvement Account--State Appropriation \$41,000

30 Multimodal Transportation Account--State
31 Appropriation ((~~\$283,000~~))
32 \$204,000

33 TOTAL APPROPRIATION ((~~\$831,004,000~~))
34 \$817,511,000

*Sec. 401 was partially vetoed. See message at end of chapter.

35 Sec. 402. 2009 c 470 s 402 (uncodified) is amended to read as
36 follows:

37 FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING

1 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

2 Motor Vehicle Account Appropriation for
3 motor vehicle fuel tax distributions to cities
4 and counties ((~~\$488,843,000~~))
5 \$478,753,000

6 **Sec. 405.** 2009 c 470 s 405 (uncodified) is amended to read as
7 follows:

8 **FOR THE STATE TREASURER--TRANSFERS**

9 Motor Vehicle Account--State
10 Appropriation: For motor vehicle fuel tax
11 refunds and statutory transfers ((~~\$1,310,279,000~~))
12 \$1,247,260,000

13 **Sec. 406.** 2009 c 470 s 406 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

16 Motor Vehicle Account--State
17 Appropriation: For motor vehicle fuel tax
18 refunds and transfers ((~~\$129,178,000~~))
19 \$120,688,000

20 **Sec. 407.** 2009 c 470 s 407 (uncodified) is amended to read as
21 follows:

22 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

23 (1) Tacoma Narrows Toll Bridge Account--State
24 Appropriation: For transfer to the Motor Vehicle
25 Account--State \$5,288,000

26 (2) Motor Vehicle Account--State Appropriation:
27 For transfer to the Puget Sound Ferry Operations
28 Account--State ((~~\$17,000,000~~))
29 \$54,000,000

30 (3) Recreational Vehicle Account--State
31 Appropriation: For transfer to the Motor Vehicle
32 Account--State \$2,000,000

33 (4) License Plate Technology Account--State
34 Appropriation: For transfer to the Highway Safety
35 Account--State \$2,750,000

1 (5) Multimodal Transportation Account--State
 2 Appropriation: For transfer to the Puget Sound
 3 Ferry Operations Account--State \$9,000,000
 4 (6) Highway Safety Account--State Appropriation:
 5 For transfer to the Multimodal Transportation
 6 Account--State \$18,750,000
 7 (7) Department of Licensing Services Account--State
 8 Appropriation: For transfer to the Motor Vehicle
 9 Account--State ((~~\$2,000,000~~))
 10 \$1,300,000

11 (8) Advanced Right-of-Way Account: For transfer
 12 to the Motor Vehicle Account--State \$14,000,000

13 ~~(9) ((Motor Vehicle Account--State Appropriation:
 14 For transfer to the Transportation Partnership
 15 Account--State \$8,000,000))~~

16 (10) State Route Number 520 Civil Penalties
 17 Account--State Appropriation: For transfer to the
 18 State Route Number 520 Corridor Account--State \$190,000

19 (11) Advanced Environmental Mitigation Revolving
 20 Account--State Appropriation: For transfer to the
 21 Motor Vehicle Account--State \$5,000,000

22 (12) Regional Mobility Grant Program Account--State
 23 Appropriation: For transfer to the Multimodal
 24 Transportation Account--State \$4,000,000

25 (13) Motor Vehicle Account--State Appropriation:
 26 For transfer to the State Patrol Highway Account--State . . . \$4,000,000

27 (14) The transfers identified in this section are subject to the
 28 following conditions and limitations:

29 (a) The amount transferred in subsection (1) of this section
 30 represents repayment of operating loans and reserve payments provided
 31 to the Tacoma Narrows toll bridge account from the motor vehicle
 32 account in the 2005-07 fiscal biennium. However, if Engrossed
 33 Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the
 34 transfer in subsection (1) of this section shall not occur.

35 (b) Any cash balance in the waste tire removal account in excess of
 36 one million dollars must be transferred to the motor vehicle account
 37 for the purpose of road wear-related maintenance on state and local
 38 public highways.

1 (c) The transfer in subsection (10) of this section represents toll
2 revenue collected from toll violations.

