
SUBSTITUTE SENATE BILL 5176

State of Washington

62nd Legislature

2011 Regular Session

By Senate Transportation (originally sponsored by Senators Haugen, King, White, and Shin; by request of Governor Gregoire)

READ FIRST TIME 03/25/11.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 46.68.170, 47.29.170, 46.68.370, 47.12.244, 46.68.060,
3 46.63.170, 46.63.160, 43.19.642, 46.68.220, and 43.19.534; reenacting
4 and amending RCW 46.18.060; amending 2010 c 247 ss 103, 104, 205, 207,
5 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222,
6 223, 224, 301, 302, 303, 304, 305, 307, 308, 401, 402, and 403
7 (uncodified); amending 2009 c 470 ss 301 and 305 (uncodified); amending
8 2010 c 283 s 19 (uncodified); amending 2010 1st sp.s. c 37 s 804
9 (uncodified); creating new sections; repealing 2010 c 161 s 1126;
10 making appropriations and authorizing expenditures for capital
11 improvements; providing an effective date; providing a contingent
12 effective date; and declaring an emergency.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14 **2011-2013 FISCAL BIENNIUM**

15 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state
16 is hereby adopted and, subject to the provisions set forth, the several
17 amounts specified, or as much thereof as may be necessary to accomplish
18 the purposes designated, are hereby appropriated from the several

1 accounts and funds named to the designated state agencies and offices
2 for employee compensation and other expenses, for capital projects, and
3 for other specified purposes, including the payment of any final
4 judgments arising out of such activities, for the period ending June
5 30, 2013.

6 (2) Unless the context clearly requires otherwise, the definitions
7 in this subsection apply throughout this act.

8 (a) "Fiscal year 2012" or "FY 2012" means the fiscal year ending
9 June 30, 2012.

10 (b) "Fiscal year 2013" or "FY 2013" means the fiscal year ending
11 June 30, 2013.

12 (c) "FTE" means full-time equivalent.

13 (d) "Lapse" or "revert" means the amount shall return to an
14 unappropriated status.

15 (e) "Provided solely" means the specified amount may be spent only
16 for the specified purpose. Unless otherwise specifically authorized in
17 this act, any portion of an amount provided solely for a specified
18 purpose that is not expended subject to the specified conditions and
19 limitations to fulfill the specified purpose shall lapse.

20 (f) "Reappropriation" means appropriation and, unless the context
21 clearly provides otherwise, is subject to the relevant conditions and
22 limitations applicable to appropriations.

23 (g) "LEAP" means the legislative evaluation and accountability
24 program committee.

25 **2011-2013 FISCAL BIENNIUM**
26 **GENERAL GOVERNMENT AGENCIES--OPERATING**

27 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
28 **HISTORIC PRESERVATION**

29 Motor Vehicle Account--State Appropriation \$425,000

30 The appropriation in this section is subject to the following
31 conditions and limitations: The entire appropriation is provided
32 solely for staffing costs to be dedicated to state transportation
33 activities. Staff hired to support transportation activities must have
34 practical experience with complex construction projects.

1 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
2 **COMMISSION**

3 Grade Crossing Protective Account--State
4 Appropriation \$504,000

5 NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**
6 Motor Vehicle Account--State Appropriation \$2,399,000
7 Puget Sound Ferry Operations Account--State
8 Appropriation \$4,142,000
9 TOTAL APPROPRIATION \$6,541,000

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

12 (1) The office of financial management, in consultation with the
13 transportation committees of the legislature, shall conduct a budget
14 evaluation study for the new traffic management center proposed by the
15 department of transportation. The budget evaluation study team
16 approach using value engineering techniques must be utilized by the
17 office of financial management in conducting the study. The office of
18 financial management shall select the budget evaluation study team
19 members, contract for the study, and report the results to the
20 transportation committees of the legislature and the department of
21 transportation in a timely manner following the study. Options
22 reviewed must include use of existing facilities, including the Wheeler
23 building data center in Olympia. Funds allocated for the new traffic
24 management center must be used by the office of financial management
25 through an interagency agreement with the department of transportation
26 to cover the cost of the study.

27 (2) \$4,000,000 of the Puget Sound ferry operations account--state
28 appropriation is provided solely for marine insurance. The
29 appropriation is intended to fully fund a two-year policy, and the
30 office of financial management shall increase the deductible or reduce
31 components of the policy in order to keep the total cost of the two-
32 year policy at or below four million dollars.

33 (3) The office of financial management shall review the department
34 of transportation's predesign requirements for Washington state ferry
35 vessel and terminal projects and modify the requirements such that the
36 requirements continue to meet legal mandates without placing an undue
37 burden on the department.

1 (4) The office of financial management shall provide to the
2 transportation committees of the legislature, on a quarterly basis, a
3 listing of all demands to bargain with respect to ferry labor relations
4 and the issue that gave rise to the demand to bargain.

5 (5) \$1,033,000 of the motor vehicle account--state appropriation is
6 provided solely for the office of financial management to contract with
7 the Washington state association of counties for a study to identify
8 and evaluate performance measures associated with county transportation
9 activities using study funds distributed to counties under RCW
10 46.68.120(3). At a minimum, the study must include performance
11 measures related to safety, system preservation, mobility,
12 environmental protection, and project completion. Funding must also
13 provide for the establishment of a data collection and reporting system
14 pilot project that will demonstrate effective and efficient collection
15 and distribution of information associated with county transportation
16 performance measurement. A final report to the legislature must be
17 provided by December 31, 2012.

18 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
19 **COMMISSION**

20 Motor Vehicle Account--State Appropriation \$918,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: The entire appropriation in this section
23 is provided solely for road maintenance purposes.

24 NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

25 Motor Vehicle Account--State Appropriation \$1,200,000

26 The appropriation in this section is subject to the following
27 conditions and limitations:

28 (1) \$351,000 of the motor vehicle account--state appropriation is
29 provided solely for costs associated with the motor fuel quality
30 program.

31 (2) \$686,000 of the motor vehicle account--state appropriation is
32 provided solely to test the quality of biofuel. The department must
33 test fuel quality at the biofuel manufacturer, distributor, and
34 retailer.

1 biennium to evaluate the effectiveness of the pilot projects, any
2 projects authorized by the commission must be authorized by December
3 31, 2011.

4 (c) By January 1, 2013, the commission shall provide a report to
5 the legislature regarding the use, public acceptance, outcomes, and
6 other relevant issues regarding automated traffic safety cameras
7 demonstrated by the pilot projects.

8 **NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

9	Rural Arterial Trust Account--State Appropriation	\$936,000
10	Motor Vehicle Account--State Appropriation	\$2,134,000
11	County Arterial Preservation Account--State	
12	Appropriation	\$1,460,000
13	TOTAL APPROPRIATION	\$4,530,000

14 The appropriations in this section are subject to the following
15 conditions and limitations: The county road administration board shall
16 submit a report to the transportation committees of the legislature by
17 December 1, 2011, on the implementation of the recommendations that
18 resulted from the evaluation of efficiencies in the delivery of
19 transportation funding and services to local governments that was
20 required under section 204(8), chapter 247, Laws of 2010. The report
21 must include a description of how recommendations were implemented,
22 what efficiencies were achieved, and an explanation of any
23 recommendations that were not implemented.

24 **NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

25	Transportation Improvement Account--State	
26	Appropriation	\$3,673,000

27 The appropriation in this section is subject to the following
28 conditions and limitations: The transportation improvement board shall
29 submit a report to the transportation committees of the legislature by
30 December 1, 2011, on the implementation of the recommendations that
31 resulted from the evaluation of efficiencies in the delivery of
32 transportation funding and services to local governments that was
33 required under section 204(8), chapter 247, Laws of 2010. The report
34 must include a description of how recommendations were implemented,
35 what efficiencies were achieved, and an explanation of any
36 recommendations that were not implemented.

1 NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

2 Motor Vehicle Account--State Appropriation \$1,546,000

3 The appropriation in this section is subject to the following
4 conditions and limitations:

5 (1) \$200,000 of the motor vehicle account--state appropriation is
6 for a study of Washington state ferries fares that recommends the most
7 appropriate fare media for use with the reservation system and the
8 implementation of demand management pricing. The study must include
9 direct collaboration with transportation commission members.

10 (2) \$150,000 of the motor vehicle account--state appropriation is
11 for a study of the management organization structure at the Washington
12 state ferries. The study results must make recommendations on changes
13 to the organizational structure that will result in more efficient
14 operations and a more balanced management organization structure scaled
15 to the workforce.

16 (3) \$200,000 of the motor vehicle account--state appropriation is
17 from the cities statewide fuel tax distributions under RCW 46.68.110(2)
18 for the joint transportation committee to study and make
19 recommendations on RCW 90.03.525. The study must include: (a) An
20 inventory of state highways subject to the federal clean water act (40
21 C.F.R. Parts 122 through 124) (national pollutant discharge elimination
22 system) that are within city boundaries; (b) a survey of cities that
23 impose storm water fees or charges to the department of transportation,
24 or otherwise manage storm water runoff from state highways within their
25 jurisdiction; (c) case studies from a representative cross-section of
26 cities on how the department and cities have used RCW 90.03.525; and
27 (d) recommendations on how to achieve efficiencies in the cost and
28 management of state highway storm water runoff within cities under RCW
29 90.03.525.

30 NEW SECTION. **Sec. 205. FOR THE TRANSPORTATION COMMISSION**

31 Motor Vehicle Account--State Appropriation \$2,125,000

32 Multimodal Transportation Account--State Appropriation \$112,000

33 TOTAL APPROPRIATION \$2,237,000

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

36 (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,
37 during the 2011-2013 fiscal biennium, the legislature authorizes the

1 transportation commission to periodically review and, if necessary,
2 adjust the schedule of fares for the Washington state ferry system only
3 in amounts not greater than those sufficient to generate the amount of
4 revenue required by the biennial transportation budget. When adjusting
5 ferry fares, the commission must consider input from affected ferry
6 users by public hearing and by review with the affected ferry advisory
7 committees, in addition to the data gathered from the current ferry
8 user survey.

9 (2) Consistent with RCW 43.135.055 and 47.56.403, during the
10 2011-2013 fiscal biennium, the legislature authorizes the
11 transportation commission to periodically review and, if necessary,
12 adjust the schedule of toll charges applicable to the state route
13 number 167 high occupancy toll lane pilot project only in amounts not
14 greater than those sufficient to effectively maintain travel time,
15 speed, and reliability on the facility such that average vehicle speeds
16 in the lane remain above forty-five miles per hour at least ninety
17 percent of the time during peak hours.

18 (3) Consistent with RCW 43.135.055 and 47.46.100, during the
19 2011-2013 fiscal biennium, the legislature authorizes the
20 transportation commission to periodically review and, if necessary,
21 adjust the schedule of toll charges applicable to the Tacoma Narrows
22 bridge only in amounts not greater than those sufficient to support (a)
23 any required costs for operating and maintaining the toll bridge,
24 including the cost of insurance, (b) any amount required by law to meet
25 the redemption of bonds and applicable interest payments, and (c)
26 repayment of the motor vehicle fund.

27 (4) The total appropriation provided in this section includes
28 funding to conduct a survey to gather data on users of the statewide
29 transportation system, including the state ferry system, as required
30 under chapter ... (Substitute Senate Bill No. 5128), Laws of 2011
31 (statewide transportation planning).

32 **NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
33 **INVESTMENT BOARD**

34 Motor Vehicle Account--State Appropriation \$649,000

35 The appropriation in this section is subject to the following
36 conditions and limitations: The freight mobility strategic investment
37 board shall submit a report to the transportation committees of the

1 legislature by December 1, 2011, on the implementation of the
2 recommendations that resulted from the evaluation of efficiencies in
3 the delivery of transportation funding and services to local
4 governments that was required under section 204(8), chapter 247, Laws
5 of 2010. The report must include a description of how recommendations
6 were implemented, what efficiencies were achieved, and an explanation
7 of any recommendations that were not implemented.

8 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

9 State Patrol Highway Account--State

10	Appropriation	\$348,311,000
11	State Patrol Highway Account--Federal	
12	Appropriation	\$10,903,000
13	State Patrol Highway Account--Private/Local	
14	Appropriation	\$3,369,000
15	TOTAL APPROPRIATION	\$362,583,000

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

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

32 (2) The Washington state patrol shall continue to collaborate with
33 the Washington traffic safety commission on the target zero trooper
34 pilot program referenced in section 201(1) of this act.

35 (3) \$370,000 of the state patrol highway account--state
36 appropriation is provided solely for costs associated with the pilot
37 program described under section 216(5) of this act. The Washington

1 state patrol may incur costs related only to the assignment of cadets
2 and necessary computer equipment and to the reimbursement of the
3 Washington state department of transportation for contract costs. The
4 appropriation in this subsection must be funded from the portion of the
5 automated traffic safety camera fines deposited into the state patrol
6 highway account; however, if the fines deposited into the state patrol
7 highway account from automated traffic safety camera infractions do not
8 reach three hundred seventy thousand dollars, the department of
9 transportation shall remit funds necessary to the Washington state
10 patrol to ensure the completion of the pilot program. The Washington
11 state patrol may not incur overtime as a result of this pilot program.
12 The Washington state patrol shall not assign troopers to operate or
13 deploy the pilot program equipment used in the roadway construction
14 zones.

15 (4) \$12,655,000 of the total appropriation is provided solely for
16 automobile fuel in the 2011-2013 fiscal biennium. The Washington state
17 patrol shall analyze their fuel consumption and submit a report to the
18 legislative transportation committees by December 31, 2011, on fuel
19 conservation methods that could be used to minimize costs and ensure
20 that the Washington state patrol is managing fuel consumption
21 effectively.

22 (5) \$7,421,000 of the total appropriation is provided solely for
23 the purchase of pursuit vehicles.

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

27 (7) \$1,724,000 of the total appropriation is provided solely for
28 the purchase of mission vehicles used for highway purposes in the
29 commercial vehicle and traffic investigation sections of the Washington
30 state patrol.

31 (8) \$1,200,000 of the total appropriation is provided solely for
32 outfitting officers. The Washington state patrol shall prepare a cost-
33 benefit analysis of the standard trooper uniform as compared to a
34 battle dress uniform and uniforms used by other states and
35 jurisdictions. The Washington state patrol shall report the results of
36 the analysis to the transportation committees of the legislature by
37 December 1, 2011.

1 NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

2	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation	\$4,394,000
5	Wildlife Account--State Appropriation	\$847,000
6	Highway Safety Account--State Appropriation	\$148,187,000
7	Highway Safety Account--Federal Appropriation	\$2,884,000
8	Motor Vehicle Account--State Appropriation	\$73,000,000
9	Motor Vehicle Account--Private/Local Appropriation	\$1,378,000
10	Motor Vehicle Account--Federal Appropriation	\$242,000
11	Department of Licensing Services Account--State	
12	Appropriation	\$5,595,000
13	Ignition Interlock Device Revolving Account--State	
14	Appropriation	\$1,315,000
15	TOTAL APPROPRIATION	\$237,874,000

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

18 (1) \$66,000 of the motor vehicle account--state appropriation is
19 provided solely for the implementation of chapter ... (Substitute
20 Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter
21 ... (Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by
22 June 30, 2011, the amount provided in this subsection lapses.

23 (2) \$238,000 of the motor vehicle account--state appropriation is
24 provided solely for the implementation of chapter ... (Substitute
25 Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter
26 ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by
27 June 30, 2011, the amount provided in this subsection lapses.

28 (3) \$160,000 of the motor vehicle account--state appropriation is
29 provided solely for the implementation of chapter ... (Engrossed
30 Substitute Senate Bill No. 5366), Laws of 2011 (off-road vehicles). If
31 chapter ... (Engrossed Substitute Senate Bill No. 5366), Laws of 2011
32 is not enacted by June 30, 2011, the amount provided in this subsection
33 lapses.

34 (4) \$919,000 of the motor vehicle account--state appropriation is
35 provided solely for the implementation of chapter ... (Substitute
36 Senate Bill No. 5038), Laws of 2011 (vehicle and vessel quick titles).
37 If chapter ... (Substitute Senate Bill No. 5038), Laws of 2011 is not

1 enacted by June 30, 2011, the amount provided in this subsection
2 lapses.

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

10 (6) \$3,126,000 of the highway safety account--federal appropriation
11 is for federal funds that may be received during the 2011-2013 fiscal
12 biennium. Upon receipt of the funds, the department shall provide a
13 report on the use of the funds to the transportation committees of the
14 legislature and the office of financial management.

15 (7) By December 31, 2011, the department shall submit to the office
16 of financial management and the transportation committees of the
17 legislature draft legislation that rewrites the tow truck statutes
18 (chapter 46.55 RCW) in plain language.

19 NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

21	High Occupancy Toll Lanes Operations Account--State	
22	Appropriation	\$517,000
23	Motor Vehicle Account--State Appropriation	\$543,000
24	Tacoma Narrows Toll Bridge Account--State	
25	Appropriation	\$23,369,000
26	State Route Number 520 Corridor Account--State	
27	Appropriation	\$33,373,000
28	State Route Number 520 Civil Penalties	
29	Account--State Appropriation	\$4,646,000
30	TOTAL APPROPRIATION	\$62,448,000

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

33 (1) The department shall make detailed quarterly expenditure
34 reports available to the transportation commission and to the public on
35 the department's web site using current department resources. The
36 reports must include a summary of toll revenue by facility on all

1 operating toll facilities and high occupancy toll lane systems, and an
2 itemized depiction of the use of that revenue.

3 (2) \$33,373,000 of the state route number 520 corridor account--
4 state appropriation is provided solely for the costs directly related
5 to tolling the state route number 520 floating bridge. Of this amount,
6 \$3,009,000 must be retained in unallotted status, and may only be
7 released by the office of financial management as the need arises.

8 (3) \$4,646,000 of the state route number 520 civil penalties
9 account--state appropriation and \$1,465,000 of the Tacoma Narrows toll
10 bridge account--state appropriation are provided solely for
11 expenditures related to the toll adjudication process. The department
12 shall report quarterly on the civil penalty process to the office of
13 financial management and the house of representatives and senate
14 transportation committees beginning September 30, 2011. The reports
15 must include a summary table for each toll facility that includes: The
16 number of notices of civil penalty issued; the number of recipients who
17 pay before the notice becomes a penalty; the number of recipients who
18 request a hearing and the number who do not respond; workload costs
19 related to hearings; and revenues generated from notices of civil
20 penalty.

21 (4) It is the intent of the legislature that transitioning to a
22 statewide tolling operations center and preparing for all-electronic
23 tolling on certain toll facilities will have no adverse revenue or
24 expenditure impact on the Tacoma Narrows toll bridge account. Any
25 increased costs related to this transition shall not be allocated to
26 the Tacoma Narrows toll bridge account. All costs associated with the
27 toll adjudication process are anticipated to be covered by revenue
28 collected from the toll adjudication process.

29 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **INFORMATION TECHNOLOGY--PROGRAM C**

31	Motor Vehicle Account--State Appropriation	\$68,031,000
32	Transportation Partnership Account--State	
33	Appropriation	\$1,460,000
34	Multimodal Transportation Account--State	
35	Appropriation	\$363,000
36	Transportation 2003 Account (Nickel Account)--State	
37	Appropriation	\$1,460,000

1 TOTAL APPROPRIATION \$71,314,000

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

4 (1) The department shall consult with the office of financial
5 management and the department of information services to: (a) Ensure
6 that the department's current and future system development is
7 consistent with the overall direction of other key state systems; and
8 (b) when possible, use or develop common statewide information systems
9 to encourage coordination and integration of information used by the
10 department and other state agencies and to avoid duplication.

11 (2) \$1,460,000 of the transportation partnership account--state
12 appropriation and \$1,460,000 of the transportation 2003 account (nickel
13 account)--state appropriation are provided solely for maintaining the
14 department's project management reporting system.

15 (3) \$210,000 of the motor vehicle account--state appropriation is
16 provided solely for the department's compliance with its national
17 pollution discharge elimination system permit.

18 (4) Beginning December 1, 2011, and on a quarterly basis
19 thereafter, the department shall report to the office of financial
20 management and the transportation committees of the legislature on the
21 status of the development and integration of the time, leave, and labor
22 distribution system identified in section 601 of this act. The first
23 report must include a detailed work plan for the development and
24 integration of the system, including timelines and budget milestones.
25 At a minimum, the ensuing reports must indicate the status of the work
26 as it compares to the work plan, any discrepancies, and proposed
27 adjustments necessary to bring the project back on schedule or budget
28 if necessary. It is the intent of the legislature that the state
29 auditor will have an advisory role in the implementation and
30 acquisition of the time, leave, and labor distribution system. It is
31 further the intent of the legislature that if any portion of the system
32 is leveraged in the future for the time, leave, and labor distribution
33 of any other agencies, the motor vehicle account will be reimbursed
34 proportionally for the development of the system.

35 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**
36 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
37 Motor Vehicle Account--State Appropriation \$25,650,000

1 The appropriation in this section is subject to the following
2 conditions and limitations: The department shall submit a predesign
3 proposal for a new traffic management center to the office of financial
4 management consistent with the process followed by nontransportation
5 capital construction projects. The department shall not award a
6 contract for construction of a new traffic management center until the
7 predesign proposal has been submitted and the office of financial
8 management has completed a budget evaluation study that indicates a new
9 building is the recommended option for accommodating additional traffic
10 management operations. The department shall notify the transportation
11 committees of the legislature when any building is being considered for
12 purchase, new construction, or as part of an equal value exchange when
13 the value is estimated to be over five hundred thousand dollars.

14 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **AVIATION--PROGRAM F**

16	Aeronautics Account--State Appropriation	\$6,037,000
17	Aeronautics Account--Federal Appropriation	\$2,150,000
18	TOTAL APPROPRIATION	\$8,187,000

19 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

21	Motor Vehicle Account--State Appropriation	\$44,726,000
22	Motor Vehicle Account--Federal Appropriation	\$500,000
23	Multimodal Transportation Account--State	
24	Appropriation	\$250,000
25	TOTAL APPROPRIATION	\$45,476,000

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

28 (1) The department shall provide updated information on six project
29 milestones for all active projects, funded in part or in whole with
30 2005 transportation partnership account funds or 2003 nickel account
31 funds, on a quarterly basis in the transportation executive information
32 system (TEIS). The department shall also provide updated information
33 on six project milestones for projects, funded with preexisting funds
34 and that are agreed to by the legislature, office of financial
35 management, and the department, on a quarterly basis in TEIS.

1 (2) \$1,754,000 of the motor vehicle account--state appropriation is
2 provided solely for the department's compliance with its national
3 pollution discharge elimination system permit.

4 (3) It is the intent of the legislature that the real estate
5 services division of the department will recover the cost of its
6 efforts from future sale proceeds.

7 (4) The legislature recognizes that the Dryden pit site (WSDOT
8 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
9 property under the jurisdiction of the department of transportation,
10 and that the public would benefit significantly from the complete
11 enjoyment of the natural scenic beauty and recreational opportunities
12 available at the site. Therefore, pursuant to RCW 47.12.080, the
13 legislature declares that transferring the property to the department
14 of fish and wildlife for recreational use and fish and wildlife
15 restoration efforts is consistent with the public interest in order to
16 preserve the area for the use of the public and the betterment of the
17 natural environment. The department of transportation shall work with
18 the department of fish and wildlife, and shall transfer and convey the
19 Dryden pit site to the department of fish and wildlife as is for an
20 adjusted fair market value reflecting site conditions, the proceeds of
21 which must be deposited in the motor vehicle fund. The department of
22 transportation is not responsible for any costs associated with the
23 cleanup or transfer of this property. By July 1, 2011, and annually
24 thereafter until the entire Dryden pit property has been transferred,
25 the department shall submit a status report regarding the transaction
26 to the chairs of the legislative transportation committees.

27 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **ECONOMIC PARTNERSHIPS--PROGRAM K**

29	Motor Vehicle Account--State Appropriation	\$594,000
30	Multimodal Transportation Account--State Appropriation	\$50,000
31	TOTAL APPROPRIATION	\$644,000

32 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **HIGHWAY MAINTENANCE--PROGRAM M**

34	Motor Vehicle Account--State Appropriation	\$372,558,000
35	Motor Vehicle Account--Federal Appropriation	\$7,000,000
36	TOTAL APPROPRIATION	\$379,558,000

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

3 (1) The department shall request an unanticipated receipt for any
4 federal moneys received for emergency snow and ice removal and shall
5 place an equal amount of the motor vehicle account--state appropriation
6 into unallotted status. This exchange shall not affect the amount of
7 funding available for snow and ice removal.

8 (2) \$7,000,000 of the motor vehicle account--state appropriation is
9 provided solely for third-party damages to the highway system where the
10 responsible party is known and reimbursement is anticipated. The
11 department shall request additional appropriation authority for any
12 funds received for reimbursements of third-party damages that are in
13 excess of this appropriation.

14 (3) \$7,000,000 of the motor vehicle account--federal appropriation
15 is for unanticipated federal funds that may be received during the
16 2011-2013 fiscal biennium. Upon receipt of the funds, the department
17 shall provide a report on the use of the funds to the transportation
18 committees of the legislature and the office of financial management.

19 (4) The department may work with the department of corrections to
20 utilize corrections crews for the purposes of litter pickup on state
21 highways.

22 (5) \$6,530,000 of the motor vehicle account--state appropriation is
23 provided solely for the department's compliance with its national
24 pollution discharge elimination system permit.

25 (6) The department shall continue to report maintenance
26 accountability process (MAP) targets and achievements on an annual
27 basis. The department shall use available funding to target and
28 deliver a minimum MAP grade of C for the activity of roadway striping.

29 (7) \$500,000 of the motor vehicle account--state appropriation is
30 provided solely for the high priority maintenance backlog. Addressing
31 the maintenance backlog must result in increased levels of service. If
32 chapter . . . (Substitute Senate Bill No. 5251), Laws of 2011 (electric
33 vehicle fee) is not enacted by June 30, 2011, the amount provided in
34 this subsection lapses.