3 **COMPENSATION**

4 **Sec. 501.** 2009 c 470 s 501 (uncodified) is amended to read as
5 follows:

6 **FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION**
7 **RATES**

8 (~~(Aeronautics Account—State (\$40,000)~~
9 ~~Grade Crossing Protective Account—State (\$2,000)~~
10 ~~State Patrol Highway Account—State (\$5,593,000)~~
11 ~~Motorcycle Safety Education Account—State (\$18,000)~~
12 ~~High Occupancy Toll Lanes Operations Account—State (\$20,000)~~
13 ~~Rural Arterial Trust Account—State (\$20,000)~~
14 ~~Wildlife Account—State (\$16,000)~~
15 ~~Highway Safety Account—State (\$1,869,000)~~
16 ~~Highway Safety Account—Federal (\$56,000)~~
17 ~~Motor Vehicle Account—State (\$11,348,000)~~
18 ~~Puget Sound Ferry Operations Account—State (\$5,019,000)~~
19 ~~Urban Arterial Trust Account—State (\$26,000)~~
20 ~~Transportation Improvement Account—State (\$26,000)~~
21 ~~County Arterial Preservation Account—State (\$22,000)~~
22 ~~Department of Licensing Services Account—State (\$36,000)~~
23 ~~Multimodal Transportation Account—State (\$220,000)~~
24 ~~Tacoma Narrows Toll Bridge Account—State (\$28,000)~~
25 ~~Puget Sound Capital Construction Account—State (\$459,000)~~
26 ~~Motor Vehicle Account—Federal (\$8,791,000)~~

27 ~~Appropriations are adjusted to reflect changes to appropriations to~~
28 ~~reflect savings resulting from pension funding. The office of~~
29 ~~financial management shall update agency appropriations schedules to~~
30 ~~reflect the changes to funding levels in this section as identified by~~
31 ~~agency and fund in LEAP transportation document Z9R-2009. From the~~
32 ~~applicable accounts, the office of financial management shall adjust~~
33 ~~allotments to the respective agencies by an amount that conforms with~~
34 ~~funding adjustments enacted in the 2009-11 omnibus operating~~
35 ~~appropriations act. Any allotment reductions under this section shall~~

1 ~~be placed in reserve status and remain unexpended.))~~ Appropriations in
2 this act include agency appropriations to reflect increased employer
3 contribution rates in the public employees' retirement system as a
4 result of the provisions in chapter 430, Laws of 2009 (calculating
5 compensation for public retirement purpose).

6 NEW SECTION. Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
7 REVISED EMPLOYER HEALTH BENEFIT RATES

| | | |
|----|---|-------------|
| 8 | Aeronautics Account--State | \$3,000 |
| 9 | State Patrol Highway Account--State | \$618,000 |
| 10 | Motorcycle Safety Education Account--State | \$2,000 |
| 11 | High Occupancy Toll Lanes Operations Account--State | \$2,000 |
| 12 | Rural Arterial Trust Account--State | \$2,000 |
| 13 | Wildlife Account--State | \$2,000 |
| 14 | Highway Safety Account--State | \$261,000 |
| 15 | Highway Safety Account--Federal | \$6,000 |
| 16 | Motor Vehicle Account--State | \$1,076,000 |
| 17 | Puget Sound Ferry Operations Account--State | \$527,000 |
| 18 | Urban Arterial Trust Account--State | \$2,000 |
| 19 | Transportation Improvement Account--State | \$2,000 |
| 20 | County Arterial Preservation Account--State | \$2,000 |
| 21 | Department of Licensing Services Account--State | \$3,000 |
| 22 | Multimodal Transportation Account--State | \$13,000 |
| 23 | Tacoma Narrows Toll Bridge Account--State | \$3,000 |

24 Appropriations are adjusted to reflect changes to appropriations to
25 reflect changes in the employer cost of providing health benefit
26 coverage. The office of financial management shall update agency
27 appropriations schedules to reflect the changes in funding levels in
28 this section as identified by agency and fund in LEAP transportation
29 document GLB-2010. From the applicable accounts, the office of
30 financial management shall adjust allotments to the respective agencies
31 by an amount that conforms with funding adjustments enacted in the 2010
32 supplemental omnibus operating appropriations act. Any allotment
33 reductions under this section must be placed in reserve status and
34 remain unexpended.

35 **Sec. 503.** 2009 c 470 s 503 (uncodified) is amended to read as
36 follows:

1 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state agencies
2 in this act are sufficient for nonrepresented and represented state
3 employee health benefits for state agencies, and are subject to the
4 following conditions and limitations:

5 (1)(a) Unless otherwise provided in the 2010 supplemental omnibus
6 operating appropriations act, the monthly employer funding rate for
7 insurance benefit premiums, public employees' benefits board
8 administration, and the uniform medical plan, shall not exceed \$745 per
9 eligible employee for fiscal year 2010. For fiscal year 2011, the
10 monthly employer funding rate shall not exceed (~~(\$768)~~) \$795 per
11 eligible employee.

12 (b) In order to achieve the level of funding provided for health
13 benefits, the public employees' benefits board shall require any or all
14 of the following: Employee premium copayments; increases in point-of-
15 service cost sharing; the implementation of managed competition; or
16 make other changes to benefits consistent with RCW 41.05.065. During
17 the 2009-11 fiscal biennium, the board may only authorize benefit plans
18 and premium contributions for an employee and the employee's dependents
19 that are the same, regardless of an employee's status as represented or
20 nonrepresented under the personnel system reform act of 2002.

21 (c) The health care authority shall deposit any moneys received on
22 behalf of the uniform medical plan as a result of rebates on
23 prescription drugs, audits of hospitals, subrogation payments, or any
24 other moneys recovered as a result of prior uniform medical plan claims
25 payments into the public employees' and retirees' insurance account to
26 be used for insurance benefits. Such receipts shall not be used for
27 administrative expenditures.

28 (d) The conditions in this section apply to benefits for
29 nonrepresented employees, employees represented by the super coalition,
30 and represented employees outside of the super coalition, including
31 employees represented under chapter 47.64 RCW.

32 (2) Unless otherwise provided in the 2010 supplemental omnibus
33 operating appropriations act, the health care authority, subject to the
34 approval of the public employees' benefits board, shall provide
35 subsidies for health benefit premiums to eligible retired or disabled
36 public employees and school district employees who are eligible for
37 medicare, pursuant to RCW 41.05.085. From January 1, 2010, through

1 December 31, 2010, the subsidy shall be \$182.89. Beginning January 1,
2 2011, the subsidy shall be \$182.89 per month.

3 IMPLEMENTING PROVISIONS

4 **Sec. 601.** 2009 c 470 s 304 (uncodified) is amended to read as
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
7 submittal (~~for the 2011-13 fiscal biennium~~), the department shall
8 provide an annual update to the report provided to the legislature and
9 the office of financial management in 2008 that:

10 (1) Compares the original project cost estimates approved in the
11 2003 and 2005 project lists to the completed cost of the project, or
12 the most recent legislatively approved budget and total project costs
13 for projects not yet completed;

14 (2) Identifies highway projects that may be reduced in scope and
15 still achieve a functional benefit;

16 (3) Identifies highway projects that have experienced scope
17 increases and that can be reduced in scope;

18 (4) Identifies highway projects that have lost significant local or
19 regional contributions that were essential to completing the project;
20 and

21 (5) Identifies contingency amounts allocated to projects.

22 ****NEW SECTION. Sec. 602. Any redistributed federal funds received***
23 ***by the department of transportation must, to the greatest extent***
24 ***possible, be first applied to offset planned expenditures of state***
25 ***funds, and second, to offset planned expenditures of federal funds, on***
26 ***projects as identified in the LEAP transportation documents described***
27 ***in this act. If the redistributed federal funds cannot be used in this***
28 ***manner, the department of transportation must consult with the joint***
29 ***transportation committee prior to obligating any redistributed federal***
30 ***funds.***

**Sec. 602 was vetoed. See message at end of chapter.*

31 **Sec. 603.** 2009 c 470 s 603 (uncodified) is amended to read as
32 follows:

33 **FUND TRANSFERS.** (1) The transportation 2003 projects or

1 improvements and the 2005 transportation partnership projects or
2 improvements are listed in LEAP Transportation Document ((2009-1))
3 2010-1 as developed ((April 24, 2009)) March 8, 2010, which consists of
4 a list of specific projects by fund source and amount over a sixteen
5 year period. Current fiscal biennium funding for each project is a
6 line item appropriation, while the outer year funding allocations
7 represent a sixteen year plan. The department is expected to use the
8 flexibility provided in this section to assist in the delivery and
9 completion of all transportation partnership account and transportation
10 2003 (nickel) account projects on the LEAP lists referenced in this
11 act. For the 2009-11 project appropriations, unless otherwise provided
12 in this act, the director of financial management may authorize a
13 transfer of appropriation authority between projects funded with
14 transportation 2003 account (nickel account) appropriations((7)) or
15 transportation partnership account appropriations, ((~~or multimodal~~
16 ~~transportation account appropriations,~~)) in order to manage project
17 spending and efficiently deliver all projects in the respective program
18 under the following conditions and limitations:

19 (a) Transfers may only be made within each specific fund source
20 referenced on the respective project list;

21 (b) Transfers from a project may not be made as a result of the
22 reduction of the scope of a project, nor shall a transfer be made to
23 support increases in the scope of a project;

24 (c) Each transfer between projects may only occur if the director
25 of financial management finds that any resulting change will not hinder
26 the completion of the projects as approved by the legislature. Until
27 the legislature reconvenes to consider the 2010 supplemental budget,
28 any unexpended 2007-09 appropriation balance as approved by the office
29 of financial management, in consultation with the legislative staff of
30 the house of representatives and senate transportation committees, may
31 be considered when transferring funds between projects;

32 (d) Transfers from a project may be made if the funds appropriated
33 to the project are in excess of the amount needed to complete the
34 project;

35 (e) Transfers may not occur to projects not identified on the
36 applicable project list, except for those projects that were expected
37 to be completed in the 2007-09 fiscal biennium; ((and))

1 (f) Transfers may not be made while the legislature is in session;
2 and

3 (g) Transfers between projects may be made by the department of
4 transportation until the transfer amount by project exceeds two hundred
5 fifty thousand dollars, or ten percent of the project, whichever is
6 less. These transfers must be reported quarterly to the director of
7 financial management and the chairs of the house of representatives and
8 senate transportation committees.

9 (2) At the time the department submits a request to transfer funds
10 under this section a copy of the request shall be submitted to the
11 transportation committees of the legislature.

12 (3) The office of financial management shall work with legislative
13 staff of the house of representatives and senate transportation
14 committees to review the requested transfers.

15 (4) The office of financial management shall document approved
16 transfers and/or schedule changes in the transportation executive
17 information system (TEIS), compare changes to the legislative baseline
18 funding and schedules identified by project identification number
19 identified in the LEAP lists adopted in this act, and transmit revised
20 project lists to chairs of the transportation committees of the
21 legislature on a quarterly basis.

22 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

23 **Sec. 701.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to
24 read as follows:

25 (1) Effective June 1, 2006, for agencies complying with the ultra-
26 low sulfur diesel mandate of the United States environmental protection
27 agency for on-highway diesel fuel, agencies shall use biodiesel as an
28 additive to ultra-low sulfur diesel for lubricity, provided that the
29 use of a lubricity additive is warranted and that the use of biodiesel
30 is comparable in performance and cost with other available lubricity
31 additives. The amount of biodiesel added to the ultra-low sulfur
32 diesel fuel shall be not less than two percent.

33 (2) Effective June 1, 2009, state agencies are required to use a
34 minimum of twenty percent biodiesel as compared to total volume of all

1 diesel purchases made by the agencies for the operation of the
2 agencies' diesel-powered vessels, vehicles, and construction equipment.

3 (3) All state agencies using biodiesel fuel shall, beginning on
4 July 1, 2006, file biannual reports with the department of general
5 administration documenting the use of the fuel and a description of how
6 any problems encountered were resolved.