35 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
36 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

37 Motor Vehicle Account--State Appropriation \$49,536,000

1	Motor Vehicle Account--Federal Appropriation	\$2,050,000
2	Motor Vehicle Account--Private/Local Appropriation	\$127,000
3	TOTAL APPROPRIATION	\$51,713,000

4 The appropriations in this section are subject to the following
5 conditions and limitations:

6 (1) \$6,000,000 of the motor vehicle account--state appropriation is
7 provided solely for low-cost enhancements. The department shall give
8 priority to low-cost enhancement projects that improve safety or
9 provide congestion relief. The department shall prioritize low-cost
10 enhancement projects on a statewide rather than regional basis. By
11 September 1st of each even-numbered year, the department shall provide
12 a report to the legislature listing all low-cost enhancement projects
13 prioritized on a statewide rather than regional basis completed in the
14 prior year.

15 (2) \$145,000 of the motor vehicle account--state appropriation is
16 provided solely for the department to continue a pilot tow truck
17 incentive program and to expand the program to other areas of the
18 state. The department may provide incentive payments to towing
19 companies that meet clearance goals on accidents that involve heavy
20 trucks.

21 (3) During the 2011-2013 fiscal biennium, the department shall
22 implement a pilot program that expands private transportation
23 providers' access to high occupancy vehicle lanes. Under the pilot
24 program, when the department reserves a portion of a highway based on
25 the number of passengers in a vehicle, the following vehicles must be
26 authorized to use the reserved portion of the highway if the vehicle
27 has the capacity to carry eight or more passengers, regardless of the
28 number of passengers in the vehicle: (a) Auto transportation company
29 vehicles regulated under chapter 81.68 RCW; (b) passenger charter
30 carrier vehicles regulated under chapter 81.70 RCW, except marked or
31 unmarked stretch limousines and stretch sport utility vehicles as
32 defined under department of licensing rules; (c) private nonprofit
33 transportation provider vehicles regulated under chapter 81.66 RCW; and
34 (d) private employer transportation service vehicles. For purposes of
35 this subsection, "private employer transportation service" means
36 regularly scheduled, fixed-route transportation service that is offered
37 by an employer for the benefit of its employees.

1 (4) \$9,000,000 of the motor vehicle account--state appropriation is
2 provided solely for the department's incident response program.

3 (5) The department, in consultation with the Washington state
4 patrol, may continue a pilot program for the patrol to issue
5 infractions based on information from automated traffic safety cameras
6 in roadway construction zones on state highways. For the purpose of
7 this pilot program, during the 2011-2013 fiscal biennium, a roadway
8 construction zone includes areas where public employees or private
9 contractors may be present or where a driving condition exists that
10 would make it unsafe to drive at higher speeds, such as, when the
11 department is redirecting or realigning lanes on any public roadway
12 pursuant to ongoing construction. The department shall use the
13 following guidelines to administer the program:

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

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

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

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

31 (e) For purposes of the 2011-2013 fiscal biennium pilot program,
32 infractions detected through the use of automated traffic safety
33 cameras are not part of the registered owner's driving record under RCW
34 46.52.101 and 46.52.120. Additionally, infractions generated by the
35 use of automated traffic safety cameras must be processed in the same
36 manner as parking infractions for the purposes of RCW 3.50.100,
37 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the
38 fine issued under this subsection (5) for an infraction generated

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

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

20 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

22 Motor Vehicle Account--State Appropriation	\$27,982,000
23 Motor Vehicle Account--Federal Appropriation	\$30,000
24 Multimodal Transportation Account--State	
25 Appropriation	\$973,000
26 TOTAL APPROPRIATION	\$28,985,000

27 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

29 Motor Vehicle Account--State Appropriation	\$22,841,000
30 Motor Vehicle Account--Federal Appropriation	\$21,885,000
31 Multimodal Transportation Account--State	
32 Appropriation	\$662,000
33 Multimodal Transportation Account--Federal	
34 Appropriation	\$2,809,000
35 Multimodal Transportation Account--Private/Local	
36 Appropriation	\$100,000

1 TOTAL APPROPRIATION \$48,297,000

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

4 (1) \$70,000 of the motor vehicle account--state appropriation is a
5 reappropriation provided solely for a corridor study of state route
6 number 516 from the eastern border of Maple Valley to state route
7 number 167 to determine whether improvements are needed and the costs
8 of any needed improvements.

9 (2) The total appropriation provided in this section assumes
10 enactment of chapter . . . (Substitute Senate Bill No. 5128), Laws of
11 2011 (statewide transportation planning) and reflects an accompanying
12 cost savings of at least five hundred thousand dollars.

13 (3) \$200,000 of the motor vehicle account--state appropriation is
14 provided solely for extending the freight database pilot project that
15 began in 2009. Global positioning system (GPS) data is intended to
16 help guide freight investment decisions and track highway project
17 effectiveness as it relates to freight traffic.

18 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

20 Motor Vehicle Account--State Appropriation \$85,209,000

21 Motor Vehicle Account--Federal Appropriation \$400,000

22 Multimodal Transportation Account--State
23 Appropriation \$3,320,000

24 TOTAL APPROPRIATION \$88,929,000

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

27 (1) The office of financial management must provide a detailed
28 accounting of the revenues and expenditures of the self-insurance fund
29 to the transportation committees of the legislature on December 31st
30 and June 30th of each year.

31 (2) Payments in this section represent charges from other state
32 agencies to the department of transportation.

33 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
34 DIVISION OF RISK MANAGEMENT FEES \$1,639,000

35 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE
36 STATE AUDITOR \$937,000

37 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

1 GENERAL ADMINISTRATION \$6,060,000
2 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
3 PERSONNEL \$6,347,000
4 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
5 PREMIUMS AND ADMINISTRATION \$44,418,000
6 (f) FOR ARCHIVES AND RECORDS MANAGEMENT \$623,000
7 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
8 ENTERPRISES \$1,008,000
9 (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS
10 PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT \$1,143,000
11 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
12 DEPARTMENT OF INFORMATION SERVICES \$1,980,000
13 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
14 GENERAL'S OFFICE \$8,526,000
15 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
16 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
17 LITIGATION \$672,000

18 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **PUBLIC TRANSPORTATION--PROGRAM V**

20 State Vehicle Parking Account--State Appropriation \$452,000
21 Regional Mobility Grant Program Account--State
22 Appropriation \$48,942,000
23 Multimodal Transportation Account--State
24 Appropriation \$58,085,000
25 Multimodal Transportation Account--Federal
26 Appropriation \$2,582,000
27 Multimodal Transportation Account--Private/Local
28 Appropriation \$1,027,000
29 TOTAL APPROPRIATION \$111,088,000

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

32 (1) \$25,000,000 of the multimodal transportation account--state
33 appropriation is provided solely for a grant program for special needs
34 transportation provided by transit agencies and nonprofit providers of
35 transportation.

36 (a) \$5,500,000 of the amount provided in this subsection is
37 provided solely for grants to nonprofit providers of special needs

1 transportation. Grants for nonprofit providers must be based on need,
2 including the availability of other providers of service in the area,
3 efforts to coordinate trips among providers and riders, and the cost
4 effectiveness of trips provided.

5 (b) \$19,500,000 of the amount provided in this subsection is
6 provided solely for grants to transit agencies to transport persons
7 with special transportation needs. To receive a grant, the transit
8 agency must have a maintenance of effort for special needs
9 transportation that is no less than the previous year's maintenance of
10 effort for special needs transportation. Grants for transit agencies
11 must be prorated based on the amount expended for demand response
12 service and route deviated service in calendar year 2009 as reported in
13 the "Summary of Public Transportation - 2009" published by the
14 department of transportation. No transit agency may receive more than
15 thirty percent of these distributions.

16 (2) Funds are provided for the rural mobility grant program as
17 follows:

18 (a) \$8,500,000 of the multimodal transportation account--state
19 appropriation is provided solely for grants for those transit systems
20 serving small cities and rural areas as identified in the "Summary of
21 Public Transportation - 2009" published by the department of
22 transportation. Noncompetitive grants must be distributed to the
23 transit systems serving small cities and rural areas in a manner
24 similar to past disparity equalization programs.

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

29 (3) \$5,614,000 of the multimodal transportation account--state
30 appropriation is provided solely for a vanpool grant program for: (a)
31 Public transit agencies to add vanpools or replace vans; and (b)
32 incentives for employers to increase employee vanpool use. The grant
33 program for public transit agencies will cover capital costs only.
34 Operating costs for public transit agencies are not eligible for
35 funding under this grant program. Additional employees may not be
36 hired from the funds provided in this section for the vanpool grant
37 program, and supplanting of transit funds currently funding vanpools is
38 not allowed. The department shall encourage grant applicants and

1 recipients to leverage funds other than state funds. At least
2 \$1,600,000 of this amount must be used for vanpool grants in congested
3 corridors.

4 (4) \$8,942,000 of the regional mobility grant program account--
5 state appropriation is reappropriated and provided solely for the
6 regional mobility grant projects identified in LEAP Transportation
7 Document 2007-B, as developed April 20, 2007, or LEAP Transportation
8 Document 2009-B, as developed April 24, 2009. The department shall
9 continue to review all projects receiving grant awards under this
10 program at least semiannually to determine whether the projects are
11 making satisfactory progress. The department shall promptly close out
12 grants when projects have been completed, and any remaining funds must
13 be used only to fund projects identified in: LEAP Transportation
14 Document 2007-B, as developed April 20, 2007; LEAP Transportation
15 Document 2009-B, as developed April 24, 2009; or LEAP Transportation
16 Document 2011-B, as developed March 22, 2011. It is the intent of the
17 legislature to appropriate funds through the regional mobility grant
18 program only for projects that will be completed on schedule and that
19 all funds in the regional mobility grant program be used as soon as
20 practicable to advance eligible projects.

21 (5) \$40,000,000 of the regional mobility grant program account--
22 state appropriation is provided solely for the regional mobility grant
23 projects identified in LEAP Transportation Document 2011-B, as
24 developed March 22, 2011. The department shall review all projects
25 receiving grant awards under this program at least semiannually to
26 determine whether the projects are making satisfactory progress. Any
27 project that has been awarded funds, but does not report activity on
28 the project within one year of the grant award, must be reviewed by the
29 department to determine whether the grant should be terminated. The
30 department shall promptly close out grants when projects have been
31 completed, and any remaining funds must be used only to fund projects
32 identified in LEAP Transportation Document 2011-B, as developed March
33 22, 2011. The department shall provide annual status reports on
34 December 15, 2011, and December 15, 2012, to the office of financial
35 management and the transportation committees of the legislature
36 regarding the projects receiving the grants. It is the intent of the
37 legislature to appropriate funds through the regional mobility grant
38 program only for projects that will be completed on schedule. In order

1 to be eligible to receive a regional mobility grant during the 2011-
2 2013 fiscal biennium, any jurisdiction that imposes a commercial
3 parking tax that is based upon gross proceeds, as identified under RCW
4 82.80.030, must: (a) Have a rate that does not exceed twelve and one-
5 half percent; and (b) charge one of the following entities no more than
6 fifty percent of the rate: A public institution of higher education,
7 or a public or nonprofit hospital, that has: (i) An active commute
8 trip reduction program as identified in RCW 70.94.531; and (ii)
9 invested no less than one hundred ten percent of the institution or
10 hospital's net parking proceeds into the commute trip reduction program
11 during the previous reporting period.

12 (6) \$2,309,000 of the multimodal transportation account--state
13 appropriation is provided solely for the tri-county connection service
14 for Island, Skagit, and Whatcom transit agencies.

15 (7) \$200,000 of the multimodal transportation account--state
16 appropriation is contingent on the timely development of an annual
17 report summarizing the status of public transportation systems as
18 identified under RCW 35.58.2796.

19 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **MARINE--PROGRAM X-1 (ADMINISTRATION)**

21 Puget Sound Ferry Operations Account--State

22	Appropriation	\$51,643,000
23	Puget Sound Capital Construction Account--State	
24	Appropriation	\$21,395,000
25	TOTAL APPROPRIATION	\$73,038,000

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

28 (1) The office of financial management budget instructions require
29 agencies to recast enacted budgets into activities. The Washington
30 state ferries shall include a greater level of detail in its 2011-2013
31 supplemental and 2013-2015 omnibus transportation appropriations act
32 requests, as determined jointly by the office of financial management,
33 the Washington state ferries, and the transportation committees of the
34 legislature.

35 (2) \$1,100,000 of the Puget Sound ferry operations account--state
36 appropriation is provided solely for a marketing program.

1 (a) The department shall collaborate with the local ferry
2 communities as part of its marketing program.

3 (b) The department shall investigate the use of promotional fares
4 to increase ridership.

5 (c) The department shall have the marketing program in place within
6 the Washington state ferries' headquarters office, with staff positions
7 filled, by July 31, 2011.

8 (d) The department shall present to the transportation committees
9 of the legislature its plan to increase ridership to meet the
10 underlying assumptions of its long range strategic plan by October 1,
11 2011.

12 (3) When purchasing uniforms that are required by collective
13 bargaining agreements, the department shall contract with the lowest
14 cost provider.

15 (4) The legislature finds that measuring the performance of the
16 Washington state ferries requires the measurement of quality,
17 timeliness, and unit cost of services delivered to customers.
18 Consequently, the department must develop a set of metrics that measure
19 that performance and report to the transportation committees of the
20 legislature and the office of financial management on the development
21 of these measurements along with recommendations to the 2012
22 legislature.

23 (5) The department shall continue to identify and implement process
24 changes that will improve on-time performance on a route-by-route
25 basis. These changes must include considering the slowing down of
26 vessels for fuel economy purposes and touch-and-go sailings on peak
27 runs. The department shall report its findings to the transportation
28 committees of the legislature by December 1, 2011.

29 (6) Until a reservation system is operational on the San Juan
30 islands inner-island route, the department shall provide the same
31 priority loading benefits on the San Juan islands inner-island route to
32 home health care workers as are currently provided to patients
33 traveling for purposes of receiving medical treatment.

34 (7) The department shall request from the United States coast guard
35 variable minimum staffing levels on all of its vessels by December 31,
36 2011.

37 (8) No portion of the total appropriation provided in this section
38 may be used to purchase marine insurance.

1 (9) The department shall provide quarterly reports to the
2 transportation committees of the legislature outlining wages and
3 benefits provided to employees.

4 (10) \$7,167,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for the reservation and communications
6 system project.

7 (11) The department shall investigate moving the headquarters
8 building to a more cost-effective location and shall report the results
9 of that investigation to the transportation committees of the
10 legislature by December 1, 2011.

11 (12) The department shall provide support to the legislative
12 evaluation and accountability program committee's work of upgrading the
13 transportation executive information system to include more detailed
14 information for ferry projects.

15 (13) The department shall, on a quarterly basis, report to the
16 transportation committees of the legislature statistics regarding its
17 on-time arrival and departure performance of peak-direction and peak-
18 time runs on a route-by-route and month-by-month basis. The statistics
19 must include reasons for any delays over five minutes and any delays
20 over ten minutes from the scheduled time. These statistics must also
21 be prominently displayed at its terminals, on its vessels, and on its
22 web site. Peak times for the Mukilteo/Clinton, Edmonds/Kingston,
23 Seattle/Bainbridge, Seattle/Bremerton, Fauntleroy/Southworth/Vashon,
24 and Point Defiance/Tahlequah routes means weekdays from 5:00 a.m. to
25 9:00 a.m. and 3:00 p.m. to 7:00 p.m. Peak times for the Coupeville
26 (Keystone)/Port Townsend and Anacortes/San Juan islands routes means
27 Fridays from 3:00 p.m. to closing, Saturdays all day, Sundays all day,
28 holidays all day, and Mondays from opening to 12:00 p.m.

29 (14) Appropriations used for labor costs may be used only for
30 obligations under applicable collective bargaining agreements, civil
31 service laws, court orders, and judgments.

32 (15) Two Twa-di-tabil class ferry vessels must be placed on the
33 Port Townsend/Coupeville (Keystone) route. After all three vessels as
34 funded under section 309(2) of this act are in service, the two most
35 appropriate of these vessels for the Port Townsend/Coupeville
36 (Keystone) route must be placed on the route.

37 (16) The department shall continue to provide service to Sidney,
38 British Columbia and shall explore the world market and investigate the

1 option of purchasing a foreign-built vehicle and passenger ferry vessel
2 with, or with the ability to be retrofitted with, safety of life at sea
3 (SOLAS) certification to operate solely on the Anacortes to Sidney,
4 British Columbia route currently served by vessels of the Washington
5 state ferries fleet. The vessel should have the capability of carrying
6 at least one hundred standard vehicles and approximately four hundred
7 to five hundred passengers. Further, the department shall explore the
8 possibilities of contracting with a commercial company to operate the
9 vessel exclusively on this route, assuming the contractor's employees
10 assigned to the vessel are represented by the same employee
11 organizations as the Washington state ferries. The department shall
12 submit its findings to the office of financial management and the
13 transportation committees of the legislature by December 15, 2011.

14 (17) For the 2011-2013 fiscal biennium, the department of
15 transportation may enter into a distributor controlled fuel hedging
16 program.

17 (18) The department shall target service reductions as required to
18 fit appropriation levels such that the shortening of shoulder seasons
19 and eliminations of off-peak runs on all routes are considered. Prior
20 to implementing the reductions, the department shall consult with ferry
21 employees and ferry advisory committees to determine which reductions
22 would impact the fewest number of riders.

23 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
24 **MARINE--PROGRAM X-2 (VESSEL OPERATIONS)**

25 Puget Sound Ferry Operations Account--State
26 Appropriation \$310,255,000

27 The appropriation in this section is subject to the following
28 conditions and limitations:

29 (1) \$134,398,000 of the Puget Sound ferry operations account--state
30 appropriation is provided solely for auto ferry vessel operating fuel
31 in the 2011-2013 fiscal biennium. This appropriation is contingent
32 upon the enactment of section 710 of this act.

33 (2) The office of financial management budget instructions require
34 agencies to recast enacted budgets into activities. The Washington
35 state ferries shall include a greater level of detail in its 2011-2013
36 supplemental and 2013-2015 omnibus transportation appropriations act

1 requests, as determined jointly by the office of financial management,
2 the Washington state ferries, and the transportation committees of the
3 legislature.

4 (3) The department shall provide quarterly reports to the
5 transportation committees of the legislature outlining wages and
6 benefits provided to employees.

7 (4) Appropriations used for labor costs may be used only for
8 obligations under applicable collective bargaining agreements, civil
9 service laws, court orders, and judgments.

10 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
11 **MARINE--PROGRAM X-3 (TERMINAL OPERATIONS)**

12 Puget Sound Ferry Operations Account--State
13 Appropriation \$52,480,000

14 The appropriation in this section is subject to the following
15 conditions and limitations:

16 (1) The office of financial management budget instructions require
17 agencies to recast enacted budgets into activities. The Washington
18 state ferries shall include a greater level of detail in its 2011-2013
19 supplemental and 2013-2015 omnibus transportation appropriations act
20 requests, as determined jointly by the office of financial management,
21 the Washington state ferries, and the transportation committees of the
22 legislature.

23 (2) The department shall provide quarterly reports to the
24 transportation committees of the legislature outlining wages and
25 benefits provided to employees.

26 (3) Appropriations used for labor costs may be used only for
27 obligations under applicable collective bargaining agreements, civil
28 service laws, court orders, and judgments.

29 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **MARINE--PROGRAM X-4 (VESSEL MAINTENANCE)**

31 Puget Sound Ferry Operations Account--State
32 Appropriation \$34,658,000

33 The appropriation in this section is subject to the following
34 conditions and limitations:

35 (1) The department shall provide quarterly reports to the

1 transportation committees of the legislature outlining wages and
2 benefits provided to employees.

3 (2) Appropriations used for labor costs may be used only for
4 obligations under applicable collective bargaining agreements, civil
5 service laws, court orders, and judgments.

6 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**
7 **MARINE--PROGRAM X-5 (TERMINAL MAINTENANCE)**

8 Puget Sound Ferry Operations Account--State
9 Appropriation \$16,574,000

10 The appropriation in this section is subject to the following
11 conditions and limitations:

12 (1) The department shall provide quarterly reports to the
13 transportation committees of the legislature outlining wages and
14 benefits provided to employees.

15 (2) Appropriations used for labor costs may be used only for
16 obligations under applicable collective bargaining agreements, civil
17 service laws, court orders, and judgments.

18 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **RAIL--PROGRAM Y--OPERATING**

20 Multimodal Transportation Account--State
21 Appropriation \$29,657,000
22 Multimodal Transportation Account--Federal
23 Appropriation \$300,000
24 TOTAL APPROPRIATION \$29,957,000

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

27 (1) \$24,091,000 of the multimodal transportation account--state
28 appropriation is provided solely for the Amtrak service contract and
29 Talgo maintenance contract associated with providing and maintaining
30 state-supported passenger rail service. The department is directed to
31 continue to pursue efforts to reduce costs, increase ridership, and
32 review fares or fare schedules. Within thirty days of each annual
33 cost/revenue reconciliation under the Amtrak service contract, the
34 department shall report annual credits to the office of financial
35 management and the legislative transportation committees. Annual
36 credits from Amtrak to the department including, but not limited to,

1 credits for increased revenue due to higher ridership, and fare or fare
2 schedule adjustments, must be used to offset corresponding amounts of
3 the multimodal transportation account--state appropriation, which must
4 be placed in reserve. Upon completion of the rail platform project in
5 the city of Stanwood, the department shall continue to provide daily
6 Amtrak Cascades service to the city.

7 (2) Amtrak Cascade runs may not be eliminated.

8 (3) The department shall plan for a third roundtrip Cascades train
9 between Seattle and Vancouver, B.C.

10 NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--**
11 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

12	Motor Vehicle Account--State Appropriation	\$8,709,000
13	Motor Vehicle Account--Federal Appropriation	\$2,567,000
14	TOTAL APPROPRIATION	\$11,276,000

15 The appropriations in this section are subject to the following
16 conditions and limitations: The department shall submit a report to
17 the transportation committees of the legislature by December 1, 2011,
18 on the implementation of the recommendations that resulted from the
19 evaluation of efficiencies in the delivery of transportation funding
20 and services to local governments that was required under section
21 204(8), chapter 247, Laws of 2010. The report must include a
22 description of how recommendations were implemented, what efficiencies
23 were achieved, and an explanation of any recommendations that were not
24 implemented.

25 **TRANSPORTATION AGENCIES--CAPITAL**

26 NEW SECTION. **Sec. 301. FOR THE WASHINGTON STATE PATROL**

27	State Patrol Highway Account--State Appropriation	\$6,731,000
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28 The appropriation in this section is subject to the following
29 conditions and limitations:

30 (1) \$653,000 of the state patrol highway account--state
31 appropriation is provided solely for the following minor works
32 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for
33 water and sewer upgrades; \$210,000 for emergency backup system

1 replacement; \$85,000 for chiller replacement; and \$83,000 for roof
2 replacements.

3 (2) \$3,226,000 of the state patrol highway account--state
4 appropriation is provided solely for the Shelton academy of the
5 Washington state patrol for the new waste water treatment lines, waste
6 water plants, water lines, and water systems.

7 (3) \$665,000 of the state patrol highway account--state
8 appropriation is provided solely for the reappropriation of the
9 following minor works projects: \$150,000 for HVAC control
10 replacements; \$74,000 for South King detachment window replacement; and
11 \$421,000 for the Shelton regional water project.

12 (4) \$2,187,000 of the total appropriation is provided solely for
13 mobile office platforms.

14 (5) It is the intent of the legislature that the omnibus
15 appropriations act provide funding for the portion of any applicable
16 debt service payments, resulting from financial contracts identified
17 under section 601 of this act, that are attributable to the general
18 fund as identified in the Washington state patrol's cost allocation
19 model.

20 **NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

21	Motor Vehicle Account--State Appropriation	\$874,000
22	Rural Arterial Trust Account--State Appropriation	\$37,417,000
23	County Arterial Preservation Account--State	
24	Appropriation	\$29,360,000
25	TOTAL APPROPRIATION	\$67,651,000

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

28 (1) \$874,000 of the motor vehicle account--state appropriation may
29 be used for county ferry projects as developed pursuant to RCW
30 47.56.725(4).

31 (2) The total appropriation in this section includes funding to
32 assist counties in recovering from federally declared emergencies by
33 providing capitalization advances and local match for federal emergency
34 funding as determined by the county road administration board.
35 Emergency loans may be made only from existing fund balances, and it is
36 the intent of the legislature that the account be managed based on cash

1 flow. The county road administration board shall specifically identify
2 any of the selected projects and shall include information concerning
3 the selected projects in its next annual report to the legislature.

4 **NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**
5 Small City Pavement and Sidewalk Account--State
6 Appropriation \$3,812,000
7 Transportation Improvement Account--State
8 Appropriation \$178,376,000
9 TOTAL APPROPRIATION \$182,188,000

10 The appropriations in this section are subject to the following
11 conditions and limitations: The transportation improvement
12 account--state appropriation includes up to \$22,143,000 in proceeds
13 from the sale of bonds authorized in RCW 47.26.500.

14 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**
16 Motor Vehicle Account--State Appropriation \$5,433,000

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

- 19 (1) \$1,364,000 of the motor vehicle account--state appropriation is
20 provided solely for the Olympic region site acquisition debt service
21 payments and administrative costs associated with capital improvement
22 and preservation project and financial management.
23 (2) \$3,669,000 of the motor vehicle account--state appropriation is
24 provided solely for high priority safety projects that are directly
25 linked to employee safety, environmental risk, or minor works that
26 prevent facility deterioration.