7 (4) For the 2009-2011 fiscal biennium, (~~the Washington state~~
8 ~~ferries is required to use a minimum of five percent biodiesel as~~
9 ~~compared to total volume of all diesel purchases made by the Washington~~
10 ~~state ferries for the operation of the Washington state ferries diesel-~~
11 ~~powered vessels)) all fuel purchased by the Washington state ferries at
12 Harbor Island for the operation of the Washington state ferries diesel
13 powered vessels must be a minimum of five percent biodiesel blend so
14 long as the per gallon price of diesel containing a five percent
15 biodiesel blend level does not exceed the per gallon price of diesel by
16 more than five percent. If the per gallon price of diesel containing
17 a five percent biodiesel blend level exceeds the per gallon price of
18 diesel by more than five percent, the requirements of this section do
19 not apply to vessel fuel purchases by the Washington state ferries.~~

20 (5) By December 1, 2009, the department of general administration
21 shall:

22 (a) Report to the legislature on the average true price
23 differential for biodiesel by blend and location; and

24 (b) Examine alternative fuel procurement methods that work to
25 address potential market barriers for in-state biodiesel producers and
26 report these findings to the legislature.

27 **Sec. 702.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
28 read as follows:

29 (1) The regional mobility grant program account is hereby created
30 in the state treasury. Moneys in the account may be spent only after
31 appropriation. Expenditures from the account may be used only for the
32 grants provided under RCW 47.66.030.

33 (2) Beginning with September 2007, by the last day of September,
34 December, March, and June of each year, the state treasurer shall
35 transfer from the multimodal transportation account to the regional
36 mobility grant program account five million dollars.

1 (3) Beginning with September 2015, by the last day of September,
2 December, March, and June of each year, the state treasurer shall
3 transfer from the multimodal transportation account to the regional
4 mobility grant program account six million two hundred fifty thousand
5 dollars.

6 (4) During the 2009-2011 fiscal biennium, the legislature may
7 transfer from the regional mobility grant program account to the
8 multimodal transportation account such amounts as reflect the excess
9 fund balance of the regional mobility grant program account.

10 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
11 read as follows:

12 The advanced environmental mitigation revolving account is created
13 in the custody of the treasurer, into which the department shall
14 deposit directly and may expend without appropriation:

15 (1) An initial appropriation included in the department of
16 transportation's 1997-99 budget, and deposits from other identified
17 sources;

18 (2) All moneys received by the department from internal and
19 external sources for the purposes of conducting advanced environmental
20 mitigation; and

21 (3) Interest gained from the management of the advanced
22 environmental mitigation revolving account.

23 (4) During the 2009-2011 fiscal biennium, the legislature may
24 transfer from the advanced environmental mitigation revolving account
25 to the motor vehicle account such amounts as reflect the excess fund
26 balance of the advanced environmental mitigation revolving account.

27 **Sec. 704.** RCW 70.95.532 and 2009 c 261 s 4 are each amended to
28 read as follows:

29 (1) All receipts from tire fees imposed under RCW 70.95.510, except
30 as provided in subsection (2) of this section, must be deposited in the
31 waste tire removal account created under RCW 70.95.521. Moneys in the
32 account may be spent only after appropriation. Expenditures from the
33 account may be used for the cleanup of unauthorized waste tire piles
34 and measures that prevent future accumulation of unauthorized waste
35 tire piles.

1 (2) On September 1st of odd-numbered years, the state treasurer
2 must transfer any cash balance in excess of one million dollars from
3 the waste tire removal account created under RCW 70.95.521 to the motor
4 vehicle account for the purpose of road wear related maintenance on
5 state and local public highways.

6 (3) During the 2009-2011 fiscal biennium, the legislature may
7 transfer any cash balance in excess of one million dollars from the
8 waste tire removal account to the motor vehicle account for the purpose
9 of road wear-related maintenance on state and local public highways.

10 NEW SECTION. Sec. 705. 2009 c 470 s 502 is repealed.

11 **MISCELLANEOUS**

12 NEW SECTION. Sec. 801. If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. Sec. 802. This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

(End of bill)

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Passed by the Senate March 9, 2010.
Passed by the House March 8, 2010.
Approved by the Governor March 30, 2010, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State March 31, 2010.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 215(3); 215(5); 221 (13); 303(43); 304(15); 401, page 89, lines 18-20, 23-25, and 26-27; and 602 of Engrossed Substitute Senate Bill 6381 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 215(3), page 31, Department of Transportation

This proviso ties the appropriation contained within this subsection to either the Joint Legislative Audit and Review Committee (JLARC) or the Joint Transportation Committee (JTC) conducting an analysis identified in Sections 108(4) and 204 of this bill. This action effectively delegates appropriation authority to either the JLARC or the JTC. I believe that this delegation of authority will be remedied in the operating budget. For this reason, I have vetoed Section 215(3).

Section 215(5), page 32, Department of Transportation

This proviso requires the Department of Transportation to finalize all pending equal value exchange activities for the construction or improvement of facilities. Thereafter, the Department may not pursue any other equal value exchanges except to replace the Mount Baker headquarters office. Equal value exchanges are important tools that the Department uses to fund high priority facility projects. For this reason, I have vetoed Section 215(5).

Section 221(13), page 47, Department of Transportation

This proviso requires the Department of Transportation to implement a pilot program for the remainder of the 2009-11 Biennium to expand the use of high occupancy vehicle lanes, transit-only lanes, and certain park and ride facilities to private transportation providers. The proviso requires transit agencies and other local jurisdictions to have a process to receive applications for the reasonable use of these facilities. If a private transportation provider demonstrates that

the transit agency or local jurisdiction failed to consider an application in good faith, the Department may not award any grant funding.

This proviso conflicts with federal regulations due to its broad allowance of the private use of public facilities. The Federal Transit Authority (FTA) requires specific authorization before allowing private transportation uses in federally funded public facilities. In addition, the issuance of grants to local jurisdictions for vanpools, special needs transportation, and other facilities to improve regional mobility should not be based upon the outcome of negotiations between local jurisdictions and private transportation providers.

For these reasons, I have vetoed Section 221(13).

Section 303(43), page 66, Department of Transportation

Section 304(15), page 72, Department of Transportation

These provisos require that redistributed federal funds received by the Department of Transportation first be applied to offset planned expenditures of state funds, and second to offset planned expenditures of federal funds, on projects identified in the project list in the 2010 supplemental budget. If these options are not feasible, the Department must consult with the Joint Transportation Committee (JTC) prior to obligating redistributed federal funds. If such consultation is not feasible and Washington does not act quickly, we may lose the opportunity to receive redistributed federal funds. However, because input from the Legislature is important, I am directing the Department to consult with JTC members.

For this reason, I have vetoed Section 303(43) and Section 304(15).

Section 401, page 89, lines 18-20, 23-25, and 26-27, State Treasurer

This section provides for bond sale discounts and debt to be paid by the motor vehicle account and transportation fund revenue. Technical modeling problems resulted in some erroneous amounts. For this reason, I have vetoed lines 18-20, 23-25, and 26-27 of Section 401.

Section 602, page 96, Department of Transportation

This proviso requires that redistributed federal funds received by the Department of Transportation first be applied to offset planned expenditures of state funds, and second to offset planned expenditures of federal funds, on projects identified in the project list in the 2010 supplemental budget. If these options are not feasible, the Department must consult with the Joint Transportation Committee (JTC) prior to obligating redistributed federal funds. For the same reason that I vetoed Section 303(43) and Section 304(15) above, I have vetoed Section 602.

For these reasons, I have vetoed Sections 215(3); 215(5); 221(13); 303(43); 304(15); 401, page 89, lines 18-20, 23-25, and 26-27; and 602 of Engrossed Substitute Senate Bill 6381.

With the exception of Sections 215(3); 215(5); 221(13); 303(43); 304(15); 401, page 89, lines 18-20, 23-25, and 26-27; and 602, Engrossed Substitute Senate Bill 6381 is approved."