27 **NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **IMPROVEMENTS--PROGRAM I**
29 Multimodal Transportation Account--State
30 Appropriation \$34,703,000
31 Transportation Partnership Account--State
32 Appropriation \$2,006,139,000
33 Motor Vehicle Account--State Appropriation \$65,433,000
34 Motor Vehicle Account--Federal Appropriation \$432,068,000
35 Motor Vehicle Account--Private/Local

1	Appropriation	\$50,485,000
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	\$422,005,000
4	State Route Number 520 Corridor Account--State	
5	Appropriation	\$1,019,460,000
6	TOTAL APPROPRIATION	\$4,030,293,000

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

9 (1) Except as provided otherwise in this section, the entire
10 transportation 2003 account (nickel account) appropriation and the
11 entire transportation partnership account appropriation are provided
12 solely for the projects and activities as listed by fund, project, and
13 amount in LEAP Transportation Document 2011-1 as developed March 22,
14 2011, Program - Highway Improvement Program (I). However, limited
15 transfers of specific line-item project appropriations may occur
16 between projects for those amounts listed subject to the conditions and
17 limitations in section 603 of this act.

18 (2) The department shall, on a quarterly basis beginning July 1,
19 2011, provide to the office of financial management and the legislature
20 reports providing the status on each active project funded in part or
21 whole by the transportation 2003 account (nickel account) or the
22 transportation partnership account. Funding provided at a programmatic
23 level for transportation partnership account and transportation 2003
24 account (nickel account) projects relating to bridge rail, guard rail,
25 fish passage barrier removal, and roadside safety projects must be
26 reported on a programmatic basis. Projects within this programmatic
27 level funding must be completed on a priority basis and scoped to be
28 completed within the current programmatic budget. Report formatting
29 and elements must be consistent with the October 2009 quarterly project
30 report. The department shall also provide the information required
31 under this subsection on a quarterly basis via the transportation
32 executive information system.

33 (3) Within the motor vehicle account--state appropriation and motor
34 vehicle account--federal appropriation, the department may transfer
35 funds between programs I and P, except for funds that are otherwise
36 restricted in this act.

37 (4) The department shall apply for surface transportation program
38 enhancement funds to be expended in lieu of or in addition to state

1 funds for eligible costs of projects in programs I and P including, but
2 not limited to, the state route number 518, state route number 520,
3 Columbia river crossing, and Alaskan Way viaduct projects.

4 (5) The department shall apply for the competitive portion of
5 federal transit administration funds for eligible transit-related costs
6 of the state route number 520 bridge replacement and HOV project and
7 the Columbia river crossing project. The federal funds described in
8 this subsection must not include those federal transit administration
9 funds distributed by formula. The department shall provide a report
10 regarding this effort to the legislature by January 1, 2012.

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

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

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

37 (9) The multimodal transportation account--state appropriation

1 includes up to \$34,703,000 in proceeds from the sale of bonds
2 authorized in RCW 47.10.867.

3 (10) The transportation 2003 account (nickel account)--state
4 appropriation includes up to \$346,657,000 in proceeds from the sale of
5 bonds authorized by RCW 47.10.861.

6 (11) The transportation partnership account--state appropriation
7 includes up to \$1,422,013,000 in proceeds from the sale of bonds
8 authorized in RCW 47.10.873.

9 (12) The motor vehicle account--state appropriation includes up to
10 \$45,667,000 in proceeds from the sale of bonds authorized in RCW
11 47.10.843.

12 (13) The state route number 520 corridor account--state
13 appropriation includes up to \$987,717,000 in proceeds from the sale of
14 bonds authorized in RCW 47.10.879.

15 (14) \$8,321,000 of the transportation partnership account--state
16 appropriation and \$16,679,000 of the motor vehicle account--federal
17 appropriation are provided solely for the I-5/Columbia River Crossing
18 project (400506A). No funding may be expended until written
19 confirmation has been received by the department that the state of
20 Oregon is providing an equal amount of additional funding to the
21 project.

22 (15) \$107,000 of the motor vehicle account--federal appropriation
23 and \$27,000 of the motor vehicle account--state appropriation are
24 provided solely for the SR 9/SR 204 Intersection Improvement project
25 (L2000040).

26 (16) \$2,134,000 of the motor vehicle account--federal appropriation
27 and \$47,000 of the motor vehicle account--state appropriation are
28 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
29 Build New Highway project (501210T).

30 (17) \$197,000 of the motor vehicle account--federal appropriation
31 and \$9,000 of the motor vehicle account--state appropriation are
32 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
33 Road project (301639C).

34 (18) \$25,687,000 of the transportation partnership account--state
35 appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont
36 Avenue Extension project (202800D).

37 (19) The department shall continue to work with the local partners

1 in developing transportation solutions necessary for the economic
2 growth in the Red Mountain American viticulture area of Benton county.

3 (20) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie
4 Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be
5 used for design work on the next two-mile segment of the corridor.

6 (21) \$932,000 of the motor vehicle account--federal appropriation
7 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
8 project (209790B).

9 (22) Expenditures for the state route number 99 Alaskan Way viaduct
10 replacement project must be made in conformance with RCW 47.01.402.

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

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

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

25 (24) Within the amounts provided in this section, \$20,000 of the
26 motor vehicle account--state appropriation and \$980,000 of the motor
27 vehicle account--federal appropriation are provided solely for the
28 department to continue work on a comprehensive tolling study of the
29 state route number 167 corridor (project 316718S). As funding allows,
30 the department shall also continue work on a comprehensive tolling
31 study of the state route number 509 corridor.

32 (25)(a) \$131,303,000 of the transportation partnership
33 account--state appropriation, \$51,410,000 of the transportation 2003
34 account (nickel account)--state appropriation, and \$10,000,000 of the
35 motor vehicle account--federal appropriation are provided solely for
36 the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This
37 project must be completed as soon as practicable as a design-build

1 project and must be constructed with a footprint that would accommodate
2 potential future express toll lanes.

3 (b) As part of the project, the department shall conduct a traffic
4 and revenue analysis and complete a financial plan to provide
5 additional information on the revenues, expenditures, and financing
6 options available for active traffic management and congestion relief
7 in the Interstate 405 and state route number 167 corridors. A report
8 must be provided to the transportation committees of the legislature
9 and the office of financial management by January 2012. However, this
10 subsection (25)(b) is null and void if chapter . . . (Engrossed House
11 Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by
12 June 30, 2011.

13 (26) Funding for a signal at state route number 507 and Yew Street
14 is included in the appropriation for intersection and spot improvements
15 (0BI2002).

16 (27) \$226,809,000 of the transportation partnership account--state
17 appropriation and \$1,019,460,000 of the state route number 520 corridor
18 account--state appropriation are provided solely for the state route
19 number 520 bridge replacement and HOV program. When developing the
20 financial plan for the program, the department shall assume that all
21 maintenance and operation costs for the new facility are to be covered
22 by tolls collected on the toll facility, and not by the motor vehicle
23 account.

24 (28) Any savings on projects on the state route number 532 corridor
25 must be used within the corridor to begin work on flood prevention and
26 raising portions of the highway above flood and storm influences.

27 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **PRESERVATION--PROGRAM P**

29 Transportation Partnership Account--State

30	Appropriation	\$34,182,000
31	Motor Vehicle Account--State Appropriation	\$67,583,000
32	Motor Vehicle Account--Federal Appropriation	\$625,437,000
33	Motor Vehicle Account--Private/Local Appropriation	\$17,253,000
34	TOTAL APPROPRIATION	\$744,455,000

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

1 (1) Except as provided otherwise in this section, the entire
2 transportation 2003 account (nickel account) appropriation and the
3 entire transportation partnership account appropriation are provided
4 solely for the projects and activities as listed by fund, project, and
5 amount in LEAP Transportation Document 2011-1 as developed March 22,
6 2011, Program - Highway Preservation Program (P). However, limited
7 transfers of specific line-item project appropriations may occur
8 between projects for those amounts listed subject to the conditions and
9 limitations in section 603 of this act.

10 (2) The department shall, on a quarterly basis beginning July 1,
11 2011, provide to the office of financial management and the legislature
12 reports providing the status on each active project funded in part or
13 whole by the transportation 2003 account (nickel account) or the
14 transportation partnership account. Funding provided at a programmatic
15 level for transportation partnership account projects relating to
16 seismic bridges must be reported on a programmatic basis. Projects
17 within this programmatic level funding must be completed on a priority
18 basis and scoped to be completed within the current programmatic
19 budget. The department shall work with the office of financial
20 management and the transportation committees of the legislature to
21 agree on report formatting and elements. Elements must include, but
22 not be limited to, project scope, schedule, and costs. The department
23 shall also provide the information required under this subsection on a
24 quarterly basis via the transportation executive information system.

25 (3) The department of transportation shall continue to implement
26 the lowest life-cycle cost planning approach to pavement management
27 throughout the state to encourage the most effective and efficient use
28 of pavement preservation funds. Emphasis should be placed on
29 increasing the number of roads addressed on time and reducing the
30 number of roads past due.

31 (4) Any redistributed federal funds received by the department
32 must, to the greatest extent possible, be applied first to offset
33 planned expenditures of state funds, and second, to offset planned
34 expenditures of federal funds, on projects as identified in the LEAP
35 transportation documents described in this act. If the redistributed
36 federal funds cannot be used in this manner, the department must
37 consult with the joint transportation committee prior to obligating any
38 redistributed federal funds.

1 (5) Within the motor vehicle account--state appropriation and motor
2 vehicle account--federal appropriation, the department may transfer
3 funds between programs I and P, except for funds that are otherwise
4 restricted in this act.

5 (6) The department shall apply for surface transportation program
6 enhancement funds to be expended in lieu of or in addition to state
7 funds for eligible costs of projects in programs I and P.

8 (7) The motor vehicle account--state appropriation includes up to
9 \$10,652,000 in proceeds from the sale of bonds authorized in RCW
10 47.10.843.

11 (8) When the department provides bridge inspection services to
12 cities and counties, the department may charge cities and counties only
13 for the direct hourly costs for department inspectors employed while
14 conducting and documenting inspections.

15 (9) Funding provided in this section may not be used for
16 construction of any ferries.

17 (10) \$277,000 of the motor vehicle account--federal appropriation
18 and \$10,000 of the motor vehicle account--state appropriation are
19 provided solely for the environmental impact statement and preliminary
20 planning for the replacement of the state route number 9 Snohomish
21 river bridge (project L2000018).

22 (11) \$3,093,000 of the motor vehicle account--federal appropriation
23 is provided solely for the I-90/Ritzville to Tokio - Paving of Outside
24 Lanes project (609041G).

25 (12) \$2,733,000 of the motor vehicle account--federal appropriation
26 and \$114,000 of the motor vehicle account--state appropriation are
27 provided solely for the SR 167/Puyallup River Bridge Replacement
28 project (316725A). This project must be completed as a design-build
29 project.

30 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

32	Motor Vehicle Account--State Appropriation	\$6,439,000
33	Motor Vehicle Account--Federal Appropriation	\$5,600,000
34	TOTAL APPROPRIATION	\$12,039,000

35 The appropriations in this section are subject to the following
36 conditions and limitations: \$1,000,000 of the motor vehicle account--
37 state appropriation for project 000005Q is provided solely for state

1 matching funds for federally selected competitive grants or
2 congressional earmark projects. These moneys must be placed into
3 reserve status until such time as federal funds are secured that
4 require a state match.

5 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**
6 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-1 (TERMINAL PROJECTS)**

7	Puget Sound Capital Construction Account--State	
8	Appropriation	\$20,542,000
9	Puget Sound Capital Construction Account--Federal	
10	Appropriation	\$12,291,000
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation	\$16,036,000
13	Transportation Partnership Account--State Appropriation	\$36,000
14	Multimodal Transportation Account--State	
15	Appropriation	\$150,000
16	TOTAL APPROPRIATION	\$49,055,000

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

19 (1) \$20,542,000 of the Puget Sound capital construction
20 account--state appropriation, \$12,291,000 of the Puget Sound capital
21 construction account--federal appropriation, \$36,000 of the
22 transportation partnership account--state appropriation, \$16,036,000 of
23 the transportation 2003 account (nickel account)--state appropriation,
24 and \$150,000 of the multimodal transportation account--state
25 appropriation are provided solely for ferry terminal projects, as
26 listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed
27 March 22, 2011, Program - Washington State Ferries Capital Program (W).

28 (2) The department shall work with the department of archaeology
29 and historic preservation to ensure that the cultural resources
30 investigation is properly conducted on all large ferry terminal
31 projects. These projects must be conducted with active archaeological
32 management.

33 (3) The Puget Sound capital construction account--state
34 appropriation includes up to \$20,542,000 in proceeds from the sale of
35 bonds authorized in RCW 47.10.843.

36 (4) Appropriations used for labor costs may be used only for

1 obligations under applicable collective bargaining agreements, civil
2 service laws, court orders, and judgments.

3 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-2 (VESSEL PROJECTS)**

5	Puget Sound Capital Construction Account--State	
6	Appropriation	\$72,277,000
7	Puget Sound Capital Construction Account--Federal	
8	Appropriation	\$46,589,000
9	Transportation 2003 Account (Nickel Account)--State	
10	Appropriation	\$20,906,000
11	Transportation Partnership Account--State	
12	Appropriation	\$1,000,000
13	Ferry Vessel Replacement Account--State Appropriation . . .	\$9,727,000
14	Multimodal Transportation Account--State	
15	Appropriation	\$11,711,000
16	TOTAL APPROPRIATION	\$162,210,000

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

19 (1) \$72,277,000 of the Puget Sound capital construction account--
20 state appropriation, \$46,589,000 of the Puget Sound capital
21 construction account--federal appropriation, \$1,000,000 of the
22 transportation partnership account--state appropriation, \$20,906,000 of
23 the transportation 2003 account (nickel account)--state appropriation,
24 \$9,727,000 of the ferry vessel replacement account--state
25 appropriation, and \$11,711,000 of the multimodal transportation
26 account--state appropriation are provided solely for ferry vessel
27 projects, as listed in LEAP Transportation Document 2011-2 ALL PROJECTS
28 as developed March 22, 2011, Program - Washington State Ferries Capital
29 Program (W).

30 (2) \$18,906,000 of the transportation 2003 account (nickel
31 account)--state appropriation, \$11,711,000 of the multimodal
32 transportation account--state appropriation, and \$1,537,000 of the
33 Puget Sound capital construction account--state appropriation are
34 provided solely for the acquisition of three new Island Home class
35 ferry vessels subject to the conditions of RCW 47.56.780.

36 (3) \$56,200,000 of the Puget Sound capital construction account--
37 state appropriation and \$9,727,000 of the ferry vessel replacement

1 account--state appropriation are provided solely for the acquisition of
2 one 144-vehicle capacity ferry vessel with a sole fuel source of liquid
3 natural gas. The department shall pursue a contract that includes an
4 option for a second 144-vehicle capacity ferry vessel. As such,
5 \$21,207,000 of the Puget Sound capital construction account--state
6 appropriation is provided solely for the second 144-vehicle capacity
7 ferry vessel; however, if sufficient resources are not made available
8 to complete construction of the second vessel before the option
9 expires, the second vessel may not be procured. The contract must
10 require the vendor to present to the joint transportation committee
11 within sixty days of signing the contract a list of design options that
12 will result in significant cost savings changes in terms of
13 construction or the long-term maintenance and operations of the vessel.
14 The contract must allow for exercising the options without a penalty.

15 (4) \$2,800,000 of the Puget Sound capital construction account--
16 federal appropriation is provided solely for completing the Anacortes
17 terminal design up to the maximum allowable construction cost phase.
18 Beyond preparing environmental work, these funds may be spent only
19 after the following conditions have been met: (a) A value engineering
20 process is conducted on the existing design and the concept of a
21 terminal building smaller than preferred alternative; (b) the office of
22 financial management participates in the value engineering process; (c)
23 the office of financial management concurs with the recommendations of
24 the value engineering process; and (d) the office of financial
25 management gives its approval to proceed with the design work.

26 (5) The department shall provide to the office of financial
27 management and the legislature quarterly reports providing the status
28 on each project listed in this section and in the project lists
29 submitted pursuant to this act and on any additional projects for which
30 the department has expended funds during the 2011-2013 fiscal biennium.
31 Elements must include, but not be limited to, project scope, schedule,
32 and costs. The department shall also provide the information required
33 under this subsection via the transportation executive information
34 systems (TEIS). The quarterly report regarding the status of projects
35 identified on the list referenced in subsection (1) of this section
36 must be developed according to an earned value method of project
37 monitoring.

1 (6)(a) The department shall update its vessel life-cycle cost model
2 with asset condition and report the results to the transportation
3 committees of the legislature by September 1, 2011.

4 (b) The department shall implement a vessel asset management system
5 and report the results of the system to the transportation committees
6 of the legislature by December 1, 2011.

7 (c) The department shall develop a proposed ferry vessel
8 maintenance, preservation, and improvement program and present it to
9 the transportation committees of the legislature by July 1, 2012. The
10 proposal must:

11 (i) Improve the basis for budgeting vessel maintenance,
12 preservation, and improvement costs and for projecting those costs into
13 a sixteen-year financial plan;

14 (ii) Limit the amount of planned out-of-service time to the
15 greatest extent possible, including options associated with department
16 staff as well as commercial shipyards. At a minimum, the department
17 shall consider the following:

18 (A) The costs compared to benefits of Eagle Harbor repair and
19 maintenance facility operations options to include staffing costs and
20 benefits in terms of reduced out-of-service time;

21 (B) The maintenance requirements for on-vessel staff, including the
22 benefits of a systemwide standard;

23 (C) The costs compared to benefits of staff performing preservation
24 or maintenance work, or both, while the vessel is underway, tied up
25 between sailings, or not deployed;

26 (D) A review of the department's vessel maintenance, preservation,
27 and improvement program contracting process and contractual
28 requirements;

29 (E) The costs compared to benefits of allowing for increased costs
30 associated with expedited delivery;

31 (F) A method for comparing the anticipated out-of-service time of
32 proposed projects and other projects planned during the same
33 construction period;

34 (G) Coordination with required United States coast guard dry
35 dockings;

36 (H) A method for comparing how proposed projects relate to the
37 service requirements of the route on which the vessel normally
38 operates; and

1 (I) A method for evaluating the ongoing maintenance and
 2 preservation costs associated with proposed improvement projects; and
 3 (iii) Be based on the service plan in the capital plan, recognizing
 4 that vessel preservation and improvement needs may vary by route.
 5 (7) To protect the waters of Puget Sound, the department shall
 6 investigate nontoxic alternatives to fuel additives and other
 7 commercial products that are used to operate, maintain, and preserve
 8 vessels.
 9 (8) The Puget Sound capital construction account--state
 10 appropriation includes up to \$72,277,000 in proceeds from the sale of
 11 bonds authorized in RCW 47.10.843.
 12 (9) No portion of the total appropriation provided in this section
 13 may be used to retrofit or investigate retrofitting existing vessels
 14 with alternative fuels.
 15 (10) Appropriations used for labor costs may be used only for
 16 obligations under applicable collective bargaining agreements, civil
 17 service laws, court orders, and judgments.

18 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**
 19 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-3 (EMERGENCY REPAIRS)**
 20 Puget Sound Capital Construction Account--State

21 Appropriation \$2,000,000

22 The appropriation in this section is subject to the following
 23 conditions and limitations:

24 (1) \$2,000,000 of the Puget Sound capital construction account--
 25 state appropriation is provided solely for emergency capital costs.
 26 Funds may be spent only after approval from the office of financial
 27 management.

28 (2) Appropriations used for labor costs may be used only for
 29 obligations under applicable collective bargaining agreements, civil
 30 service laws, court orders, and judgments.

31 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--**
 32 **RAIL--PROGRAM Y--CAPITAL**

33 Essential Rail Assistance Account--State

34 Appropriation \$1,000,000

35 Transportation Infrastructure Account--State

36 Appropriation \$5,838,000

1	Multimodal Transportation Account--State	
2	Appropriation	\$52,987,000
3	Multimodal Transportation Account--Federal	
4	Appropriation	\$352,006,000
5	Multimodal Transportation Account--Private/Local	
6	Appropriation	\$1,292,000
7	TOTAL APPROPRIATION	\$413,123,000

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

10 (1)(a) Except as provided otherwise in this section, the entire
11 appropriations in this section are provided solely for the projects and
12 activities as listed by project and amount in LEAP Transportation
13 Document 2011-2 ALL PROJECTS as developed March 22, 2011, Program -
14 Rail Capital Program (Y).

15 (b) Within the amounts provided in this section, \$2,903,000 of the
16 transportation infrastructure account--state appropriation is for low-
17 interest loans through the freight rail investment bank program for
18 specific projects listed as recipients of these loans in the LEAP
19 transportation document identified in (a) of this subsection. The
20 department shall issue freight rail investment bank program loans with
21 a repayment period of no more than ten years, and only so much interest
22 as is necessary to recoup the department's costs to administer the
23 loans.

24 (c) Within the amounts provided in this section, \$1,754,000 of the
25 multimodal transportation account--state appropriation and \$1,000,000
26 of the essential rail assistance account--state appropriation are for
27 statewide emergent freight rail assistance projects identified in the
28 LEAP transportation document identified in (a) of this subsection.

29 (2)(a) If any funds remain in the program reserves (F01001A &
30 F01000A) for the program and projects listed in subsection (1)(b) and
31 (c) of this section, the department shall issue a call for projects for
32 the freight rail investment bank program and the emergent freight rail
33 assistance program, and shall evaluate the applications according to
34 the cost-benefit methodology developed during the 2008 interim using
35 the legislative priorities specified in (c) of this subsection. By
36 November 1, 2011, the department shall submit a prioritized list of
37 recommended projects to the office of financial management and the
38 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 expend unallocated federal rail
27 crossing funds in lieu of or in addition to state funds for eligible
28 costs of projects in program Y.

29 (4) The department shall provide quarterly reports to the office of
30 financial management and the transportation committees of the
31 legislature regarding applications that the department submits for
32 federal funds and the status of such applications.

33 (5) The department shall, on a quarterly basis, provide to the
34 office of financial management and the legislature reports providing
35 the status on active projects identified in the LEAP transportation
36 document described in subsection (1)(a) of this section. Report
37 formatting and elements must be consistent with the October 2009
38 quarterly project report.

1 (6) The multimodal transportation account--state appropriation
2 includes up to \$16,386,000 in proceeds from the sale of bonds
3 authorized in RCW 47.10.867.

4 (7) When the balance of that portion of the miscellaneous program
5 account apportioned to the department for the grain train program
6 reaches \$1,180,000, the department shall acquire additional grain train
7 railcars.

8 (8) \$4,886,000 of the multimodal transportation account--state
9 appropriation is provided solely for expenditures related to the
10 capital high-speed passenger rail grant that are not federally
11 reimbursable.

12 (9) \$1,087,000 of the multimodal transportation account--state
13 appropriation is provided solely as state matching funds for successful
14 grant applications to the federal rail line relocation and improvement
15 program (project 798999D).

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

23 NEW SECTION. **Sec. 312. FOR THE DEPARTMENT OF TRANSPORTATION--**
24 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

25	Motor Vehicle Account--State Appropriation	\$3,521,000
26	Motor Vehicle Account--Federal Appropriation	\$28,541,000
27	Highway Infrastructure Account--State Appropriation	\$207,000
28	Highway Infrastructure Account--Federal	
29	Appropriation	\$1,602,000
30	Freight Mobility Investment Account--State	
31	Appropriation	\$11,947,000
32	Transportation Partnership Account--State	
33	Appropriation	\$6,035,000
34	Freight Mobility Multimodal Account--State	
35	Appropriation	\$8,648,000
36	Freight Mobility Multimodal Account--Local	
37	Appropriation	\$4,581,000

1	Multimodal Transportation Account--State	
2	Appropriation	\$13,932,000
3	Passenger Ferry Account--State Appropriation	\$1,115,000
4	TOTAL APPROPRIATION	\$80,129,000

5 The appropriations in this section are subject to the following
6 conditions and limitations:

7 (1) The department shall, on a quarterly basis beginning July 1,
8 2011, provide to the office of financial management and the legislature
9 reports providing the status on each active project funded in part or
10 whole by the transportation 2003 account (nickel account) or the
11 transportation partnership account. Report formatting and elements
12 must be consistent with the October 2009 quarterly project report. The
13 department shall also provide the information required under this
14 subsection on a quarterly basis via the transportation executive
15 information system.

16 (2) \$1,115,000 of the passenger ferry account--state appropriation
17 is provided solely for near and long-term costs of capital improvements
18 and operating expenses that are consistent with the business plan
19 approved by the governor for passenger ferry service.

20 (3) The department shall seek the use of unprogrammed federal rail
21 crossing funds to be expended in lieu of or in addition to state funds
22 for eligible costs of projects in local programs, program Z--capital.

23 (4) The department shall apply for surface transportation program
24 enhancement funds to be expended in lieu of or in addition to state
25 funds for eligible costs of projects in local programs, program
26 Z--capital.

27 (5) Federal funds may be transferred from program Z to programs I
28 and P and state funds must be transferred from programs I and P to
29 program Z to replace those federal funds in a dollar-for-dollar match.
30 Fund transfers authorized under this subsection shall not affect
31 project prioritization status. Appropriations must initially be
32 allotted as appropriated in this act. The department may not transfer
33 funds as authorized under this subsection without approval of the
34 office of financial management. The department shall submit a report
35 on those projects receiving fund transfers to the office of financial
36 management and the transportation committees of the legislature by
37 December 1, 2011, and December 1, 2012.

1 (6) The city of Winthrop may utilize a design-build process for the
2 Winthrop bike path project.

3 (7) \$10,557,000 of the multimodal transportation account--state
4 appropriation, \$12,136,000 of the motor vehicle account--federal
5 appropriation, and \$5,195,000 of the transportation partnership
6 account--state appropriation are provided solely for the pedestrian and
7 bicycle safety program projects and safe routes to schools program
8 projects identified in: LEAP Transportation Document 2011-A,
9 pedestrian and bicycle safety program projects and safe routes to
10 schools program projects, as developed March 22, 2011; LEAP
11 Transportation Document 2009-A, pedestrian and bicycle safety program
12 projects and safe routes to schools program projects, as developed
13 March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and
14 bicycle safety program projects and safe routes to schools program
15 projects, as developed April 20, 2007; and LEAP Transportation Document
16 2006-B, pedestrian and bicycle safety program projects and safe routes
17 to schools program projects, as developed March 8, 2006. Projects must
18 be allocated funding based on order of priority. The department shall
19 review all projects receiving grant awards under this program at least
20 semiannually to determine whether the projects are making satisfactory
21 progress. Any project that has been awarded funds, but does not report
22 activity on the project within one year of the grant award must be
23 reviewed by the department to determine whether the grant should be
24 terminated. The department shall promptly close out grants when
25 projects have been completed, and identify where unused grant funds
26 remain because actual project costs were lower than estimated in the
27 grant award.

28 (8) Except as provided otherwise in this section, the entire
29 appropriations in this section are provided solely for the projects and
30 activities as listed by project and amount in LEAP Transportation
31 Document 2011-2 ALL PROJECTS as developed March 22, 2011, Program -
32 Local Program (Z).

33 (9) For the 2011-2013 project appropriations, unless otherwise
34 provided in this act, the director of the office of financial
35 management may authorize a transfer of appropriation authority between
36 projects managed by the freight mobility strategic investment board in
37 order for the board to manage project spending and efficiently deliver
38 all projects in the respective program.

1 (10) With each department budget submittal, the department shall
2 provide an update on the status of the repayment of the twenty million
3 dollars of unobligated federal funds authority advanced by the
4 department in September 2010 to the city of Tacoma for the Murray
5 Morgan/11th Street bridge project.

6 (11) The department shall prepare a list of main street projects,
7 consistent with chapter ... (Engrossed Substitute House Bill No. 1071),
8 Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order
9 to ensure that any proposed list of projects is consistent with
10 legislative intent, the department shall provide a report to the joint
11 transportation committee by December 1, 2011. The report must identify
12 the eligible segments of main streets highways, the department's
13 proposed project selection and ranking method, criteria to be
14 considered, and a plan for soliciting project proposals.

15 **TRANSFERS AND DISTRIBUTIONS**

16 **NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT**
17 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
18 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**
19 **TRANSPORTATION FUND REVENUE**

20	Highway Bond Retirement Account--State Appropriation . . .	\$909,298,000
21	Ferry Bond Retirement Account--State Appropriation	\$31,801,000
22	State Route Number 520 Corridor Account--State	
23	Appropriation	\$1,075,000
24	Transportation Improvement Board Bond Retirement	
25	Account--State Appropriation	\$16,544,000
26	Nondebt-Limit Reimbursable Account Appropriation	\$25,200,000
27	Transportation Partnership Account--State	
28	Appropriation	\$3,128,000
29	Motor Vehicle Account--State Appropriation	\$328,000
30	Transportation 2003 Account (Nickel Account)--State	
31	Appropriation	\$763,000
32	Transportation Improvement Account--State Appropriation	\$29,000
33	Multimodal Transportation Account--State	
34	Appropriation	\$138,000
35	Toll Facility Bond Retirement Account--State	

1 Appropriation \$33,792,000
2 Toll Facility Bond Retirement Account--Federal
3 Appropriation \$14,649,000
4 TOTAL APPROPRIATION \$1,036,745,000

5 NEW SECTION. **Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT**
6 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
7 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

8 State Route Number 520 Corridor Account--State
9 Appropriation \$68,000
10 Transportation Partnership Account--State
11 Appropriation \$607,000
12 Motor Vehicle Account--State Appropriation \$63,000
13 Transportation 2003 Account (Nickel Account)--State
14 Appropriation \$377,000
15 Transportation Improvement Account--State Appropriation \$5,000
16 Multimodal Transportation Account--State
17 Appropriation \$27,000
18 TOTAL APPROPRIATION \$1,147,000

19 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**
20 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
21 **MVFT BONDS AND TRANSFERS**

22 Motor Vehicle Account--State Appropriation: For
23 transfer to the Puget Sound Capital Construction
24 Account \$107,819,000

25 The department of transportation is authorized to sell up to
26 \$107,819,000 in bonds authorized by RCW 47.10.843 for vessel and
27 terminal acquisition, major and minor improvements, and long lead-time
28 materials acquisition for the Washington state ferries. Of the
29 authorized amounts, \$14,500,000 is provided solely for expenditures
30 made during the fiscal biennium ending June 30, 2011.

31 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
32 **FOR DISTRIBUTION**

33 Motor Vehicle Account--State Appropriation for motor
34 vehicle fuel tax distributions to cities and
35 counties \$478,753,000

1 NEW SECTION. **Sec. 405. FOR THE STATE TREASURER--TRANSFERS**

2 Motor Vehicle Account--State Appropriation: For
3 motor vehicle fuel tax refunds and statutory
4 transfers \$1,247,260,000

5 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**
6 **TRANSFERS**

7 Motor Vehicle Account--State Appropriation: For
8 motor vehicle fuel tax refunds and transfers \$120,688,000

9 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**
10 **TRANSFERS**

11 (1) Tacoma Narrows Toll Bridge Account--State
12 Appropriation: For transfer to the Motor Vehicle
13 Account--State \$543,000

14 (2) Motor Vehicle Account--State Appropriation:
15 For transfer to the Puget Sound Ferry Operations
16 Account--State \$61,000,000

17 (3) Recreational Vehicle Account--State
18 Appropriation: For transfer to the Motor Vehicle
19 Account--State \$1,450,000

20 (4) License Plate Technology Account--State
21 Appropriation: For transfer to the Highway Safety
22 Account--State \$3,000,000

23 (5) Multimodal Transportation Account--State
24 Appropriation: For transfer to the Puget Sound
25 Ferry Operations Account--State \$21,000,000

26 (6) Highway Safety Account--State Appropriation:
27 For transfer to the Motor Vehicle Account--State \$24,000,000

28 (7) Department of Licensing Services Account--State
29 Appropriation: For transfer to the Motor Vehicle
30 Account--State \$300,000

31 (8) Advanced Right-of-Way Revolving Fund: For transfer
32 to the Motor Vehicle Account--State \$5,000,000

33 (9) State Route Number 520 Civil Penalties
34 Account--State Appropriation: For transfer to the
35 State Route Number 520 Corridor Account--State \$754,000

36 (10) Regional Mobility Grant Program Account--State

1 Appropriation: For transfer to the Multimodal
2 Transportation Account--State \$1,000,000
3 (11) Motor Vehicle Account--State Appropriation:
4 For transfer to the State Patrol Highway Account--
5 State \$16,500,000
6 (12) State Route Number 520 Corridor Account--State Appropriation:
7 For transfer to the Motor Vehicle Account--State, in an amount equal to
8 funds dispersed during the 2009-2011 fiscal biennium authorized under
9 section 905(7) of this act.
10 (13) Motor Vehicle Account--State Appropriation:
11 For transfer to the Puget Sound Capital Construction
12 Account--State \$10,000,000
13 (14) Motor Vehicle Account--State Appropriation:
14 For transfer to the Special Category C Account--State \$1,100,000
15 (15) The transfers identified in this section are subject to the
16 following conditions and limitations:
17 (a) The amount transferred in subsection (1) of this section
18 represents repayment of operating loans and reserve payments provided
19 to the Tacoma Narrows toll bridge account from the motor vehicle
20 account in the 2005-2007 fiscal biennium.
21 (b) The transfer in subsection (9) of this section represents toll
22 revenue collected from toll violations.

23 **NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS**

24 In addition to the amounts appropriated in this act for revenue for
25 distribution, state contributions to the law enforcement officers' and
26 firefighters' retirement system, and bond retirement and interest
27 including ongoing bond registration and transfer charges, transfers,
28 interest on registered warrants, and certificates of indebtedness,
29 there is also appropriated such further amounts as may be required or
30 available for these purposes under any statutory formula or under any
31 proper bond covenant made under law.

32 **NEW SECTION. Sec. 409.** The department of transportation is
33 authorized to undertake federal advance construction projects under the
34 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
35 meeting approved highway construction and preservation objectives. The
36 legislature recognizes that the use of state funds may be required to

1 temporarily fund expenditures of the federal appropriations for the
2 highway construction and preservation programs for federal advance
3 construction projects prior to conversion to federal funding.

4 **COMPENSATION**

5 **NEW SECTION. Sec. 501. COMPENSATION**

6 The appropriations for state agencies are subject to the following
7 conditions and limitations: State employee compensation adjustments
8 will be provided in accordance with funding adjustments provided in the
9 2011-2013 omnibus appropriations act.

10 **IMPLEMENTING PROVISIONS**

11 **NEW SECTION. Sec. 601. ACQUISITION OF PROPERTIES AND FACILITIES**
12 **THROUGH FINANCIAL CONTRACTS**

13 (1) The following agencies may enter into financial contracts, paid
14 from any funds of an agency, appropriated or nonappropriated, for the
15 purposes indicated and in not more than the principal amounts
16 indicated, plus financing expenses and required reserves pursuant to
17 chapter 39.94 RCW. When securing properties under this section,
18 agencies shall use the most economical financial contract option
19 available, including long-term leases, lease-purchase agreements,
20 lease-development with option to purchase agreements, or financial
21 contracts using certificates of participation. Expenditures made by an
22 agency for one of the indicated purposes before the issue date of the
23 authorized financial contract and any certificates of participation
24 therein are intended to be reimbursed from proceeds of the financial
25 contract and any certificates of participation therein to the extent
26 provided in the agency's financing plan approved by the state finance
27 committee.

28 (2) State agencies may enter into agreements with the department of
29 general administration and the state treasurer's office to develop
30 requests to the legislature for the acquisition of properties and
31 facilities through financial contracts. The agreements may include
32 charges for services rendered.

1 (a) Department of transportation: Enter into a financing contract
2 for up to \$8,186,000 plus financing expenses and required reserves
3 pursuant to chapter 39.94 RCW for the acquisition and implementation of
4 a time, leave, and labor distribution system.

5 (b) Department of licensing: Enter into a financing contract for
6 up to \$7,414,000 plus financing expenses and required reserves pursuant
7 to chapter 39.94 RCW for the purchase of a prorated and fuel tax system.

8 (c) Washington state patrol: (i) Enter into a financing contract
9 for up to \$8,241,000 plus financing expenses and required reserves
10 pursuant to chapter 39.94 RCW to purchase and install mobile office
11 platforms in state patrol and pursuit vehicles.

12 (ii) Enter into a financing contract for up to \$40,100,000 plus
13 financing expenses and required reserves pursuant to chapter 39.94 RCW
14 to purchase equipment and engineering services to convert to a
15 narrowband digital system.

16 **NEW SECTION. Sec. 602. MEGA-PROJECT REPORTING**

17 Mega-projects are defined as individual or groups of related
18 projects that cost \$1,000,000,000 or more. These projects include, but
19 are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North
20 Spokane corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the
21 Columbia river crossing. The department of transportation shall track
22 mega-projects and report the financial status and schedule of these
23 projects at least once a year to the transportation committees of the
24 legislature and the office of financial management. The design of
25 mega-projects must be evaluated considering cost, capacity, safety,
26 mobility needs, and how well the design of the facility fits within its
27 urban environment.

28 **NEW SECTION. Sec. 603. FUND TRANSFERS**

29 (1) The transportation 2003 projects or improvements and the 2005
30 transportation partnership projects or improvements are listed in LEAP
31 Transportation Document 2011-1 as developed March 22, 2011, which
32 consists of a list of specific projects by fund source and amount over
33 a sixteen-year period. Current fiscal biennium funding for each
34 project is a line-item appropriation, while the outer year funding
35 allocations represent a sixteen-year plan. The department is expected
36 to use the flexibility provided in this section to assist in the

1 delivery and completion of all transportation partnership account and
2 transportation 2003 account (nickel account) projects on the LEAP
3 transportation documents referenced in this act. For the 2009-2011 and
4 2011-2013 project appropriations, unless otherwise provided in this
5 act, the director of financial management may authorize a transfer of
6 appropriation authority between projects funded with transportation
7 2003 account (nickel account) appropriations, or transportation
8 partnership account appropriations, in order to manage project spending
9 and efficiently deliver all projects in the respective program under
10 the following conditions and limitations:

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

13 (b) Transfers from a project may not be made as a result of the
14 reduction of the scope of a project or be made to support increases in
15 the scope of a project;

16 (c) Each transfer between projects may only occur if the director
17 of financial management finds that any resulting change will not hinder
18 the completion of the projects as approved by the legislature. Until
19 the legislature reconvenes to consider the 2012 supplemental
20 transportation budget, any unexpended 2009-2011 appropriation balance
21 as approved by the office of financial management, in consultation with
22 the legislative staff of the house of representatives and senate
23 transportation committees, may be considered when transferring funds
24 between projects;

25 (d) Transfers from a project may be made if the funds appropriated
26 to the project are in excess of the amount needed to complete the
27 project;

28 (e) Transfers may not occur for projects not identified on the
29 applicable project list, except for those projects that were expected
30 to be completed in the 2009-2011 fiscal biennium;

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

33 (g) Transfers between projects may be made by the department of
34 transportation until the transfer amount by project exceeds two hundred
35 fifty thousand dollars, or ten percent of the total project, whichever
36 is less. These transfers must be reported quarterly to the director of
37 financial management and the chairs of the house of representatives and
38 senate transportation committees.

1 (2) At the time the department submits a request to transfer funds
2 under this section, a copy of the request must be submitted to the
3 transportation committees of the legislature.

4 (3) The office of financial management shall work with legislative
5 staff of the house of representatives and senate transportation
6 committees to review the requested transfers in a timely manner.

7 (4) The office of financial management shall document approved
8 transfers and schedule changes in the transportation executive
9 information system, compare changes to the legislative baseline funding
10 and schedules identified by project identification number identified in
11 the LEAP transportation documents referenced in this act, and transmit
12 revised project lists to chairs of the transportation committees of the
13 legislature on a quarterly basis.

14 NEW SECTION. **Sec. 604.** Executive Order number 05-05,
15 archaeological and cultural resources, was issued effective November
16 10, 2005. Agencies and higher education institutions that issue grants
17 or loans for capital projects shall comply with the requirements set
18 forth in this executive order.

19 NEW SECTION. **Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION**

20 As part of its annual budget submittal, the department shall
21 provide an annual update to the legislature and the office of financial
22 management that:

23 (1) Compares the original project cost estimates approved in the
24 transportation 2003 and 2005 transportation partnership project lists
25 to the completed cost of the project, or the most recent legislatively
26 approved budget and total project costs for projects not yet completed;

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

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

31 (4) Identifies highway projects that have lost significant local or
32 regional contributions that were essential to completing the project;
33 and

34 (5) Identifies contingency amounts allocated to projects.

35 NEW SECTION. **Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION**

1 As part of its 2012 supplemental budget submittal, the department
2 shall provide a report to the legislature and the office of financial
3 management that:

4 (1) Identifies, by capital project, the amount of state funding
5 that has been reappropriated from the 2009-2011 fiscal biennium into
6 the 2011-2013 fiscal biennium; and

7 (2) Identifies, for each project, the amount of cost savings or
8 increases in funding that have been identified as compared to the 2011
9 enacted transportation budget.

10 NEW SECTION. **Sec. 607.** (1) As the department of transportation
11 completes delivery of the projects funded by the 2003 and 2005
12 transportation revenue packages, it is clear that the current staffing
13 levels necessary to deliver these projects are not sustainable into the
14 future. Therefore, the department is directed to quickly move forward
15 to develop and implement new business practices so that a smaller, more
16 nimble state workforce can effectively and efficiently deliver
17 transportation improvement programs as they are approved in the future,
18 in strong partnership with the private sector, while protecting the
19 public's interests and assets.

20 (2) To this end, the department is directed to reduce the size of
21 its engineering and technical workforce to a level sustained by current
22 law revenue levels. The department's current two thousand eight
23 hundred FTE engineering and technical workforce levels for highway
24 construction must be reduced in the 2011-2013 fiscal biennium to two
25 thousand six hundred FTEs, with a target of reducing these workforce
26 levels to two thousand four hundred FTEs by June 30, 2013. The
27 department's engineering and technical workforce levels for highway
28 construction must be further reduced to two thousand two hundred FTEs
29 for the 2013-2015 fiscal biennium, with a target of reducing these
30 workforce levels to two thousand FTEs by June 30, 2015.

31 (3) In order to meet these targets and to continue to successfully
32 deliver the highway construction program, the department may contract
33 out engineering and technical services. In addition, the department
34 may continue the incentive program for retirements and employee
35 separations. The department shall report to the office of financial
36 management by November 2011 on its progress and plans to reduce highway
37 construction workforce levels to two thousand FTEs by June 2015.

1 MISCELLANEOUS 2011-2013 FISCAL BIENNIUM

2 **Sec. 701.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to
3 read as follows:

4 There is hereby created in the motor vehicle fund the RV account.
5 All moneys hereafter deposited in said account shall be used by the
6 department of transportation for the construction, maintenance, and
7 operation of recreational vehicle sanitary disposal systems at safety
8 rest areas in accordance with the department's highway system plan as
9 prescribed in chapter 47.06 RCW. During the ((2007-2009—and))
10 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
11 from the RV account to the motor vehicle fund such amounts as reflect
12 the excess fund balance of the RV account to accomplish the purposes
13 identified in this section.

14 **Sec. 702.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to
15 read as follows:

16 Before accepting any unsolicited project proposals, the commission
17 must adopt rules to facilitate the acceptance, review, evaluation, and
18 selection of unsolicited project proposals. These rules must include
19 the following:

20 (1) Provisions that specify unsolicited proposals must meet
21 predetermined criteria;

22 (2) Provisions governing procedures for the cessation of
23 negotiations and consideration;

24 (3) Provisions outlining that unsolicited proposals are subject to
25 a two-step process that begins with concept proposals and would only
26 advance to the second step, which are fully detailed proposals, if the
27 commission so directed;

28 (4) Provisions that require concept proposals to include at least
29 the following information: Proposers' qualifications and experience;
30 description of the proposed project and impact; proposed project
31 financing; and known public benefits and opposition; and

32 (5) Provisions that specify the process to be followed if the
33 commission is interested in the concept proposal, which must include
34 provisions:

35 (a) Requiring that information regarding the potential project
36 would be published for a period of not less than thirty days, during
37 which time entities could express interest in submitting a proposal;

1 (b) Specifying that if letters of interest were received during the
2 thirty days, then an additional sixty days for submission of the fully
3 detailed proposal would be allowed; and

4 (c) Procedures for what will happen if there are insufficient
5 proposals submitted or if there are no letters of interest submitted in
6 the appropriate time frame.

7 The commission may adopt other rules as necessary to avoid
8 conflicts with existing laws, statutes, or contractual obligations of
9 the state.

10 The commission may not accept or consider any unsolicited proposals
11 before July 1, (~~2011~~) 2013.

12 NEW SECTION. **Sec. 703.** To the extent that any appropriation
13 authorizes expenditures of state funds from the motor vehicle account,
14 special category C account, Tacoma Narrows toll bridge account,
15 transportation 2003 account (nickel account), transportation
16 partnership account, transportation improvement account, Puget Sound
17 capital construction account, multimodal transportation account, or
18 other transportation capital project account in the state treasury for
19 a state transportation program that is specified to be funded with
20 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the
21 legislature declares that any such expenditures made prior to the issue
22 date of the applicable transportation bonds for that state
23 transportation program are intended to be reimbursed from proceeds of
24 those transportation bonds in a maximum amount equal to the amount of
25 such appropriation.

26 **Sec. 704.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to
27 read as follows:

28 The license plate technology account is created in the state
29 treasury. All receipts collected under RCW 46.17.015 must be deposited
30 into this account. Expenditures from this account must support current
31 and future license plate technology and systems integration upgrades
32 for both the department and correctional industries. Moneys in the
33 account may be spent only after appropriation. Additionally, the
34 moneys in this account may be used to reimburse the motor vehicle
35 account for any appropriation made to implement the digital license
36 plate system. During the (~~2009-2011~~) 2011-2013 fiscal biennium, the

1 legislature may transfer from the license plate technology account to
2 the highway safety account such amounts as reflect the excess fund
3 balance of the license plate technology account.

4 **Sec. 705.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to
5 read as follows:

6 There is created the "advance right-of-way revolving fund" in the
7 custody of the treasurer, into which the department is authorized to
8 deposit directly and expend without appropriation:

9 (1) An initial deposit of ten million dollars from the motor
10 vehicle fund included in the department of transportation's 1991-93
11 budget;

12 (2) All moneys received by the department as rental income from
13 real properties that are not subject to federal aid reimbursement,
14 except moneys received from rental of capital facilities properties as
15 defined in chapter 47.13 RCW; and

16 (3) Any federal moneys available for acquisition of right-of-way
17 for future construction under the provisions of section 108 of Title
18 23, United States Code.

19 During the (~~2007-2009 and~~) 2009-2011 and 2011-2013 fiscal
20 biennia, the legislature may transfer from the advance right-of-way
21 revolving fund to the motor vehicle account amounts as reflect the
22 excess fund balance of the advance right-of-way revolving fund.

23 **Sec. 706.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161
24 s 604 are each reenacted and amended to read as follows:

25 (1) The department must review and either approve or reject special
26 license plate applications submitted by sponsoring organizations.

27 (2) Duties of the department include, but are not limited to, the
28 following:

29 (a) Review and approve the annual financial reports submitted by
30 sponsoring organizations with active special license plate series and
31 present those annual financial reports to the (~~senate and house~~
32 ~~transportation committees~~) joint transportation committee;

33 (b) Report annually to the (~~senate and house of representatives~~
34 ~~transportation committees~~) joint transportation committee on the
35 special license plate applications that were considered by the
36 department;

1 (c) Issue approval and rejection notification letters to sponsoring
2 organizations, the department, the (~~chairs of the senate and house of~~
3 ~~representatives transportation committees~~) executive committee of the
4 joint transportation committee, and the legislative sponsors identified
5 in each application. The letters must be issued within seven days of
6 making a determination on the status of an application; and

7 (d) Review annually the number of plates sold for each special
8 license plate series created after January 1, 2003. The department may
9 submit a recommendation to discontinue a special plate series to the
10 (~~chairs of the senate and house of representatives transportation~~
11 ~~committees~~) executive committee of the joint transportation committee.

12 (3) Except as provided in RCW 46.18.245, in order to assess the
13 effects and impact of the proliferation of special license plates, the
14 legislature declares a temporary moratorium on the issuance of any
15 additional plates until July 1, (~~2011~~) 2013. During this period of
16 time, the department is prohibited from accepting, reviewing,
17 processing, or approving any applications. Additionally, a special
18 license plate may not be enacted by the legislature during the
19 moratorium, unless the proposed license plate has been approved by the
20 former special license plate review board before February 15, 2005.

21 **Sec. 707.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
22 read as follows:

23 There is hereby created in the state treasury a fund to be known as
24 the highway safety fund to the credit of which shall be deposited all
25 moneys directed by law to be deposited therein. This fund shall be
26 used for carrying out the provisions of law relating to driver
27 licensing, driver improvement, financial responsibility, cost of
28 furnishing abstracts of driving records and maintaining such case
29 records, and to carry out the purposes set forth in RCW 43.59.010.
30 During the (~~2007-2009 and~~) 2009-2011 and 2011-2013 fiscal biennia,
31 the legislature may transfer from the highway safety fund to the motor
32 vehicle fund and the multimodal transportation account such amounts as
33 reflect the excess fund balance of the highway safety fund.

34 **Sec. 708.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
35 read as follows:

1 (1) The use of automated traffic safety cameras for issuance of
2 notices of infraction is subject to the following requirements:

3 (a) The appropriate local legislative authority must first enact an
4 ordinance allowing for their use to detect one or more of the
5 following: Stoplight, railroad crossing, or school speed zone
6 violations. At a minimum, the local ordinance must contain the
7 restrictions described in this section and provisions for public notice
8 and signage. Cities and counties using automated traffic safety
9 cameras before July 24, 2005, are subject to the restrictions described
10 in this section, but are not required to enact an authorizing
11 ordinance.

12 (b) Use of automated traffic safety cameras is restricted to two-
13 arterial intersections, railroad crossings, and school speed zones
14 only.

15 (c) During the (~~2009-2011~~) 2011-2013 fiscal biennium, automated
16 traffic safety cameras may be used to detect speed violations for the
17 purposes of (~~section 201(2), chapter 470, Laws of 2009~~) section
18 201(3) of this act if the local legislative authority first enacts an
19 ordinance authorizing the use of cameras to detect speed violations.

20 (d) Automated traffic safety cameras may only take pictures of the
21 vehicle and vehicle license plate and only while an infraction is
22 occurring. The picture must not reveal the face of the driver or of
23 passengers in the vehicle.

24 (e) A notice of infraction must be mailed to the registered owner
25 of the vehicle within fourteen days of the violation, or to the renter
26 of a vehicle within fourteen days of establishing the renter's name and
27 address under subsection (3)(a) of this section. The law enforcement
28 officer issuing the notice of infraction shall include with it a
29 certificate or facsimile thereof, based upon inspection of photographs,
30 microphotographs, or electronic images produced by an automated traffic
31 safety camera, stating the facts supporting the notice of infraction.
32 This certificate or facsimile is prima facie evidence of the facts
33 contained in it and is admissible in a proceeding charging a violation
34 under this chapter. The photographs, microphotographs, or electronic
35 images evidencing the violation must be available for inspection and
36 admission into evidence in a proceeding to adjudicate the liability for
37 the infraction. A person receiving a notice of infraction based on

1 evidence detected by an automated traffic safety camera may respond to
2 the notice by mail.

3 (f) The registered owner of a vehicle is responsible for an
4 infraction under RCW 46.63.030(1)(e) unless the registered owner
5 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
6 car business, satisfies the conditions under subsection (3) of this
7 section. If appropriate under the circumstances, a renter identified
8 under subsection (3)(a) of this section is responsible for an
9 infraction.

10 (g) Notwithstanding any other provision of law, all photographs,
11 microphotographs, or electronic images prepared under this section are
12 for the exclusive use of law enforcement in the discharge of duties
13 under this section and are not open to the public and may not be used
14 in a court in a pending action or proceeding unless the action or
15 proceeding relates to a violation under this section. No photograph,
16 microphotograph, or electronic image may be used for any purpose other
17 than enforcement of violations under this section nor retained longer
18 than necessary to enforce this section.

19 (h) All locations where an automated traffic safety camera is used
20 must be clearly marked by placing signs in locations that clearly
21 indicate to a driver that he or she is entering a zone where traffic
22 laws are enforced by an automated traffic safety camera.

23 (i) If a county or city has established an authorized automated
24 traffic safety camera program under this section, the compensation paid
25 to the manufacturer or vendor of the equipment used must be based only
26 upon the value of the equipment and services provided or rendered in
27 support of the system, and may not be based upon a portion of the fine
28 or civil penalty imposed or the revenue generated by the equipment.

29 (2) Infractions detected through the use of automated traffic
30 safety cameras are not part of the registered owner's driving record
31 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
32 by the use of automated traffic safety cameras under this section shall
33 be processed in the same manner as parking infractions, including for
34 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
35 However, the amount of the fine issued for an infraction generated
36 through the use of an automated traffic safety camera shall not exceed
37 the amount of a fine issued for other parking infractions within the
38 jurisdiction.

1 (3) If the registered owner of the vehicle is a rental car
2 business, the law enforcement agency shall, before a notice of
3 infraction being issued under this section, provide a written notice to
4 the rental car business that a notice of infraction may be issued to
5 the rental car business if the rental car business does not, within
6 eighteen days of receiving the written notice, provide to the issuing
7 agency by return mail:

8 (a) A statement under oath stating the name and known mailing
9 address of the individual driving or renting the vehicle when the
10 infraction occurred; or

11 (b) A statement under oath that the business is unable to determine
12 who was driving or renting the vehicle at the time the infraction
13 occurred because the vehicle was stolen at the time of the infraction.
14 A statement provided under this subsection must be accompanied by a
15 copy of a filed police report regarding the vehicle theft; or

16 (c) In lieu of identifying the vehicle operator, the rental car
17 business may pay the applicable penalty.

18 Timely mailing of this statement to the issuing law enforcement
19 agency relieves a rental car business of any liability under this
20 chapter for the notice of infraction.

21 (4) Nothing in this section prohibits a law enforcement officer
22 from issuing a notice of traffic infraction to a person in control of
23 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
24 (b), or (c).

25 (5) For the purposes of this section, "automated traffic safety
26 camera" means a device that uses a vehicle sensor installed to work in
27 conjunction with an intersection traffic control system, a railroad
28 grade crossing control system, or a speed measuring device, and a
29 camera synchronized to automatically record one or more sequenced
30 photographs, microphotographs, or electronic images of the rear of a
31 motor vehicle at the time the vehicle fails to stop when facing a
32 steady red traffic control signal or an activated railroad grade
33 crossing control signal, or exceeds a speed limit in a school speed
34 zone as detected by a speed measuring device. During the ((2009-2011))
35 2011-2013 fiscal biennium, an automated traffic safety camera includes
36 a camera used to detect speed violations for the purposes of ((~~section~~
37 ~~201(2), chapter 470, Laws of 2009~~)) section 201(3) of this act.

1 (6) During the (~~2009-2011~~) 2011-2013 fiscal biennium, this
2 section does not apply to automated traffic safety cameras for the
3 purposes of (~~section 218(2), chapter 470, Laws of 2009~~) section
4 216(5) of this act.

5 **Sec. 709.** RCW 46.63.160 and 2010 c 249 s 6 are each amended to
6 read as follows:

7 (1) This section applies only to civil penalties for nonpayment of
8 tolls detected through use of photo toll systems.

9 (2) Nothing in this section prohibits a law enforcement officer
10 from issuing a notice of traffic infraction to a person in control of
11 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
12 (b), or (c).

13 (3) A notice of civil penalty may be issued by the department of
14 transportation when a toll is assessed through use of a photo toll
15 system and the toll is not paid by the toll payment due date, which is
16 eighty days from the date the vehicle uses the toll facility and incurs
17 the toll charge.

18 (4) Any registered owner or renter of a vehicle traveling upon a
19 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
20 a civil penalty governed by the administrative procedures set forth in
21 this section when the vehicle incurs a toll charge and the toll is not
22 paid by the toll payment due date, which is eighty days from the date
23 the vehicle uses the toll facility and incurs the toll charge.

24 (5) Consistent with chapter 34.05 RCW, the department of
25 transportation shall develop an administrative adjudication process to
26 review appeals of civil penalties issued by the department of
27 transportation for toll nonpayment detected through the use of a photo
28 toll system under this section.

29 (6) The use of a photo toll system is subject to the following
30 requirements:

31 (a) Photo toll systems may take photographs, digital photographs,
32 microphotographs, videotapes, or other recorded images of the vehicle
33 and vehicle license plate only.

34 (b) A notice of civil penalty must include with it a certificate or
35 facsimile thereof, based upon inspection of photographs,
36 microphotographs, videotape, or other recorded images produced by a
37 photo toll system, stating the facts supporting the notice of civil

1 penalty. This certificate or facsimile is prima facie evidence of the
2 facts contained in it and is admissible in a proceeding established
3 under subsection (5) of this section. The photographs, digital
4 photographs, microphotographs, videotape, or other recorded images
5 evidencing the toll nonpayment civil penalty must be available for
6 inspection and admission into evidence in a proceeding to adjudicate
7 the liability for the civil penalty.

8 (c) Notwithstanding any other provision of law, all photographs,
9 digital photographs, microphotographs, videotape, other recorded
10 images, or other records identifying a specific instance of travel
11 prepared under this chapter are for the exclusive use of the tolling
12 agency for toll collection and enforcement purposes and are not open to
13 the public and may not be used in a court in a pending action or
14 proceeding unless the action or proceeding relates to a civil penalty
15 under this chapter. No photograph, digital photograph,
16 microphotograph, videotape, other recorded image, or other record
17 identifying a specific instance of travel may be used for any purpose
18 other than toll collection or enforcement of civil penalties under this
19 section. Records identifying a specific instance of travel by a
20 specific person or vehicle must be retained only as required to ensure
21 payment and enforcement of tolls and to comply with state records
22 retention policies.

23 (d) All locations where a photo toll system is used must be clearly
24 marked by placing signs in locations that clearly indicate to a driver
25 that he or she is entering a zone where tolls are assessed and enforced
26 by a photo toll system.

27 (e) Within existing resources, the department of transportation
28 shall conduct education and outreach efforts at least six months prior
29 to activating an all-electronic photo toll system. Methods of outreach
30 shall include a department presence at community meetings in the
31 vicinity of a toll facility, signage, and information published in
32 local media. Information provided shall include notice of when all
33 electronic photo tolling shall begin and methods of payment.
34 Additionally, the department shall provide quarterly reporting on
35 education and outreach efforts and other data related to the issuance
36 of civil penalties.

37 (7) Civil penalties for toll nonpayment detected through the use of

1 photo toll systems must be issued to the registered owner of the
2 vehicle identified by the photo toll system, but are not part of the
3 registered owner's driving record under RCW 46.52.101 and 46.52.120.

4 (8) The civil penalty for toll nonpayment detected through the use
5 of a photo toll system is forty dollars plus the photo toll and
6 associated fees.

7 (9) Except as provided otherwise in this subsection, all civil
8 penalties, including the photo toll and associated fees, collected
9 under this section must be deposited into the toll facility account of
10 the facility on which the toll was assessed. However, (~~beginning on~~
11 ~~July 1, 2011,~~) civil penalties deposited into the Tacoma Narrows toll
12 bridge account created under RCW 47.56.165 that are in excess of
13 amounts necessary to support the toll adjudication process applicable
14 to toll collection on the Tacoma Narrows bridge must first be allocated
15 toward repayment of operating loans and reserve payments provided to
16 the account from the motor vehicle account under section 1005(15),
17 chapter 518, Laws of 2007. Additionally, all civil penalties,
18 resulting from nonpayment of tolls on the state route number 520
19 corridor, shall be deposited into the state route number 520 civil
20 penalties account created under section 4, chapter 248, Laws of 2010
21 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

22 (10) If the registered owner of the vehicle is a rental car
23 business, the department of transportation shall, before a toll bill is
24 issued, provide a written notice to the rental car business that a toll
25 bill may be issued to the rental car business if the rental car
26 business does not, within thirty days of the mailing of the written
27 notice, provide to the issuing agency by return mail:

28 (a) A statement under oath stating the name and known mailing
29 address of the individual driving or renting the vehicle when the toll
30 was assessed; or

31 (b) A statement under oath that the business is unable to determine
32 who was driving or renting the vehicle at the time the toll was
33 assessed because the vehicle was stolen at the time the toll was
34 assessed. A statement provided under this subsection must be
35 accompanied by a copy of a filed police report regarding the vehicle
36 theft; or

37 (c) In lieu of identifying the vehicle operator, the rental car
38 business may pay the applicable toll and fee.

1 Timely mailing of this statement to the issuing agency relieves a
2 rental car business of any liability under this section for the payment
3 of the toll.

4 (11) Consistent with chapter 34.05 RCW, the department of
5 transportation shall develop rules to implement this section.

6 (12) For the purposes of this section, "photo toll system" means
7 the system defined in RCW 47.56.010 and 47.46.020.

8 **Sec. 710.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to
9 read as follows:

10 (1) Effective June 1, 2006, for agencies complying with the ultra-
11 low sulfur diesel mandate of the United States environmental protection
12 agency for on-highway diesel fuel, agencies shall use biodiesel as an
13 additive to ultra-low sulfur diesel for lubricity, provided that the
14 use of a lubricity additive is warranted and that the use of biodiesel
15 is comparable in performance and cost with other available lubricity
16 additives. The amount of biodiesel added to the ultra-low sulfur
17 diesel fuel shall be not less than two percent.

18 (2) Effective June 1, 2009, state agencies are required to use a
19 minimum of twenty percent biodiesel as compared to total volume of all
20 diesel purchases made by the agencies for the operation of the
21 agencies' diesel-powered vessels, vehicles, and construction equipment.

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

26 (4) For the 2009-2011 fiscal biennium, all fuel purchased by the
27 Washington state ferries at Harbor Island for the operation of the
28 Washington state ferries diesel powered vessels must be a minimum of
29 five percent biodiesel blend so long as the per gallon price of diesel
30 containing a five percent biodiesel blend level does not exceed the per
31 gallon price of diesel by more than five percent. If the per gallon
32 price of diesel containing a five percent biodiesel blend level exceeds
33 the per gallon price of diesel by more than five percent, the
34 requirements of this section do not apply to vessel fuel purchases by
35 the Washington state ferries.

36 (5) By December 1, 2009, the department of general administration
37 shall:

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

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

6 (6) During the 2011-2013 fiscal biennium, this section does not
7 apply to fuel purchased by the Washington state ferries.

8 **Sec. 711.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to
9 read as follows:

10 The department of licensing services account is created in the
11 motor vehicle fund. All receipts from service fees received under RCW
12 46.17.025 must be deposited into the account. Moneys in the account
13 may be spent only after appropriation. Expenditures from the account
14 may be used only for:

15 (1) Information and service delivery systems for the department;

16 (2) Reimbursement of county licensing activities; and

17 (3) County auditor or other agent and subagent support including,
18 but not limited to, the replacement of department-owned equipment in
19 the possession of county auditors or other agents and subagents
20 appointed by the director. During the ~~((2007-2009 and 2009-2011))~~
21 2011-2013 fiscal ~~((biennia))~~ biennium, the legislature may transfer
22 from the department of licensing services account such amounts as
23 reflect the excess fund balance of the account.

24 **Sec. 712.** RCW 43.19.534 and 2009 c 470 s 717 are each amended to
25 read as follows:

26 (1) State agencies, the legislature, and departments shall purchase
27 for their use all goods and services required by the legislature,
28 agencies, or departments that are produced or provided in whole or in
29 part from class II inmate work programs operated by the department of
30 corrections through state contract. These goods and services shall not
31 be purchased from any other source unless, upon application by the
32 department or agency: (a) The department of general administration
33 finds that the articles or products do not meet the reasonable
34 requirements of the agency or department, (b) are not of equal or
35 better quality, or (c) the price of the product or service is higher
36 than that produced by the private sector. However, the criteria

1 contained in (a), (b), and (c) of this section for purchasing goods and
2 services from sources other than correctional industries do not apply
3 to goods and services produced by correctional industries that
4 primarily replace goods manufactured or services obtained from outside
5 the state. The department of corrections and department of general
6 administration shall adopt administrative rules that implement this
7 section.

8 (2) During the 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia,
9 and in conformance with section 223(11), chapter 470, Laws of 2009 and
10 section 221(3) of this act, this section does not apply to the purchase
11 of uniforms by the Washington state ferries.

12 NEW SECTION. Sec. 713. 2010 c 161 s 1126 is repealed.

13 **2009-2011 FISCAL BIENNIUM**
14 **GENERAL GOVERNMENT AGENCIES--OPERATING**

15 **Sec. 801.** 2010 c 247 s 103 (uncodified) is amended to read as
16 follows:

17 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

18 Motor Vehicle Account--State Appropriation	\$3,526,000
19 Puget Sound Ferry Operations Account--State	
20 Appropriation	(\$98,000)
21	<u>\$164,000</u>
22 TOTAL APPROPRIATION	(\$3,624,000)
23	<u>\$3,690,000</u>

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

26 (1) \$1,699,000 of the motor vehicle account--state appropriation is
27 provided solely for the office of regulatory assistance integrated
28 permitting project.

29 (2) \$1,004,000 of the motor vehicle account--state appropriation is
30 provided solely for the continued maintenance and support of the
31 transportation executive information system. Of the amount provided in
32 this subsection, \$502,000 is for two existing FTEs at the department of
33 transportation to maintain and support the system.

1 (3) \$150,000 of the motor vehicle account--state appropriation is
 2 provided solely for the office of financial management to contract with
 3 the Washington state association of counties for a pilot program to
 4 develop and implement a streamlined process for programmatic hydraulic
 5 project approvals for multiple, recurring local transportation and
 6 public works projects. The pilot program must include the following:
 7 (a) Describing, defining, and documenting classes of local
 8 transportation and public works projects appropriate for programmatic
 9 hydraulic project approvals permits; (b) developing technical
 10 permitting requirements and conditions; (c) administratively adopting
 11 and implementing programmatic hydraulic project approvals statewide;
 12 and (d) piloting, reviewing, updating, and training throughout all
 13 Washington counties. For the purpose of this subsection, the contract
 14 with the Washington state association of counties is deemed a revenue
 15 generation and auditing activity as that term is construed in section
 16 602(2), chapter 3, Laws of 2010.

17 **Sec. 802.** 2010 c 247 s 104 (uncodified) is amended to read as
 18 follows:

19 **FOR THE MARINE EMPLOYEES COMMISSION**
 20 Puget Sound Ferry Operations Account--State
 21 Appropriation ((~~\$440,000~~))
 22 \$374,000

23 **TRANSPORTATION AGENCIES--OPERATING**

24 **Sec. 901.** 2010 c 247 s 205 (uncodified) is amended to read as
 25 follows:

26 **FOR THE TRANSPORTATION COMMISSION**
 27 Motor Vehicle Account--State Appropriation ((~~\$2,328,000~~))
 28 \$2,167,000
 29 Multimodal Transportation Account--State Appropriation . . ((~~\$112,000~~))
 30 \$111,000
 31 TOTAL APPROPRIATION ((~~\$2,440,000~~))
 32 \$2,278,000

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

1 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
2 the transportation commission shall periodically review and, if
3 necessary, modify the schedule of fares for the Washington state ferry
4 system. The transportation commission may increase ferry fares,
5 except no fare schedule modifications may be made prior to September 1,
6 2009. For purposes of this subsection, "modify" includes increases or
7 decreases to the schedule.

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

14 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
15 the transportation commission shall periodically review and, if
16 necessary, modify the schedule of toll charges applicable to the Tacoma
17 Narrows bridge, taking into consideration the recommendations of the
18 citizen advisory committee created under RCW 47.46.091. For purposes
19 of this subsection, "modify" includes increases or decreases to the
20 schedule.

21 (4) The commission may name state ferry vessels consistent with its
22 authority to name state transportation facilities under RCW 47.01.420.
23 When naming or renaming state ferry vessels, the commission shall
24 investigate selling the naming rights and shall make recommendations to
25 the legislature regarding this option.

26 (5) \$350,000 of the motor vehicle account--state appropriation is
27 provided solely for consultant support services to assist the
28 commission in updating the statewide transportation plan. The updated
29 plan must be submitted to the legislature by December 1, 2010.

30 (6) If the commission considers implementing a ferry fuel
31 surcharge, it must first submit an analysis and business plan to the
32 office of financial management and either the joint transportation
33 committee or the transportation committees of the legislature. The
34 commission may impose a ferry fuel surcharge effective July 1, 2011.
35 When implementing a ferry fuel surcharge, the commission must regard
36 ferry fuel surcharges as fare policy changes and thus, ferry fuel
37 surcharges should be included in all public procedures and processes
38 currently used for fare pricing per RCW 47.60.290.

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

9 (8) As part of its development of the statewide transportation
10 plan, the commission shall review prioritized projects, including
11 preservation and maintenance projects, from regional transportation and
12 metropolitan planning organizations to identify statewide
13 transportation needs. The review should include a brief description
14 and status of each project along with the funding required and
15 associated timeline from start to completion. The commission shall
16 submit the review, along with recommendations, to the house of
17 representatives and senate transportation committees by January 2011.

18 **Sec. 902.** 2010 c 247 s 207 (uncodified) is amended to read as
19 follows:

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

21	State Patrol Highway Account--State	
22	Appropriation	((\$227,958,000))
23		<u>\$224,558,000</u>
24	State Patrol Highway Account--Federal	
25	Appropriation\$10,903,000
26	State Patrol Highway Account--Private/Local	
27	Appropriation	((\$867,000))
28		<u>\$939,000</u>
29	TOTAL APPROPRIATION	((\$239,728,000))
30		<u>\$236,400,000</u>

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

33 (1) Washington state patrol officers engaged in off-duty uniformed
34 employment providing traffic control services to the department of
35 transportation or other state agencies may use state patrol vehicles
36 for the purpose of that employment, subject to guidelines adopted by
37 the chief of the Washington state patrol. The Washington state patrol

1 shall be reimbursed for the use of the vehicle at the prevailing state
2 employee rate for mileage and hours of usage, subject to guidelines
3 developed by the chief of the Washington state patrol, and Cessna
4 pilots funded from the state patrol highway account who are certified
5 to fly the King Airs may pilot those aircraft for general fund purposes
6 with the general fund reimbursing the state patrol highway account an
7 hourly rate to cover the costs incurred during the flights since the
8 aviation section will no longer be part of the Washington state patrol
9 cost allocation system as of July 1, 2009.

10 (2) The patrol shall not account for or record locally provided DUI
11 cost reimbursement payments as expenditure credits to the state patrol
12 highway account. The patrol shall report the amount of expected
13 locally provided DUI cost reimbursements to the office of financial
14 management and transportation committees of the legislature by
15 September 30th of each year.

16 (3) During the 2009-11 fiscal biennium, the Washington state patrol
17 shall continue to perform traffic accident investigations on Thurston
18 county roads, and shall work with the county to transition the traffic
19 accident investigations on Thurston county roads to the county by July
20 1, 2011.

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

25 (5) The Washington state patrol shall collaborate with the
26 Washington traffic safety commission to develop and implement the
27 target zero trooper pilot program referenced in section 201 of this
28 act.

29 (6) \$370,000 of the state patrol highway account--state
30 appropriation is provided solely for costs associated with the pilot
31 program described under section 218(2) of this act. The Washington
32 state patrol may incur costs related only to the assignment of cadets
33 and necessary computer equipment and to the reimbursement of the
34 Washington state department of transportation for contract costs. The
35 appropriation in this subsection must be funded from the portion of the
36 automated traffic safety camera fines deposited into the state patrol
37 highway account; however, if the fines deposited into the state patrol
38 highway account from automated traffic safety camera infractions do not

1 reach three hundred seventy thousand dollars, the department of
2 transportation shall remit funds necessary to the Washington state
3 patrol to ensure the completion of the pilot program. The Washington
4 state patrol may not incur overtime as a result of this pilot program.
5 The Washington state patrol shall not assign troopers to operate or
6 deploy the pilot program equipment used in the roadway construction
7 zones.

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

15 (8) \$2,832,000 of the state patrol highway account--state
16 appropriation is provided solely for the aerial traffic enforcement
17 program. The Washington state patrol shall evaluate the costs
18 associated with aerial traffic highway enforcement to determine if the
19 costs are accurately apportioned between the state patrol highway
20 account and the general fund. It is the intent of the legislature that
21 the state patrol highway account incurs costs that result only from
22 highway enforcement activities and that the general fund incurs costs
23 associated with the King Airs. The Washington state patrol shall
24 report the results of the evaluation to the legislature by June 30,
25 2010.

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

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

32 (11) After May 1, 2011, unless specifically prohibited, the
33 Washington state patrol may transfer state patrol highway account--
34 state appropriations for the 2009-2011 fiscal biennium between
35 operating programs after approval by the director of the office of
36 financial management. However, the state patrol shall not transfer
37 state moneys that are provided solely for a specified purpose.

1 **Sec. 903.** 2010 c 247 s 208 (uncodified) is amended to read as
2 follows:

3 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
4 State Patrol Highway Account--State Appropriation . . . ((~~\$1,648,000~~)
5 \$1,196,000)

6 The appropriation in this section is subject to the following
7 conditions and limitations: After May 1, 2011, unless specifically
8 prohibited, the Washington state patrol may transfer state patrol
9 highway account--state appropriations for the 2009-2011 fiscal biennium
10 between operating programs after approval by the director of the office
11 of financial management. However, the state patrol shall not transfer
12 state moneys that are provided solely for a specified purpose.

13 **Sec. 904.** 2010 c 247 s 209 (uncodified) is amended to read as
14 follows:

15 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**
16 State Patrol Highway Account--State Appropriation . . ((~~\$108,560,000~~)
17 \$105,488,000)
18 State Patrol Highway Account--Private/Local
19 Appropriation \$2,510,000
20 TOTAL APPROPRIATION ((~~\$111,070,000~~)
21 \$107,998,000)

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

24 (1) The Washington state patrol shall work with the risk management
25 division in the office of financial management in compiling the
26 Washington state patrol's data for establishing the agency's risk
27 management insurance premiums to the tort claims account. The office
28 of financial management and the Washington state patrol shall submit a
29 report to the legislative transportation committees by December 31st of
30 each year on the number of claims, estimated claims to be paid, method
31 of calculation, and the adjustment in the premium.

32 (2) ((~~\$10,425,000~~)) \$10,676,000 of the total appropriation is
33 provided solely for automobile fuel in the 2009-11 fiscal biennium.

34 (3) \$7,421,000 of the total appropriation is provided solely for
35 the purchase of pursuit vehicles.

36 (4) \$6,611,000 of the total appropriation is provided solely for

1 vehicle repair and maintenance costs of vehicles used for highway
2 purposes.

3 (5) \$1,724,000 of the total appropriation is provided solely for
4 the purchase of mission vehicles used for highway purposes in the
5 commercial vehicle and traffic investigation sections of the Washington
6 state patrol.

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

11 (7) (~~(\$345,000 of the state patrol highway account state~~
12 ~~appropriation is provided solely for the implementation of Engrossed~~
13 ~~Substitute House Bill No. 1445 (domestic partners/Washington state~~
14 ~~patrol retirement system). If Engrossed Substitute House Bill No. 1445~~
15 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~
16 ~~shall lapse)) After May 1, 2011, unless specifically prohibited, the
17 Washington state patrol may transfer state patrol highway account--
18 state appropriations for the 2009-2011 fiscal biennium between
19 operating programs after approval by the director of the office of
20 financial management. However, the state patrol shall not transfer
21 state moneys that are provided solely for a specified purpose.~~

22 **Sec. 905.** 2010 c 247 s 211 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
25 **MAINTENANCE--PROGRAM B**

26	High Occupancy Toll Lanes Operations Account--State	
27	Appropriation	(((\$2,852,000))
28		<u>\$2,732,000</u>
29	Motor Vehicle Account--State Appropriation	(((\$575,000))
30		<u>\$2,945,000</u>
31	Tacoma Narrows Toll Bridge Account--State	
32	Appropriation\$26,543,000
33	State Route Number 520 Corridor Account--State	
34	Appropriation	(((\$28,000,000))
35		<u>\$736,000</u>
36	State Route Number 520 Civil Penalties	
37	Account--State Appropriation	(((\$2,130,000))

1 \$130,000
2 TOTAL APPROPRIATION (~~(\$60,100,000)~~)
3 \$33,086,000

4 The appropriations in this section are subject to the following
5 conditions and limitations:

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

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

17 (3) (~~(\$28,000,000)~~) \$736,000 of the state route number 520 corridor
18 account--state appropriation is provided solely for the costs directly
19 related to tolling the state route number 520 floating bridge. (~~Of~~
20 ~~this amount, \$8,000,000 must be retained in unallotted status, and may~~
21 ~~only be released by the office of financial management after~~
22 ~~consultation with the joint transportation committee.))~~

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

26 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil
27 penalties account--state appropriation and \$140,000 of the Tacoma
28 Narrows toll bridge account--state appropriation are provided solely
29 for expenditures related to the toll adjudication process. The amount
30 provided in this subsection is contingent on the enactment by June 30,
31 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
32 House Bill No. 2897; however, if the enacted bill does not specify the
33 department as the toll penalty adjudicating agency, the amounts
34 provided in this subsection lapse.

35 (6) The department shall review, and revise where appropriate,
36 current signage and ingress/egress locations on the state route number
37 167 high occupancy toll lanes pilot project. The department shall
38 continue to work with the Washington state patrol on educating the

1 public on the rules of the road related to crossing a double white
2 line. The department shall continue to monitor the performance of the
3 high occupancy toll lanes to ensure that driving conditions for high
4 occupancy vehicles that share these lanes are not significantly
5 changed.

6 (7) Up to \$2,435,000 of the motor vehicle account--state
7 appropriation is provided solely as an expenditure reserve in the event
8 that toll revenue collection on the state route number 520 floating
9 bridge is delayed beyond April 2, 2011. This appropriation must remain
10 in unallotted status and may be released by the office of financial
11 management only to cover shortfalls in the state route number 520
12 corridor account due to delayed toll revenue collection in order to
13 support the activities funded in subsection (3) of this section.
14 Repayment from the state route number 520 corridor account to the motor
15 vehicle account regarding this appropriation is assumed in the
16 2011-2013 biennial transportation budget.

17 **Sec. 906.** 2010 c 247 s 212 (uncodified) is amended to read as
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
20 **C**

21 Transportation Partnership Account--State

22	Appropriation	\$2,675,000
23	Motor Vehicle Account--State Appropriation	(\$68,650,000)
24		<u>\$67,546,000</u>
25	Motor Vehicle Account--Federal Appropriation	\$240,000
26	Multimodal Transportation Account--State	
27	Appropriation	\$363,000
28	Transportation 2003 Account (Nickel Account)--State	
29	Appropriation	\$2,676,000
30	TOTAL APPROPRIATION	(\$74,604,000)
31		<u>\$73,500,000</u>

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

34 (1) The department shall consult with the office of financial
35 management and the department of information services to: (a) Ensure
36 that the department's current and future system development is
37 consistent with the overall direction of other key state systems; and

1 (b) when possible, use or develop common statewide information systems
2 to encourage coordination and integration of information used by the
3 department and other state agencies and to avoid duplication.

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

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

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

33 **Sec. 907.** 2010 c 247 s 213 (uncodified) is amended to read as
34 follows:

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

37 Motor Vehicle Account--State Appropriation (~~(\$25,292,000)~~)

1 \$24,639,000

2 **Sec. 908.** 2010 c 247 s 214 (uncodified) is amended to read as
3 follows:

4 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation	((\$5,960,000))
	<u>\$5,761,000</u>
Aeronautics Account--Federal Appropriation	\$2,150,000
TOTAL APPROPRIATION	((\$8,110,000))
	<u>\$7,911,000</u>

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

12 (1) \$50,000 of the aeronautics account--state appropriation is a
13 reappropriation provided solely to pay any outstanding obligations of
14 the aviation planning council, which expires July 1, 2009.

15 (2) \$150,000 of the aeronautics account--state appropriation is a
16 reappropriation provided solely to complete runway preservation
17 projects.

18 (3) Within the amounts provided in this section, the department
19 shall develop guidelines setting forth consultation procedures and a
20 process to assist counties and cities to identify land uses that may be
21 incompatible with airports and aircraft operations, and to encourage
22 and facilitate the adoption and implementation of comprehensive plan
23 policies and development regulations consistent with RCW 36.70.547 and
24 36.70A.510.

25 **Sec. 909.** 2010 c 247 s 215 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
28 **SUPPORT--PROGRAM H**

Motor Vehicle Account--State Appropriation	((\$49,331,000))
	<u>\$45,219,000</u>
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Transportation Account--State Appropriation	\$250,000
TOTAL APPROPRIATION	((\$50,081,000))
	<u>\$45,969,000</u>

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

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

1 those individuals and entities and the implications to the department.
2 It is the intent of the legislature that the list of individuals and
3 entities eligible to receive surplus property be periodically evaluated
4 to determine whether the list is appropriate and provides utility to
5 the department.

6 (2) The legislature recognizes that the Dryden pit site (WSDOT
7 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
8 property under the jurisdiction of the department of transportation,
9 and that the public would benefit significantly from the complete
10 enjoyment of the natural scenic beauty and recreational opportunities
11 available at the site. Therefore, pursuant to RCW 47.12.080, the
12 legislature declares that transferring the property to the department
13 of fish and wildlife for recreational use and fish and wildlife
14 restoration efforts is consistent with the public interest in order to
15 preserve the area for the use of the public and the betterment of the
16 natural environment. The department of transportation shall work with
17 the department of fish and wildlife, and shall transfer and convey the
18 Dryden pit site to the department of fish and wildlife as is for an
19 adjusted fair market value reflecting site conditions, the proceeds of
20 which must be deposited in the motor vehicle fund. 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 (3) \$3,175,000 of the motor vehicle account--state appropriation is
27 provided solely for the department's compliance with its national
28 pollution discharge elimination system permit.

29 (4) The department shall provide updated information on six project
30 milestones for all active projects, funded in part or in whole with
31 2005 transportation partnership account funds or 2003 nickel account
32 funds, on a quarterly basis in the transportation executive information
33 system (TEIS). The department shall also provide updated information
34 on six project milestones for projects, funded with preexisting funds
35 and that are agreed to by the legislature, office of financial
36 management, and the department, on a quarterly basis in TEIS.

1 **Sec. 910.** 2010 c 247 s 216 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
4 **K**

5	Motor Vehicle Account--State Appropriation	((\$673,000))
6		<u>\$643,000</u>
7	Multimodal Transportation Account--State	
8	Appropriation	((\$200,000))
9		<u>\$150,000</u>
10	TOTAL APPROPRIATION	((\$873,000))
11		<u>\$793,000</u>

12 The appropriations in this section are subject to the following
13 conditions and limitations:

14 (1) \$200,000 of the multimodal transportation account--state
15 appropriation is provided solely for the department to develop and
16 implement public private partnerships at high priority terminals as
17 identified in the January 12, 2009, final report on joint development
18 opportunities at Washington state ferries terminals. The department
19 shall first consider a mutually beneficial agreement at the Edmonds
20 terminal.

21 (2) \$50,000 of the motor vehicle account--state appropriation is
22 provided solely for the department to investigate the potential to
23 generate revenue from web site sponsorships and similar ventures and,
24 if feasible, pursue partnership opportunities.

25 (3) \$75,000 of the motor vehicle account--state appropriation is
26 provided solely for the implementation of a pilot project allowing
27 advertisements and sponsorships on select web pages. The pilot project
28 must be organized under the partnership model described in the
29 department's web site monetizing feasibility study, which was prepared
30 under subsection (2) of this section. Once operational, the pilot
31 project must operate for at least twelve consecutive months. After
32 twelve months of continuous operation, the department shall provide a
33 report with recommendations on whether to continue project operations
34 to the office of financial management and the chairs of the
35 transportation committees. The department may end the pilot project
36 after less than twelve consecutive months of operation if insufficient
37 bids or proposals are received from potential sponsors or advertisers.
38 For the purpose of this subsection, if a consultant contract is

1 warranted, the consultant contract is deemed a revenue generation
2 activity as that term is construed in section 602(2), chapter 3, Laws
3 of 2010.

4 **Sec. 911.** 2010 c 247 s 217 (uncodified) is amended to read as
5 follows:

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

7 Motor Vehicle Account--State Appropriation	((\$347,645,000))
	<u>\$348,943,000</u>
9 Motor Vehicle Account--Federal Appropriation	\$7,000,000
10 Motor Vehicle Account--Private/Local Appropriation	((\$5,797,000))
	<u>\$7,997,000</u>
12 TOTAL APPROPRIATION	((\$360,442,000))
	<u>\$363,940,000</u>

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

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

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

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

30 (4) \$7,000,000 of the motor vehicle account--federal appropriation
31 is for unanticipated federal funds that may be received during the
32 2009-11 fiscal biennium. Upon receipt of the funds, the department
33 shall provide a report on the use of the funds to the transportation
34 committees of the legislature and the office of financial management.

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

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

4 (b) The department is reimbursed from the narrows bridge lights
5 organization within three months from the date any maintenance work is
6 performed. If the narrows bridge lights organization is unable to
7 reimburse the department for any future costs incurred, the lights must
8 be removed at the expense of the narrows bridge lights organization
9 subject to the terms of the contract.

10 (6) The department may work with the department of corrections to
11 utilize corrections crews for the purposes of litter pickup on state
12 highways.

13 (7) \$650,000 of the motor vehicle account--state appropriation is
14 provided solely for increased asphalt costs.

15 (8) \$16,800,000 of the motor vehicle account--state appropriation
16 is provided solely for the high priority maintenance backlog.
17 Addressing the maintenance backlog must result in increased levels of
18 service.

19 (9) \$750,000 of the motor vehicle account--state appropriation is
20 provided solely for the department's compliance with its national
21 pollution discharge elimination system permit.

22 (10) \$317,000 of the motor vehicle account--state appropriation is
23 provided solely for maintaining a new active traffic management system
24 on Interstate 5, Interstate 90, and SR 520. The department shall track
25 the costs associated with these systems on a corridor basis and report
26 to the legislative transportation committees on the cost and benefits
27 of the system.

28 (11) \$286,000 of the motor vehicle account--state appropriation is
29 provided solely for storm water assessment fees charged by local
30 governments.

31 **Sec. 912.** 2010 c 247 s 218 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
34 **OPERATING**

35	Motor Vehicle Account--State Appropriation	((\$51,128,000))
36		<u>\$49,764,000</u>
37	Motor Vehicle Account--Federal Appropriation	\$2,050,000

1 Motor Vehicle Account--Private/Local Appropriation \$127,000
2 TOTAL APPROPRIATION ((~~\$53,305,000~~))
3 \$51,941,000

4 The appropriations in this section are subject to the following
5 conditions and limitations:

6 (1) \$2,400,000 of the motor vehicle account--state appropriation is
7 provided solely for low-cost enhancements. The department shall give
8 priority to low-cost enhancement projects that improve safety or
9 provide congestion relief. The department shall prioritize low-cost
10 enhancement projects on a statewide rather than regional basis. By
11 September 1st of each even-numbered year, the department shall provide
12 a report to the legislature listing all low-cost enhancement projects
13 prioritized on a statewide rather than regional basis completed in the
14 prior year.

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

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

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

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

37 (d) The owner of the vehicle is not responsible for the violation
38 if the owner of the vehicle, within fourteen days of receiving

1 notification of the violation, mails to the patrol, a declaration under
2 penalty of perjury, stating that the vehicle involved was, at the time,
3 stolen or in the care, custody, or control of some person other than
4 the registered owner, or any other extenuating circumstances;

5 (e) For purposes of the 2009-11 fiscal biennium pilot program,
6 infractions detected through the use of automated traffic safety
7 cameras are not part of the registered owner's driving record under RCW
8 46.52.101 and 46.52.120. Additionally, infractions generated by the
9 use of automated traffic safety cameras must be processed in the same
10 manner as parking infractions for the purposes of RCW 3.50.100,
11 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
12 fine issued under this subsection (2) for an infraction generated
13 through the use of an automated traffic safety camera is one hundred
14 thirty-seven dollars. The court shall remit thirty-two dollars of the
15 fine to the state treasurer for deposit into the state patrol highway
16 account; and

17 (f) If a notice of infraction is sent to the registered owner and
18 the registered owner is a rental car business, the infraction must be
19 dismissed against the business if it mails to the patrol, within
20 fourteen days of receiving the notice, a declaration under penalty of
21 perjury of the name and known mailing address of the individual driving
22 or renting the vehicle when the infraction occurred. If the business
23 is unable to determine who was driving or renting the vehicle at the
24 time the infraction occurred, the business must sign a declaration
25 under penalty of perjury to this effect. The declaration must be
26 mailed to the patrol within fourteen days of receiving the notice of
27 traffic infraction. Timely mailing of this declaration to the issuing
28 agency relieves a rental car business of any liability under this
29 section for the notice of infraction. A declaration form suitable for
30 this purpose must be included with each automated traffic infraction
31 notice issued, along with instructions for its completion and use.

32 (3) The department shall implement a pilot project to evaluate the
33 benefits of using electronic traffic flagging devices. Electronic
34 traffic flagging devices must be tested by the department at multiple
35 sites and reviewed for efficiency and safety. The department shall
36 report to the transportation committees of the legislature on the best
37 use and practices involving electronic traffic flagging devices,
38 including recommendations for future use, by June 30, 2010.

1 (4) \$173,000 of the motor vehicle account--state appropriation is
2 provided solely for the department to continue a pilot tow truck
3 incentive program and to expand the program to other areas of the
4 state. The department may provide incentive payments to towing
5 companies that meet clearance goals on accidents that involve heavy
6 trucks. The department shall report to the office of financial
7 management and the transportation committees of the legislature on the
8 effectiveness of the clearance goals and submit recommendations to
9 improve the pilot program with the department's 2010 supplemental
10 omnibus transportation appropriations act submittal. The tow truck
11 incentive program may continue to provide incentives for quick
12 clearance of traffic incidents involving large vehicles. The
13 department shall make recommendations as part of its biennial budget
14 proposal for expanding the use of the incentive program.

15 (5) \$92,000 of the motor vehicle account--state appropriation is
16 provided solely for operating a new active traffic management system on
17 Interstate 5, Interstate 90, and SR 520. The department shall track
18 the costs associated with these systems on a corridor basis and report
19 to the legislative transportation committees on the cost and benefits
20 of the system.

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

23 (7) During the 2009-11 biennium, the department shall implement a
24 pilot program that expands private transportation providers' access to
25 high occupancy vehicle lanes. Under the pilot program, when the
26 department reserves a portion of a highway based on the number of
27 passengers in a vehicle, the following vehicles must be authorized to
28 use the reserved portion of the highway if the vehicle has the capacity
29 to carry eight or more passengers, regardless of the number of
30 passengers in the vehicle: (a) Auto transportation company vehicles
31 regulated under chapter 81.68 RCW; (b) passenger charter carrier
32 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
33 stretch limousines and stretch sport utility vehicles as defined under
34 department rules; (c) private nonprofit transportation provider
35 vehicles regulated under chapter 81.66 RCW; and (d) private employer
36 transportation service vehicles. For purposes of this subsection,
37 "private employer transportation service" means regularly scheduled,
38 fixed-route transportation service that is offered by an employer for

1 the benefit of its employees. By June 30, 2011, the department shall
2 report to the transportation committees of the legislature on whether
3 private transportation provider use of high occupancy vehicle lanes
4 under the pilot program reduces the speeds of high occupancy vehicle
5 lanes. Nothing in this subsection is intended to authorize the
6 conversion of public infrastructure to private, for-profit purposes or
7 to otherwise create an entitlement or other claim by private users to
8 public infrastructure.

9 **Sec. 913.** 2010 c 247 s 219 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
12 **SUPPORT--PROGRAM S**

13	Motor Vehicle Account--State Appropriation	((\$28,468,000))
14		<u>\$27,968,000</u>
15	Motor Vehicle Account--Federal Appropriation	\$30,000
16	Multimodal Transportation Account--State	
17	Appropriation	\$971,000
18	State Route Number 520 Corridor Account--State	
19	Appropriation	\$264,000
20	TOTAL APPROPRIATION	((\$29,733,000))
21		<u>\$29,233,000</u>

22 The appropriations in this section are subject to the following
23 conditions and limitations: \$264,000 of the state route number 520
24 corridor account--state appropriation is provided solely for the costs
25 directly related to tolling the state route number 520 floating bridge.
26 This amount must be retained in unallotted status, and may only be
27 released by the office of financial management after consultation with
28 the joint transportation committee.

29 **Sec. 914.** 2010 c 247 s 220 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
32 **AND RESEARCH--PROGRAM T**

33	Motor Vehicle Account--State Appropriation	((\$25,955,000))
34		<u>\$25,384,000</u>
35	Motor Vehicle Account--Federal Appropriation	\$22,002,000
36	Multimodal Transportation Account--State	

1	Appropriation	\$1,090,000
2	Multimodal Transportation Account--Federal	
3	Appropriation	\$3,287,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation	\$99,000
6	TOTAL APPROPRIATION	((\$52,433,000))
7		<u>\$51,862,000</u>

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

10 (1) \$150,000 of the motor vehicle account--federal appropriation is
11 provided solely for the costs to develop an electronic map-based
12 computer application that will enable law enforcement officers and
13 others to more easily locate collisions and other incidents in the
14 field.

15 (2) \$400,000 of the multimodal transportation account--state
16 appropriation is provided solely for a diesel multiple unit feasibility
17 and initial planning study. The study must evaluate potential service
18 on the Stampede Pass line from Maple Valley to Auburn via Covington.
19 The study must evaluate the potential demand for service, the business
20 model and capital needs for launching and running the line, and the
21 need for improvements in switching, signaling, and tracking. The study
22 must also consider the interconnectivity benefits of, and potential
23 for, future Amtrak Cascades stops in south King county and north Pierce
24 county. As part of its consideration, the department shall conduct a
25 thorough market analysis of the potential for adding or changing stops
26 on the Amtrak Cascades route. The department shall amend the scope,
27 schedule, and budget of the current study process to accommodate the
28 market analysis. A report on the study must be submitted to the
29 legislature by September 30, 2010.

30 (3) \$365,000 of the motor vehicle account--state appropriation and
31 \$81,000 of the motor vehicle account--federal appropriation are
32 provided solely for the development of a freight database to help guide
33 freight investment decisions and track project effectiveness. The
34 database must be based on truck movement tracked through geographic
35 information system technology. For the remainder of the biennium, the
36 department may expand data collection to any highways that have high
37 truck volumes. TransNow shall contribute additional federal funds that

1 are not appropriated in this act. The department shall work with the
2 freight mobility strategic investment board to implement this database.

3 (4) \$2,000,000 of the motor vehicle account--state appropriation is
4 provided solely for scoping unfunded state highway projects to ensure
5 that a well-vetted project list is available for future program funding
6 discussions.

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

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

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

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

24 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
25 appropriation is provided solely for a corridor study of state route
26 number 516 from the eastern border of Maple Valley to state route
27 number 167 to determine whether improvements are needed and the costs
28 of any needed improvements.

29 (6) \$500,000 of the multimodal transportation account--federal
30 appropriation is provided solely for continued support of the
31 International Mobility and Trade Corridor project and for the
32 department to work with the Whatcom council of governments to examine
33 potential improvements to international border freight and passenger
34 rail movement and the use of diesel multiple units.

35 (7) \$80,000 of the motor vehicle account--state appropriation is
36 provided solely to continue existing work regarding feasibility of a
37 new interchange between Rochester and Harrison Avenue on Interstate 5.

1 **Sec. 915.** 2010 c 247 s 221 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
4 **V**

5	Regional Mobility Grant Program Account--State	
6	Appropriation	((\$65,274,000))
7		<u>\$56,332,000</u>
8	Multimodal Transportation Account--State	
9	Appropriation	((\$65,667,000))
10		<u>\$65,547,000</u>
11	Multimodal Transportation Account--Federal	
12	Appropriation	\$2,573,000
13	Multimodal Transportation Account--Private/Local	
14	Appropriation	\$1,025,000
15	TOTAL APPROPRIATION	((\$134,539,000))
16		<u>\$125,477,000</u>

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

19 (1) \$25,000,000 of the multimodal transportation account--state
20 appropriation is provided solely for a grant program for special needs
21 transportation provided by transit agencies and nonprofit providers of
22 transportation.

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

29 (b) \$19,500,000 of the amount provided in this subsection is
30 provided solely for grants to transit agencies to transport persons
31 with special transportation needs. To receive a grant, the transit
32 agency must have a maintenance of effort for special needs
33 transportation that is no less than the previous year's maintenance of
34 effort for special needs transportation. Grants for transit agencies
35 shall be prorated based on the amount expended for demand response
36 service and route deviated service in calendar year 2007 as reported in
37 the "Summary of Public Transportation - 2007" published by the

1 department of transportation. No transit agency may receive more than
2 thirty percent of these distributions.

3 (2) Funds are provided for the rural mobility grant program as
4 follows:

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

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

16 (3) \$7,000,000 of the multimodal transportation account--state
17 appropriation is provided solely for a vanpool grant program for: (a)
18 Public transit agencies to add vanpools or replace vans; and (b)
19 incentives for employers to increase employee vanpool use. The grant
20 program for public transit agencies will cover capital costs only;
21 operating costs for public transit agencies are not eligible for
22 funding under this grant program. Additional employees may not be
23 hired from the funds provided in this section for the vanpool grant
24 program, and supplanting of transit funds currently funding vanpools is
25 not allowed. The department shall encourage grant applicants and
26 recipients to leverage funds other than state funds. At least
27 \$1,600,000 of this amount must be used for vanpool grants in congested
28 corridors.

29 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
30 account--state appropriation is provided solely for a grant for a
31 flexible carpooling pilot project program to be administered and
32 monitored by the department. Funds are appropriated for one time only.
33 The pilot project program must: Test and implement at least one
34 flexible carpooling system in a high-volume commuter area that enables
35 carpooling without prearrangement; utilize technologies that, among
36 other things, allow for transfer of ride credits between participants;
37 and be a membership system that involves prescreening to ensure safety
38 of the participants. The program must include a pilot project that

1 targets commuter traffic on the state route number 520 bridge. The
2 department shall submit to the legislature by December 2010 a report on
3 the program results and any recommendations for additional flexible
4 carpooling programs.

5 (5) \$3,318,000 of the multimodal transportation account--state
6 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
7 grant program account--state appropriation are reappropriated and
8 provided solely for the regional mobility grant projects identified on
9 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
10 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
11 The department shall continue to review all projects receiving grant
12 awards under this program at least semiannually to determine whether
13 the projects are making satisfactory progress. The department shall
14 promptly close out grants when projects have been completed, and any
15 remaining funds available to the office of transit mobility must be
16 used only to fund projects on the LEAP Transportation Document 2006-D,
17 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
18 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
19 as developed April 24, 2009. It is the intent of the legislature to
20 appropriate funds through the regional mobility grant program only for
21 projects that will be completed on schedule. However, the Chuckanut
22 park and ride project (101100G) is recognized as a crucial investment
23 in the transportation system. For this reason, the department shall
24 not close out the grant for the Chuckanut park and ride project until
25 Skagit transit has exhausted all other pending opportunities for
26 federal and local funds. If additional funds cannot be secured, the
27 department shall consider this project a priority in the 2011-13 grant
28 process. The department shall make every effort to advance the
29 Chuckanut park and ride project within existing resources.

30 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
31 program account--state appropriation is provided solely for the
32 regional mobility grant projects identified in LEAP Transportation
33 Document 2009-B, as developed April 24, 2009. The department shall
34 review all projects receiving grant awards under this program at least
35 semiannually to determine whether the projects are making satisfactory
36 progress. Any project that has been awarded funds, but does not report
37 activity on the project within one year of the grant award, must be
38 reviewed by the department to determine whether the grant should be

1 terminated. The department shall promptly close out grants when
2 projects have been completed, and any remaining funds available to the
3 office of transit mobility must be used only to fund projects
4 identified in LEAP Transportation Document 2009-B, as developed April
5 24, 2009. The department shall provide annual status reports on
6 December 15, 2009, and December 15, 2010, to the office of financial
7 management and the transportation committees of the legislature
8 regarding the projects receiving the grants. It is the intent of the
9 legislature to appropriate funds through the regional mobility grant
10 program only for projects that will be completed on schedule.

11 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
12 program account--state appropriation must be obligated no later than
13 December 31, 2010, and is provided solely for the following recommended
14 contingency regional mobility grant projects identified in the 2009-11
15 omnibus transportation appropriations act, LEAP Transportation Document
16 2009-B, as developed April 24, 2009, as follows:

17 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
18 Rainier/Jackson transit priority corridor improvements;

19 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
20 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
21 west of 96th Ave NE) project; and

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

24 (8) \$300,000 of the multimodal transportation account--state
25 appropriation is provided solely for a transportation demand management
26 program, developed by the Whatcom council of governments, to further
27 reduce drive-alone trips and maximize the use of sustainable
28 transportation choices. The community-based program must focus on all
29 trips, not only commute trips, by providing education, assistance, and
30 incentives to four target audiences: (a) Large work sites; (b)
31 employees of businesses in downtown areas; (c) school children; and (d)
32 residents of Bellingham.

33 (9) \$130,000 of the multimodal transportation account-- state
34 appropriation is provided solely to the department to distribute to
35 support Engrossed Substitute House Bill No. 2072 (special needs
36 transportation).

37 (a) \$80,000 of the amount provided in this subsection is provided

1 solely for implementation of the work group related to federal
2 requirements in section 1, chapter . . . (Engrossed Substitute House
3 Bill No. 2072), Laws of 2009.

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

16 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
17 June 30, 2009, the amount provided in this subsection (9) lapses. If
18 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
19 but a commitment from other sources to fully fund the pilot project
20 described in (b) of this subsection has not been obtained by September
21 30, 2009, the amount provided in (b) of this subsection lapses.

22 (10) Funds provided for the commute trip reduction program may also
23 be used for the growth and transportation efficiency center program.

24 (11) An affected urban growth area that has not previously
25 implemented a commute trip reduction program is exempt from the
26 requirements in RCW 70.94.527 if a solution to address the state
27 highway deficiency that exceeds the person hours of delay threshold has
28 been funded and is in progress during the 2009-11 fiscal biennium.

29 (12) \$2,309,000 of the multimodal transportation account--state
30 appropriation is provided solely for the tri-county connection service
31 for Island, Skagit, and Whatcom transit agencies.

32 **Sec. 916.** 2010 c 247 s 222 (uncodified) is amended to read as
33 follows:

34	FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X	
35	Puget Sound Ferry Operations Account--State	
36	Appropriation	((\$425,922,000))
37		<u>\$447,460,000</u>

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

3 (1) (~~(\$78,754,952)~~) \$97,053,000 of the Puget Sound ferry operations
4 account--state appropriation is provided solely for auto ferry vessel
5 operating fuel in the 2009-11 fiscal biennium. This appropriation is
6 contingent upon the enactment of sections 716 and 701 of this act. All
7 fuel purchased by the Washington state ferries at Harbor Island truck
8 terminal for the operation of the Washington state ferries diesel
9 powered vessels must be a minimum of five percent biodiesel blend so
10 long as the per gallon price of diesel containing a five percent
11 biodiesel blend level does not exceed the per gallon price of diesel by
12 more than five percent.

13 (2) To protect the waters of Puget Sound, the department shall
14 investigate nontoxic alternatives to fuel additives and other
15 commercial products that are used to operate, maintain, and preserve
16 vessels.

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

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

30 (5) The department shall continue to provide service to Sidney,
31 British Columbia. The department may place a Sidney terminal departure
32 surcharge on fares for out of state residents riding the Washington
33 state ferry route that runs between Anacortes, Washington and Sidney,
34 British Columbia, if the cost for landing/license fee, taxes, and
35 additional amounts charged for docking are in excess of \$280,000 CDN.
36 The surcharge must be limited to recovering amounts above \$280,000 CDN.

37 (6) The department shall analyze operational solutions to enhance

1 service on the Bremerton to Seattle ferry run. The Washington state
2 ferries shall report its analysis to the transportation committees of
3 the legislature by December 1, 2009.

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

10 (8) (~~(\$4,794,000)~~) \$6,116,000 of the Puget Sound ferry operations
11 account--state appropriation is provided solely for commercial
12 insurance for ferry assets. The office of financial management, after
13 consultation with the transportation committees of the legislature,
14 must present a business plan for the Washington state ferry system's
15 insurance coverage to the 2010 legislature. The business plan must
16 include a cost-benefit analysis of Washington state ferries' current
17 commercial insurance purchased for ferry assets and a review of self-
18 insurance for noncatastrophic events.

19 (9) \$1,100,000 of the Puget Sound ferry operations account--state
20 appropriation is provided solely for a marketing program. The
21 department shall present a marketing program proposal to the
22 transportation committees of the legislature during the 2010
23 legislative session before implementing this program. Of this amount,
24 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
25 Coupeville for mitigation expenses related to only one vessel operating
26 on the Port Townsend/Keystone ferry route. The moneys provided to the
27 city of Port Townsend and town of Coupeville are not contingent upon
28 the required marketing proposal.

29 (10) \$350,000 of the Puget Sound ferry operations account--state
30 appropriation is provided solely for two extra trips per day during the
31 summer of 2009 season, beyond the current schedule, on the Port
32 Townsend/Keystone route.

33 (11) When purchasing uniforms that are required by collective
34 bargaining agreements, the department shall contract with the lowest
35 cost provider.

36 (12) The legislature finds that measuring the performance of
37 Washington state ferries requires the measurement of quality,
38 timeliness, and unit cost of services delivered to customers.

1 Consequently, the department must develop a set of metrics that measure
2 that performance and report to the transportation committees of the
3 legislature and to the office of financial management on the
4 development of these measurements along with recommendations to the
5 2010 legislature on which measurements must become a part of the next
6 omnibus transportation appropriations act.

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

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

25 (b) The process for appointing an investigating officer or officers
26 and a description of the authorities and responsibilities of the
27 investigating officer or officers. The investigating officer or
28 officers must:

29 (i) Have the appropriate training and experience as determined by
30 the policy;

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

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

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

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

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

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

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

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

18 (14) \$7,300,000 of the Puget Sound ferry operations account--state
19 appropriation is provided solely for the purposes of travel time
20 associated with Washington state ferries employees. However, if
21 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
22 system) is enacted by June 30, 2010, containing an appropriation for
23 purposes of travel time associated with Washington state ferries
24 employees, the amount provided in this subsection lapses.

25 (15) \$50,000 of the Puget Sound ferry operations account--state
26 appropriation is provided solely to implement a mechanism to report on-
27 time performance statistics.

28 (a) The department shall conduct a study to identify process
29 changes that would improve on-time performance on a route-by-route
30 basis. The study must include looking into the slowing down of vessels
31 for fuel economy purposes and touch-and-go sailings on peak runs. The
32 department shall report its findings to the transportation committees
33 of the senate and house of representatives by December 1, 2010.

34 (b) The department shall, by November 1, 2010, report to the
35 transportation committees of the legislature statistics regarding its
36 on-time arrival and departure status on a route-by-route and month-by-
37 month basis, as well as an annual route-by-route and systemwide basis,
38 weighted by the number of customers on each sailing and distinguishing

1 peak period on-time performance. The statistics must include reasons
2 for any delays over ten minutes from the scheduled time. The
3 statistics must be prominently displayed on the Washington state
4 ferries' web site. Each Washington state ferries vessel and terminal
5 must prominently display the statistics as they relate to their
6 specific route.

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

11 (17) By July 1, 2010, the department shall provide to the governor
12 and the transportation committees of the senate and house of
13 representatives a listing of all benefits that Washington state ferries
14 union employees receive that other state employees do not traditionally
15 receive. The listing must include any costs associated with these
16 benefits.

17 **Sec. 917.** 2010 c 247 s 223 (uncodified) is amended to read as
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
20 Multimodal Transportation Account--State
21 Appropriation ((~~\$37,371,000~~))
22 \$29,871,000
23 Multimodal Transportation Account--Federal
24 Appropriation \$100,000
25 TOTAL APPROPRIATION \$29,971,000

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

28 (1) (~~\$31,591,000~~) \$24,091,000 of the multimodal transportation
29 account--state appropriation is provided solely for the Amtrak service
30 contract and Talgo maintenance contract associated with providing and
31 maintaining the state-supported passenger rail service. Upon
32 completion of the rail platform project in the city of Stanwood, the
33 department shall provide daily Amtrak Cascades service to the city.

34 (2) Amtrak Cascade runs may not be eliminated.

35 (3) The department shall begin planning for a third roundtrip
36 Cascades train between Seattle and Vancouver, B.C. by 2010.

1 initial fees collected for the new waste water treatment lines, waste
2 water plants, water lines, and water systems.

3 **Sec. 1002.** 2010 c 247 s 301 (uncodified) is amended to read as
4 follows:

5 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

6 Rural Arterial Trust Account--State Appropriation . . .	((\$73,000,000))
7	<u>\$71,500,000</u>
8 Motor Vehicle Account--State Appropriation	\$1,048,000
9 County Arterial Preservation Account--State	
10 Appropriation	((\$31,400,000))
11	<u>\$30,400,000</u>
12 TOTAL APPROPRIATION	((\$105,448,000))
13	<u>\$102,948,000</u>

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

16 (1) \$1,048,000 of the motor vehicle account--state appropriation
17 may be used for county ferry projects as developed pursuant to RCW
18 47.56.725(4).

19 (2) The appropriations in this section include funding to counties
20 to assist them in efforts to recover from federally declared
21 emergencies, by providing capitalization advances and local match for
22 federal emergency funding as determined by the county road
23 administration board. The county road administration board shall
24 specifically identify any such selected projects and shall include
25 information concerning such selected projects in its next annual report
26 to the legislature.

27 (3) \$22,000,000 of the rural arterial trust account--state
28 appropriation is provided solely for additional grants for county road
29 projects as approved by the county road administration board.

30 **Sec. 1003.** 2010 c 247 s 302 (uncodified) is amended to read as
31 follows:

32 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

33 Small City Pavement and Sidewalk Account--State	
34 Appropriation	\$3,927,000
35 Urban Arterial Trust Account--State Appropriation . .	((\$123,900,000))
36	<u>\$122,344,000</u>

1	Transportation Improvement Account--State	
2	Appropriation	((\$81,643,000))
3		<u>\$80,643,000</u>
4	TOTAL APPROPRIATION	((\$209,470,000))
5		<u>\$206,914,000</u>

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

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

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

14 **Sec. 1004.** 2009 c 470 s 305 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**
17 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

18	Motor Vehicle Account--State Appropriation	((\$4,810,000))
19		<u>\$4,623,000</u>

20 The appropriation in this section is subject to the following
21 conditions and limitations:

22 (1) \$1,198,000 of the motor vehicle account--state appropriation is
23 provided solely for the Olympic region site acquisition debt service
24 payments and administrative costs associated with capital improvement
25 and preservation project and financial management.

26 (2) ((~~\$3,612,000~~)) \$3,425,000 of the motor vehicle account--state
27 appropriation is provided solely for high priority safety projects that
28 are directly linked to employee safety, environmental risk, or minor
29 works that prevent facility deterioration. This includes the
30 administrative costs associated with those projects and the
31 reconstruction of the Wandermere facility that was destroyed in the
32 2008-09 winter storms.

33 **Sec. 1005.** 2010 c 247 s 303 (uncodified) is amended to read as
34 follows:

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

36 Multimodal Transportation Account--State

1	Appropriation	((\$98,000))
2		<u>\$2,000</u>
3	Transportation Partnership Account--State	
4	Appropriation	((\$1,665,644,000))
5		<u>\$1,326,290,000</u>
6	Motor Vehicle Account--State Appropriation	((\$85,534,000))
7		<u>\$66,880,000</u>
8	Motor Vehicle Account--Federal Appropriation	((\$570,107,000))
9		<u>\$532,554,000</u>
10	Motor Vehicle Account--Private/Local	
11	Appropriation	((\$70,714,000))
12		<u>\$83,270,000</u>
13	Special Category C Account--State Appropriation	\$25,221,000
14	Transportation 2003 Account (Nickel Account)--State	
15	Appropriation	((\$713,205,000))
16		<u>\$590,797,000</u>
17	Freight Mobility Multimodal Account--State	
18	Appropriation	((\$4,574,000))
19		<u>\$4,575,000</u>
20	Tacoma Narrows Toll Bridge Account--State	
21	Appropriation	((\$789,000))
22		<u>\$797,000</u>
23	State Route Number 520 Corridor Account--State	
24	Appropriation	((\$231,763,000))
25		<u>\$229,838,000</u>
26	((State Route Number 520 Civil Penalties Account--State	
27	Appropriation	\$1,190,000))
28	TOTAL APPROPRIATION	((\$3,368,839,000))
29		<u>\$2,860,224,000</u>

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

32 (1) Except as provided otherwise in this section, the entire
33 transportation 2003 account (nickel account) appropriation and the
34 entire transportation partnership account appropriation are provided
35 solely for the projects and activities as listed by fund, project, and
36 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed
37 March ((~~8, 2010~~)) 22, 2011, Program - Highway Improvement Program (I).
38 However, limited transfers of specific line-item project appropriations

1 may occur between projects for those amounts listed subject to the
2 conditions and limitations in section 603 (~~(of this act)~~), chapter
3 . . . (Senate Bill No. 5176), Laws of 2011.

4 (2) (~~(\$163,385,000)~~) \$158,094,000 of the transportation partnership
5 account--state appropriation and (~~(\$231,763,000)~~) \$229,838,000 of the
6 state route number 520 corridor account--state appropriation are
7 provided solely for the state route number 520 bridge replacement and
8 HOV project. The department shall submit an application for the
9 eastside transit and HOV project to the supplemental discretionary
10 grant program for regionally significant projects as provided in the
11 American Recovery and Reinvestment Act of 2009.

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

16 (4) Funding allocated for mitigation costs is provided solely for
17 the purpose of project impact mitigation, and shall not be used to
18 develop or otherwise participate in the environmental assessment
19 process.

20 (5) The department shall apply for surface transportation program
21 (STP) enhancement funds to be expended in lieu of or in addition to
22 state funds for eligible costs of projects in Programs I and P
23 including, but not limited to, the SR 518, SR 520, Columbia river
24 crossing, and Alaskan Way viaduct projects.

25 (6) The department shall, on a quarterly basis beginning July 1,
26 2009, provide to the office of financial management and the legislature
27 reports providing the status on each active project funded in part or
28 whole by the transportation 2003 account (nickel account) or the
29 transportation partnership account. Funding provided at a programmatic
30 level for transportation partnership account and transportation 2003
31 account (nickel account) projects relating to bridge rail, guard rail,
32 fish passage barrier removal, and roadside safety projects should be
33 reported on a programmatic basis. Projects within this programmatic
34 level funding should be completed on a priority basis and scoped to be
35 completed within the current programmatic budget. Report formatting
36 and elements must be consistent with the October 2009 quarterly project
37 report. On a representative sample of new construction contracts

1 valued at fifteen million dollars or more, the department must also use
2 an earned value method of project monitoring.

3 (7) The transportation 2003 account (nickel account)--state
4 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
5 from the sale of bonds authorized by RCW 47.10.861.

6 (8) The transportation partnership account--state appropriation
7 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
8 sale of bonds authorized in RCW 47.10.873.

9 (9) The special category C account--state appropriation includes up
10 to (~~(\$25,221,000)~~) \$25,022,000 in proceeds from the sale of bonds
11 authorized in RCW 47.10.812.

12 (10) The motor vehicle account--state appropriation includes up to
13 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
14 authorized in RCW 47.10.843.

15 (11) The state route number 520 corridor account--state
16 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
17 from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

3 (g) Conduct public work sessions and open houses to provide
4 information to citizens, including users of the bridge and business and
5 freight interests, regarding implementation of tolls on the Interstate
6 5 and to solicit citizen views on the following items:

7 (i) Funding a portion of the Columbia river crossing project with
8 tolls;

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

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

13 (h) Provide a report to the governor and the legislature by January
14 2010.

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

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

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

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

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

34 (iv) Provide a report to the governor and the legislature by
35 January 2010.

36 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
37 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
38 federal appropriation are provided solely for project 100224I, US 2

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

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

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

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

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

29 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
30 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
31 state appropriation are provided solely for the Westview school noise
32 wall (project WESTV).

33 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
34 appropriation and \$131,000 of the motor vehicle account--federal
35 appropriation are provided solely for interchange design and planning
36 work on US 12 at A Street and Tank Farm Road (project PASCO).

37 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
38 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle

1 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor
2 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
3 \$9,422,000 of the motor vehicle account--federal appropriation are
4 provided solely for project 400506A, the I-5/Columbia river
5 crossing/Vancouver project. The funding described in this subsection
6 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
7 Oregon.

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

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

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

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

29 (24) Project number 330215A in the LEAP transportation document
30 described in subsection (1) of this section is expanded to include
31 safety and congestion improvements from the Key Peninsula Highway to
32 the vicinity of Purdy. The department shall consult with the
33 Washington traffic safety commission to ensure that this project
34 includes improvements at intersections and along the roadway to reduce
35 the frequency and severity of collisions related to roadway conditions
36 and traffic congestion.

37 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
38 account--state appropriation is provided solely for project 109040Q,

1 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
2 project, as indicated in the LEAP transportation document referenced in
3 subsection (1) of this section.

4 (26) The department shall continue to work with the local partners
5 in developing transportation solutions necessary for the economic
6 growth in the Red Mountain American Viticulture Area of Benton county.

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

18 (28) 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 (29) Within the amounts provided in this section, \$200,000 of the
23 transportation partnership account--state appropriation is provided
24 solely for the department to prepare a comprehensive tolling study of
25 the state route number 167 corridor to determine the feasibility of
26 administering tolls within the corridor, identified as project number
27 316718A in the LEAP transportation document described in subsection (1)
28 of this section. The department shall report to the joint
29 transportation committee by September 30, 2010. The department shall
30 regularly report to the Washington transportation commission regarding
31 the progress of the study for the purpose of guiding the commission's
32 potential toll setting on the facility. The elements of the study must
33 include, at a minimum:

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

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

37 (c) Economic considerations for future system investments.

1 (30) Within the amounts provided in this section, \$200,000 of the
2 transportation partnership account--state appropriation is provided
3 solely for the department to prepare a comprehensive tolling study of
4 the state route number 509 corridor to determine the feasibility of
5 administering tolls within the corridor, identified as project number
6 850901F in the LEAP transportation document described in subsection (1)
7 of this section. The department shall report to the joint
8 transportation committee by September 30, 2010. The department shall
9 regularly report to the Washington transportation commission regarding
10 the progress of the study for the purpose of guiding the commission's
11 potential toll setting on the facility. The elements of the study must
12 include, at a minimum:

- 13 (a) The potential for value pricing to generate revenues for needed
- 14 transportation facilities within the corridor;
- 15 (b) Maximizing the efficient operation of the corridor; and
- 16 (c) Economic considerations for future system investments.

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

28 (32) \$400,000 of the motor vehicle account--state appropriation is
29 provided solely for the department to conduct a state route number 2
30 route development plan (project L2000016) that will identify essential
31 improvements needed between the port of Everett/Naval station and
32 approaching the state route number 9 interchange near the city of
33 Snohomish.

34 (33) If the SR 26 - Intersection and Illumination Improvements are
35 not completed by June 30, 2009, the department shall ensure that the
36 improvements are completed as soon as practicable after June 30, 2009,
37 and shall submit monthly progress reports on the improvements beginning
38 July 1, 2009.

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

13 (35) The department shall work with the department of archaeology
14 and historic preservation to ensure that the cultural resources
15 investigation is properly conducted on all mega-highway projects and
16 large ferry terminal projects. These projects must be conducted with
17 active archaeological management. Additionally, the department shall
18 establish a scientific peer review of independent archaeologists that
19 are knowledgeable about the region and its cultural resources.

20 (36) Within the amounts provided in this section, \$1,500,000 of the
21 motor vehicle account--state appropriation is provided solely for
22 necessary work along the south side of SR 532, identified as project
23 number 053255C in the LEAP transportation document described in
24 subsection (1) of this section.

25 (37) \$10,000,000 of the transportation partnership account--state
26 appropriation is provided solely for the Spokane street viaduct portion
27 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
28 indicated in the LEAP transportation document referenced in subsection
29 (1) of this section.

30 (38) The department shall conduct a public outreach process to
31 identify and respond to community concerns regarding the portion of
32 John's Creek Road that connects state route number 3 and state route
33 number 101. The process must include representatives from Mason
34 county, the legislature, area businesses, and community members. The
35 department shall use this process to consider, develop, and design a
36 project scope so that the community's needs are met for the lowest
37 cost. The department shall provide a report on the process and
38 outcomes to the legislature by June 30, 2010.

1 (39) The department shall apply for the competitive portion of
2 federal transit administration funds for eligible transit-related costs
3 of the state route number 520 bridge replacement and HOV project and
4 the Columbia river crossing project. The federal funds described in
5 this subsection must not include those federal transit administration
6 funds distributed by formula. The department shall provide a report
7 regarding this effort to the legislature by January 1, 2010.

8 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--
9 federal appropriation (~~(is)~~) and \$1,405,000 of the motor vehicle
10 account--state appropriation are provided solely for the Alaskan Way
11 Viaduct - Automatic Shutdown project, identified as project L1000034.

12 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
13 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
14 account--state appropriation are provided solely for the US 12/Nine
15 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified
16 as project 501210T.

17 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
18 appropriation is provided solely for the Express Lanes System Concept
19 Study project, identified as project 800020A. As part of this project,
20 the department shall prepare a comprehensive tolling study of the
21 Interstate 5 express lanes to determine the feasibility of
22 administering tolls within the corridor. The department shall
23 regularly report to the Washington transportation commission regarding
24 the progress of the study. The elements of the study must include, at
25 a minimum:

26 (i) The potential for value pricing to generate revenues for needed
27 transportation facilities;

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

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

30 (iv) An analysis of the impacts to the regional transportation
31 system.

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

34 (~~(44) \$226,000~~) (43) \$206,000 of the motor vehicle account--
35 federal appropriation and \$9,000 of the motor vehicle account--state
36 appropriation are provided solely for the SR 16/Rosedale Street NW
37 Vicinity - Frontage Road project (301639C). These funds must not be

1 expended before an agreement stating that the city of Gig Harbor will
2 take ownership of the road has been signed. The frontage road must be
3 built for driving speeds of no more than thirty-five miles per hour.

4 ~~((45))~~ (44) The department shall work with the Washington state
5 transportation commission, the Oregon state department of
6 transportation, and the Oregon state transportation commission to
7 analyze and review potential options for a bistate, toll setting
8 framework. As part of the analysis, the department shall undertake the
9 following actions: Review statutory provisions and the governance
10 structures of toll facilities in the United States that are located
11 within two or more states; review relevant federal law regarding
12 transportation facilities that are located within two or more states;
13 consult with the state treasurers in Washington and Oregon regarding
14 the appropriate structure for the issuance of debt for toll facilities
15 that are located within two states; report findings and recommendations
16 to the Columbia river project sponsor's council by October 1, 2010; and
17 provide a final report to the governor and the legislature by June 30,
18 2011.

19 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state
20 appropriation is provided solely for improvements from Allan Road to
21 state route number 12 (501207Z).

22 ~~((47) \$500,000)~~ (46) \$455,000 of the motor vehicle account--state
23 appropriation is provided solely for a traffic signal at the
24 intersection of state route number 7 and state route number 702
25 (300738A).

26 ~~((48) \$750,000)~~ (47) \$316,000 of the motor vehicle account--state
27 appropriation is provided solely for environmental work on the Belfair
28 Bypass (project 300344C).

29 ~~((49))~~ (48) The legislature finds that state route number 522
30 corridor provides an important link between Interstates 5 and 405 and
31 will be impacted by diversion from tolling elsewhere in the region.
32 State route number 522 must be reviewed as part of the scoping work
33 conducted under section 220(4) of this act. As such, the legislature
34 intends to provide additional funding for the corridor as a priority in
35 the next revenue package. The state will work with the affected cities
36 and the federal government to secure the necessary resources to address
37 the needs of this critical corridor.

1 (~~(+50)~~ \$500,000)) (49) \$558,000 of the motor vehicle account--state
2 appropriation is provided solely for the US 12/SR 122/Mossyrock -
3 Intersection project (401212R) for safety improvements.

4 (~~(+51)~~)) (50) \$200,000 of the motor vehicle account--federal
5 appropriation is provided solely for project US 97A/North of Wenatchee
6 - Wildlife Fence (209790B), and an offsetting reduction is anticipated
7 in the 2011-13 biennium.

8 (~~(+52)~~)) (51) If a planned roundabout in the vicinity of state
9 route number 526 and 84th Street SW would divert commercial traffic
10 onto neighborhood streets, the department may not proceed with
11 improvements at state route number 526 and 84th Street SW until the
12 traffic impacts in the vicinity of state route number 526 and 40th
13 Avenue West are addressed.

14 (~~(+53)~~)) (52) The department shall conduct a collision analysis
15 corridor study on state route number 167 from milepost 0 to milepost 5
16 and report to the transportation committees of the legislature on the
17 analysis results by December 1, 2010.

18 (~~(+54)~~ \$2,600,000)) (53) \$357,000 of the motor vehicle account--
19 federal appropriation is provided solely for the ITS Advanced Traveler
20 Information System project in Whatcom county (100589B).

21 (~~(+55)~~ \$900,000)) (54) \$94,000 of the motor vehicle account--
22 federal appropriation is provided solely for the US 97/Cameron Lake
23 Road intersection improvements project in Okanogan county (209700W).

24 (~~(+56)~~ \$400,000)) (55) \$294,000 of the motor vehicle account--
25 federal appropriation and (~~(\$100,000)~~) \$74,000 of the motor vehicle
26 account--state appropriation are provided solely for the SR 9/SR 204
27 Intersection Improvement project (L2000040).

28 (~~(+57)~~)) (56) The legislature finds that the state route number 12
29 widening from state route number 124 to Walla Walla is an important
30 east-west corridor in the southeast region of the state. Widening the
31 highway to four lanes will increase safety and improve freight
32 mobility. Therefore, the legislature intends for the department to use
33 up to two million dollars in future redistributed federal obligation
34 authority that may be received by the department for right-of-way
35 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
36 Phase 7-A project (501210T).

1 (STP) enhancement funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in Programs I and P.

3 (4) \$6,636,000 of the Puyallup tribal settlement account--state
4 appropriation is provided solely for costs associated with the Murray
5 Morgan/11th Street bridge project. The city of Tacoma may use the
6 Puyallup tribal settlement account appropriation and other appropriated
7 funds for bridge rehabilitation, bridge replacement, bridge demolition,
8 and related mitigation. The department's participation, including
9 prior expenditures, may not exceed \$40,270,000. The city of Tacoma has
10 taken ownership of the bridge in its entirety, and the payment of these
11 funds extinguishes any real or implied agreements regarding future
12 bridge expenditures.

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

18 (6) The department shall, on a quarterly basis beginning July 1,
19 2009, provide to the office of financial management and the legislature
20 reports providing the status on each active project funded in part or
21 whole by the transportation 2003 account (nickel account) or the
22 transportation partnership account. Funding provided at a programmatic
23 level for transportation partnership account projects relating to
24 seismic bridges 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 new construction contracts valued at fifteen million dollars or
32 more, the department must also use an earned value method of project
33 monitoring. The department shall also provide the information required
34 under this subsection on a quarterly basis via the transportation
35 executive information systems (TEIS).

36 (7) The department of transportation shall continue to implement
37 the lowest life cycle cost planning approach to pavement management
38 throughout the state to encourage the most effective and efficient use

1 of pavement preservation funds. Emphasis should be placed on
2 increasing the number of roads addressed on time and reducing the
3 number of roads past due.

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

7 (i) The current backlog of asphalt and concrete pavement
8 preservation projects;

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

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

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

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

18 (b) Additionally, the department shall work with the department of
19 ecology, the county road administration board, and the transportation
20 improvement board to explore and explain the potential use of permeable
21 asphalt and concrete pavement in state highway construction as an
22 alternative method of storm water mitigation and the potential effects
23 on highway pavement replacement needs.

24 (c) The department shall submit the report to the office of
25 financial management and the transportation committees of the
26 legislature by September 1, 2010, in order to inform the development of
27 the 2011-13 omnibus transportation appropriations act.

28 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
29 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
30 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
31 transportation partnership account--state appropriation are provided
32 solely for the SR 104/Hood Canal bridge - replace east half project,
33 identified as project 310407B in the LEAP transportation document
34 described in subsection (1) of this section.

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

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

4 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
5 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
6 account--state appropriation are provided solely for the environmental
7 impact statement and preliminary planning for the replacement of the
8 state route number 9 Snohomish river bridge (project L2000018).

9 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
10 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
11 account--state appropriation are provided solely for the SR 410/Nile
12 Valley Landslide - Establish Interim Detour project (541002R).

13 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
14 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
15 account--state appropriation are provided solely for the SR 410/Nile
16 Valley Landslide - Reconstruct Route project (541002T).

17 ((+16)) (15) The legislature anticipates a report in September
18 2010 that will outline the department's recommendation for developing
19 a Keller Ferry replacement at the lowest cost. The legislature
20 supports the request to the federal government for federal aid for a
21 replacement vessel and intends to provide reasonable matching amounts
22 as necessary.

23 ((+17) ~~\$2,100,000~~) (16) \$194,000 of the motor vehicle account--
24 federal appropriation is provided solely for the SR 21/Kettle River to
25 Malo paving project in Ferry county (602117A).

26 **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
29 **CAPITAL**

30	Motor Vehicle Account--State Appropriation	((\$8,158,000))
31		<u>\$6,847,000</u>
32	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
33		<u>\$11,412,000</u>
34	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
35		<u>\$174,000</u>
36	TOTAL APPROPRIATION	((\$26,368,000))
37		<u>\$18,433,000</u>

1 **Sec. 1008.** 2010 c 283 s 19 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
4 **CONSTRUCTION--PROGRAM W**

5	Puget Sound Capital Construction Account--State	
6	Appropriation	((\$126,824,000))
7		<u>\$117,533,000</u>
8	Puget Sound Capital Construction Account--Federal	
9	Appropriation	((\$60,364,000))
10		<u>\$51,194,000</u>
11	Puget Sound Capital Construction Account--Local	
12	Appropriation	\$200,000
13	Transportation 2003 Account (Nickel Account)--State	
14	Appropriation	((\$51,734,000))
15		<u>\$51,735,000</u>
16	Transportation Partnership Account--State	
17	Appropriation	((\$66,879,000))
18		<u>\$102,660,000</u>
19	Multimodal Transportation Account--State	
20	Appropriation	\$149,000
21	TOTAL APPROPRIATION	((\$306,150,000))
22		<u>\$323,471,000</u>

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

25 (1) ((~~\$126,824,000~~)) \$102,533,000 of the Puget Sound capital
26 construction account--state appropriation, ((~~\$60,364,000~~)) \$51,194,000
27 of the Puget Sound capital construction account--federal appropriation,
28 \$200,000 of the Puget Sound capital construction account--local
29 appropriation, ((~~\$66,879,000~~)) \$102,660,000 of the transportation
30 partnership account--state appropriation, ((~~\$51,734,000~~)) \$51,735,000
31 of the transportation 2003 account (nickel account)--state
32 appropriation, and \$149,000 of the multimodal transportation account--
33 state appropriation are provided solely for ferry capital projects,
34 project support, and administration as listed in LEAP Transportation
35 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed March ((~~8, 2010~~))
36 22, 2011, Program - Washington State Ferries ((~~Construction~~)) Capital
37 Program (W). Of the total appropriation, a maximum of \$10,627,000 may
38 be used for administrative support, a maximum of ((~~\$8,184,000~~))

1 \$7,635,000 may be used for terminal project support, and a maximum of
2 \$4,497,000 may be used for vessel project support. Of the total
3 appropriation, \$5,851,000 is provided solely for a reservation system
4 and associated communications projects.

5 (2) (~~(\$51,734,000)~~) \$51,724,000 of the transportation 2003 account
6 (nickel account)--state appropriation, (~~(\$63,100,000)~~) \$99,862,000 of
7 the transportation partnership account--state appropriation, and
8 (~~(\$10,164,000)~~) \$10,165,000 of the Puget Sound capital construction
9 account--state appropriation are provided solely for the acquisition of
10 three new Island Home class ferry vessels subject to the conditions of
11 RCW 47.56.780. The department shall pursue a contract for the second
12 and third Island Home class ferry vessels with an option to purchase a
13 fourth Island Home class ferry vessel. However, if sufficient
14 resources are available to build one 144-auto vessel prior to
15 exercising the option to build the fourth Island Home class ferry
16 vessel, procurement of the fourth Island Home class ferry vessel will
17 be postponed and the department shall pursue procurement of a 144-auto
18 vessel.

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

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

25 (c) Cost savings from the following initiatives will be included in
26 the funding of these vessels: The department's review and update of
27 the vessel life-cycle cost model as required under this section; and
28 the implementation of technology efficiencies as required under section
29 602 of this act.

30 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
31 state appropriation (~~(and \$2,450,000)~~), \$2,000 of the Puget Sound
32 capital construction account--federal appropriation, and \$1,450,000 of
33 the transportation partnership account--state appropriation are
34 provided solely for the following projects related to the design of a
35 144-vehicle vessel class: (i) (~~(\$1,380,000)~~) \$700,000 is provided
36 solely for completion of the contract for owner-furnished equipment;
37 (ii) \$8,320,000 is provided solely for completion of the technical
38 design, detail design, and production drawings(~~(, all of which must~~

1 ~~plan for an aluminum superstructure~~); (iii) ~~(((\$480,000))~~ \$300,000 is
2 provided solely for the storage of owner-furnished equipment; and (iv)
3 a maximum of ~~(((\$720,000))~~ \$582,000 is for construction engineering. In
4 completing the contract for owner-furnished equipment, the department
5 shall use as much of the already procured equipment as is practicable
6 on the Island Home class ferry vessels if it is likely to be obsolete
7 before it is used in procured 144-vehicle vessels.

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

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

22 (4) ~~(((\$6,300,000))~~ \$2,000,000 of the Puget Sound capital
23 construction account-- state appropriation is provided solely for
24 emergency capital costs.

25 (5) \$3,000,000 of the Puget Sound capital construction account--
26 federal appropriation is provided solely for completing the Anacortes
27 terminal design up to the maximum allowable construction cost phase.
28 Beyond preparing environmental work, these funds may be spent only
29 after the following conditions have been met: (a) A value engineering
30 process is conducted on the existing design and the concept of a
31 terminal building smaller than preferred alternative; (b) the office of
32 financial management participates in the value engineering process; (c)
33 the office of financial management concurs with the recommendations of
34 the value engineering process; and (d) the office of financial
35 management gives its approval to proceed with the design work.

36 (6) ~~(((\$3,965,000 of the Puget Sound capital construction account--
37 state appropriation is provided solely for the following vessel
38 projects: Waste heat recovery pilot project for the Issaquah; jumbo~~

1 ~~Mark 1 class steering gear ventilation pilot project; and improvements~~
2 ~~to the Yakima and Kaleetan propulsion controls to allow for two engine~~
3 ~~operation. Before beginning these projects, the Washington state~~
4 ~~ferries must ensure the vessels' out of service time does not~~
5 ~~negatively impact service to the system.~~

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

9 ~~((8))~~ (7) The department shall provide to the office of financial
10 management and the legislature quarterly reports providing the status
11 on each project listed in this section and in the project lists
12 submitted pursuant to this act and on any additional projects for which
13 the department has expended funds during the 2009-11 fiscal biennium.
14 Elements must include, but not be limited to, project scope, schedule,
15 and costs. The department shall also provide the information required
16 under this subsection via the transportation executive information
17 systems (TEIS). The quarterly report regarding the status of projects
18 identified on the list referenced in subsection (1) of this section
19 must be developed according to an earned value method of project
20 monitoring.

21 ~~((9))~~ (8) The department shall review and adjust its capital
22 program staffing levels to ensure staffing is at the most efficient
23 level necessary to implement the capital program in the omnibus
24 transportation appropriations act. The Washington state ferries shall
25 report this review and adjustment to the office of financial management
26 and the house and senate transportation committees of the legislature
27 by July 2009.

28 ~~((10))~~ (9) \$1,200,000 of the total appropriation is provided
29 solely for improving the toll booth configuration at the Port Townsend
30 and Keystone ferry terminals.

31 ~~((11))~~ (10) \$2,636,000 of the total appropriation is provided
32 solely for continued permitting work on the Mukilteo ferry terminal.
33 The department shall seek additional federal funding for this project.

34 ~~((12))~~ (11) The department shall develop a proposed ferry vessel
35 maintenance, preservation, and improvement program and present it to
36 the transportation committees of the legislature by July 1, 2010. The
37 proposal must:

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

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

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

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

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

16 (iv) A review of the department's vessel maintenance, preservation,
17 and improvement program contracting process and contractual
18 requirements;

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

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

24 (vii) Coordination with required United States coast guard dry
25 dockings;

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

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

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

33 (~~(+13)~~) (12) \$247,000 of the Puget Sound capital construction
34 account-- state appropriation is provided solely for the Washington
35 state ferries to review and update its vessel life-cycle cost model and
36 report the results to the house of representatives and senate
37 transportation committees of the legislature by December 1, 2010. This
38 review will evaluate the impact of the planned out-of-service periods

1 scheduled for each vessel on the ability of the overall system to
2 deliver uninterrupted service and will assess the risk of service
3 disruption from unscheduled maintenance or longer than planned
4 maintenance periods.

5 ~~((+14))~~ (13) The department shall work with the department of
6 archaeology and historic preservation to ensure that the cultural
7 resources investigation is properly conducted on all large ferry
8 terminal projects. These projects must be conducted with active
9 archaeological management. Additionally, the department shall
10 establish a scientific peer review of independent archaeologists that
11 are knowledgeable about the region and its cultural resources.

12 ~~((+15))~~ (14) The Puget Sound capital construction account--state
13 appropriation includes up to (~~(\$114,000,000)~~) \$91,000,000 in proceeds
14 from the sale of bonds authorized in RCW 47.10.843.

15 ~~((+16))~~ (15) The Puget Sound capital construction account--state
16 appropriation reflects the reduction of three terminal positions due to
17 decreased terminal activity and funding.

18 ~~((+17))~~ (16) The department shall provide data to the
19 transportation committees of the senate and house of representatives
20 for a transparent analysis of travel pay policies.

21 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as
22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

24	Essential Rail Assistance Account--State	
25	Appropriation	(\$333,000)
26		<u>\$334,000</u>
27	Transportation Infrastructure Account--State	
28	Appropriation	(\$13,184,000)
29		<u>\$12,348,000</u>
30	Multimodal Transportation Account--State	
31	Appropriation	(\$102,202,000)
32		<u>\$82,141,000</u>
33	Multimodal Transportation Account--Federal	
34	Appropriation	(\$619,527,000)
35		<u>\$48,445,000</u>
36	((Multimodal Transportation Account--Private/Local	
37	Appropriation	(\$81,000)

1 TOTAL APPROPRIATION ((~~\$735,327,000~~))
2 \$143,268,000

3 The appropriations in this section are subject to the following
4 conditions and limitations:

5 (1)(a) Except as provided otherwise in this section, the entire
6 appropriations in this section are provided solely for the projects and
7 activities as listed by project and amount in LEAP Transportation
8 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed March ((~~8, 2010~~))
9 22, 2011, Program - Rail Capital Program (Y).

10 (b)(i) Within the amounts provided in this section, \$116,000 of the
11 transportation infrastructure account--state appropriation is for a
12 low-interest loan through the freight rail investment bank program to
13 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

14 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))
15 \$400,000 of the transportation infrastructure account--state
16 appropriation is for a low-interest loan through the freight rail
17 investment bank program to the Port of Everett (BIN 722810A) for a new
18 rail track to connect a cement loading facility to the mainline.

19 (iii) The department shall issue the loans referenced in this
20 subsection (1)(b) with a repayment period of no more than ten years,
21 and only so much interest as is necessary to recoup the department's
22 costs to administer the loans.

23 (c)(i) Within the amounts provided in this section, \$1,713,000 of
24 the multimodal transportation account--state appropriation and \$333,000
25 of the essential rail assistance account--state appropriation are for
26 statewide - emergent freight rail assistance projects as follows: Port
27 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
28 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
29 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
30 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
31 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved
32 locomotive facility (BIN 711010B) \$525,000.

33 (ii) Within the amounts provided in this section, ((~~\$338,000~~))
34 \$346,000 of the multimodal transportation account--state appropriation
35 is for a statewide - emergent freight rail assistance project grant for
36 the Lincoln County PDA/Creston - new rail spur (BIN ((~~710510A~~))
37 F01001E) project, provided that the grantee first documents to the
38 satisfaction of the department sufficient commitments from the new

1 shipper or shippers to locate in the publicly owned industrial park
2 west of Creston to ensure that the net present value of the public
3 benefits of the project is greater than the grant amount.

4 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
5 \$8,079,000 of the transportation infrastructure account--state
6 appropriation is for grants to any intergovernmental entity or local
7 rail district to which the department of transportation assigns the
8 management and oversight responsibility for the business and economic
9 development elements of existing operating leases on the Palouse River
10 and Coulee City (PCC) rail lines. \$300,000 of the transportation
11 infrastructure account--state appropriation is provided solely for the
12 fence line replacement project on the CW line. The PCC rail line
13 system is made up of the CW, P&L, and PV Hooper rail lines. Business
14 and economic development elements include such items as levels of
15 service and business operating plans, but must not include the state's
16 oversight of railroad regulatory compliance, rail infrastructure
17 condition, or real property management issues. The PCC rail system
18 must be managed in a self-sustaining manner and best efforts must be
19 used to ensure that it does not require state capital or operating
20 subsidy beyond the level of state funding expended on it to date. The
21 assignment of the stated responsibilities to an intergovernmental
22 entity or rail district must be on terms and conditions as the
23 department of transportation and the intergovernmental entity or rail
24 district mutually agree. The grant funds may be used only to refurbish
25 the rail lines. It is the intent of the legislature to make the funds
26 appropriated in this section available as grants to an
27 intergovernmental entity or local rail district for the purposes stated
28 in this section at least until June 30, 2012, and to reappropriate as
29 necessary any portion of the appropriation in this section that is not
30 used by June 30, 2011.

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

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

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

32 (8) When the balance of that portion of the miscellaneous program
33 account apportioned to the department for the grain train program
34 reaches \$1,180,000, the department shall acquire twenty-nine additional
35 grain train railcars.

36 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
37 account--federal appropriation is provided solely for high-speed rail
38 projects awarded to Washington state from the high-speed intercity

1 passenger rail program under the American recovery and reinvestment
2 act. Funding will allow for two additional round trips between Seattle
3 and Portland, and other rail improvements.

4 (10) \$2,200,000 of the multimodal transportation account--state
5 appropriation is provided solely for expenditures related to the
6 capital high-speed passenger rail grant that are not federally
7 reimbursable.

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

15 (12) \$1,000,000 of the multimodal transportation account--state
16 appropriation is provided solely for additional expenditures along the
17 Chelatchie Prairie railroad (~~((LN2000025))~~) (710110A).

18 **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
21 **CAPITAL**

22	((Highway Infrastructure Account--State Appropriation	\$207,000
23	Highway Infrastructure Account--Federal	
24	Appropriation	\$1,602,000))
25	Freight Mobility Investment Account--State	
26	Appropriation	((\$13,848,000))
27		<u>\$9,170,000</u>
28	Transportation Partnership Account--State	
29	Appropriation	((\$8,863,000))
30		<u>\$6,828,000</u>
31	Motor Vehicle Account--State Appropriation	((\$14,068,000))
32		<u>\$9,901,000</u>
33	Motor Vehicle Account--Federal Appropriation	((\$43,835,000))
34		<u>\$25,727,000</u>
35	Freight Mobility Multimodal Account--State	
36	Appropriation	((\$15,620,000))
37		<u>\$7,472,000</u>

1	Freight Mobility Multimodal Account--Local	
2	Appropriation	((\$3,258,000))
3		<u>\$3,058,000</u>
4	Multimodal Transportation Account--Federal	
5	Appropriation	\$2,118,000
6	Multimodal Transportation Account--State	
7	Appropriation	((\$28,855,000))
8		<u>\$20,923,000</u>
9	Transportation 2003 Account (Nickel Account)--State	
10	Appropriation	\$2,709,000
11	Passenger Ferry Account--State Appropriation	((\$2,879,000))
12		<u>\$1,764,000</u>
13	Puyallup Tribal Settlement Account--State	
14	Appropriation	((\$5,895,000))
15		<u>\$5,905,000</u>
16	TOTAL APPROPRIATION	((\$143,757,000))
17		<u>\$95,575,000</u>

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

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

29 (2) ((~~\$2,729,000~~)) \$1,614,000 of the passenger ferry account--state
30 appropriation is provided solely for near and long-term costs of
31 capital improvements ((~~in a~~)) and operating expenses that are
32 consistent with the business plan approved by the governor for
33 passenger ferry service.

34 (3) \$150,000 of the passenger ferry account--state appropriation is
35 provided solely for the Port of Kingston for a one-time operating
36 subsidy needed to retain a federal grant.

37 (4) \$3,000,000 of the motor vehicle account--federal appropriation
38 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

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

25 (9) (~~(\$18,289,000)~~) \$13,732,000 of the multimodal transportation
26 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
27 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
28 of the transportation partnership account--state appropriation are
29 provided solely for the pedestrian and bicycle safety program projects
30 and safe routes to schools program projects identified in LEAP
31 Transportation Document 2009-A, pedestrian and bicycle safety program
32 projects and safe routes to schools program projects, as developed
33 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
34 bicycle safety program projects and safe routes to schools program
35 projects, as developed April 20, 2007, and LEAP Transportation Document
36 2006-B, pedestrian and bicycle safety program projects and safe routes
37 to schools program projects, as developed March 8, 2006. Projects must
38 be allocated funding based on order of priority. The department shall

1 review all projects receiving grant awards under this program at least
2 semiannually to determine whether the projects are making satisfactory
3 progress. Any project that has been awarded funds, but does not report
4 activity on the project within one year of the grant award must be
5 reviewed by the department to determine whether the grant should be
6 terminated. The department shall promptly close out grants when
7 projects have been completed, and identify where unused grant funds
8 remain because actual project costs were lower than estimated in the
9 grant award.

10 (10) Except as provided otherwise in this section, the entire
11 appropriations in this section are provided solely for the projects and
12 activities as listed by project and amount in LEAP Transportation
13 Document 2011-2 ALL PROJECTS ((2010-2)) as developed March ((8, 2010))
14 22, 2011, Program - Local Program (Z).

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

21 (12) (~~(\$913,386 of the motor vehicle account--state appropriation~~
22 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
23 ~~provided solely for completion of the US 101 northeast peninsula safety~~
24 ~~rest area and associated roadway improvements east of Port Angeles at~~
25 ~~the Deer Park scenic view point. The department must surplus any~~
26 ~~right of way previously purchased for this project near Sequim.~~
27 ~~Approval to proceed with construction is contingent on surplus of~~
28 ~~previously purchased right of way. \$865,000 of the motor vehicle~~
29 ~~account--state appropriation is to be placed into unallotted status~~
30 ~~until such time as the right of way sale is completed.~~

31 ~~(13) \$5,894,000))~~ \$5,905,000 of the Puyallup tribal settlement
32 account--state appropriation is provided solely for costs associated
33 with the Murray Morgan/11th Street bridge project. The city of Tacoma
34 may use the Puyallup tribal settlement account appropriation and other
35 appropriated funds for bridge rehabilitation, bridge replacement,
36 bridge demolition, and bridge mitigation. The department's
37 participation, including prior expenditures, may not exceed

1 \$40,270,000. The city of Tacoma has taken ownership of the bridge in
2 its entirety, and the payment of these funds extinguishes any real or
3 implied agreements regarding future bridge expenditures.

4 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle
5 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor
6 vehicle account--state appropriation are provided solely to reimburse
7 the cities of Kirkland and Redmond for pavement and bridge deck
8 rehabilitation on state route number 908 (project 1LP611A). These
9 funds may not be expended unless the cities sign an agreement stating
10 that the cities agree to take ownership of state route number 908 in
11 its entirety and agree that the payment of these funds represents the
12 entire state commitment to the cities for state route number 908
13 expenditures. The amount provided in this subsection is contingent on
14 the enactment by June 30, 2010, of Senate Bill No. 6555.

15 ~~((+15))~~ (14) The department shall consider the condition of the
16 Broadway bridge in the city of Everett when prioritizing bridge
17 projects.

18 ~~((+16))~~ (15) In order to make the Hood Canal bridge safe for
19 cyclists, the department must work with stakeholders to review bicycle
20 safety needs on the bridge, including consideration of accident data
21 and improvements already made to this project.

22 ~~((+17) \$250,000))~~ (16) \$25,000 of the multimodal transportation
23 account--state appropriation is provided solely for the Shell Valley
24 emergency access road and bicycle/pedestrian path.

25 ~~((+18) \$500,000))~~ (17) \$50,000 of the motor vehicle account--state
26 appropriation is provided solely for improvements to the 150th and
27 Murray Road intersection in the city of Lakewood.

28 ~~((+19) \$250,000))~~ (18) \$100,000 of the motor vehicle account--state
29 appropriation is provided solely for flood reduction solutions on state
30 route number 522 caused by the lower McAleer and Lyon creek basins.

31 ~~((+20))~~ (19) \$200,000 of the motor vehicle account--state
32 appropriation is provided solely for improvements to the intersection
33 of 39th Ave SE and state route number 96 in Snohomish county.

34 **TRANSFERS AND DISTRIBUTIONS**

1 **Sec. 1101.** 2010 c 247 s 401 (uncodified) is amended to read as
2 follows:

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

7	Highway Bond Retirement Account Appropriation	((\$733,667,000))
8		<u>\$720,842,000</u>
9	Ferry Bond Retirement Account Appropriation	\$33,771,000
10	State Route Number 520 Corridor Account--State	
11	Appropriation	((\$600,000))
12		<u>\$1,308,000</u>
13	Transportation Improvement Board Bond Retirement	
14	Account--State Appropriation	((\$22,962,000))
15		<u>\$21,084,000</u>
16	Nondebt-Limit Reimbursable Account	
17	Appropriation	((\$18,451,000))
18		<u>\$16,850,000</u>
19	Transportation Partnership Account--State	
20	Appropriation	((\$4,722,000))
21		<u>\$6,818,000</u>
22	Motor Vehicle Account--State Appropriation	((\$901,000))
23		<u>\$672,000</u>
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation	((\$4,116,000))
26		<u>\$3,116,000</u>
27	Special Category C Account--State Appropriation	((\$148,000))
28		<u>\$136,000</u>
29	Urban Arterial Trust Account--State Appropriation	\$85,000
30	Transportation Improvement Account--State Appropriation	\$41,000
31	Multimodal Transportation Account--State	
32	Appropriation	((\$283,000))
33		<u>\$164,000</u>
34	TOTAL APPROPRIATION	((\$831,004,000))
35		<u>\$804,887,000</u>

36 **Sec. 1102.** 2010 c 247 s 402 (uncodified) is amended to read as
37 follows:

1 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
 2 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
 3 **FISCAL AGENT CHARGES**

4	State Route Number 520 Corridor Account--State	
5	Appropriation	(((\$40,000))
6		<u>\$83,000</u>
7	Transportation Partnership Account--State	
8	Appropriation	(((\$787,000))
9		<u>\$537,000</u>
10	Motor Vehicle Account--State Appropriation	(((\$122,000))
11		<u>\$62,000</u>
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	(((\$364,000))
14		<u>\$264,000</u>
15	Special Category C Account--State Appropriation	(((\$15,000))
16		<u>\$12,000</u>
17	Urban Arterial Trust Account--State Appropriation	\$5,000
18	Transportation Improvement Account--State Appropriation	\$3,000
19	Multimodal Transportation Account--State	
20	Appropriation	(((\$34,000))
21		<u>\$40,000</u>
22	TOTAL APPROPRIATION	(((\$1,370,000))
23		<u>\$1,006,000</u>

24 **Sec. 1103.** 2010 c 247 s 403 (uncodified) is amended to read as
 25 follows:

26 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
 27 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

28	Motor Vehicle Account--State Appropriation: For	
29	transfer to the Puget Sound Capital Construction	
30	Account	(((\$114,000,000))
31		<u>\$91,000,000</u>

32 The department of transportation is authorized to sell up to
 33 (((\$114,000,000)) \$91,000,000 in bonds authorized by RCW 47.10.843 for
 34 vessel and terminal acquisition, major and minor improvements, and long
 35 lead-time materials acquisition for the Washington state ferries.

1 For transfer to the State Patrol Highway Account--
2 State ((\$5,600,000))
3 \$4,600,000

4 ~~((13) The transfers identified in this section are subject to the~~
5 ~~following conditions and limitations:~~

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

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

16 ~~(c) The transfer in subsection (9) of this section represents toll~~
17 ~~revenue collected from toll violations.)~~

18 (10) Highway Safety Account--State Appropriation:
19 For transfer to the Motor Vehicle Account--State \$19,000,000

20 **MISCELLANEOUS**

21 NEW SECTION. Sec. 1201. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 1202. Except for sections 704, 706, 708, 709,
26 711, and 713 of this act, this act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

30 NEW SECTION. Sec. 1203. Sections 704, 706, 708, and 711 of this
31 act are necessary for the immediate preservation of the public peace,
32 health, or safety, or support of the state government and its existing
33 public institutions, and take effect July 1, 2011.

1 NEW SECTION. **Sec. 1204.** Sections 709 and 713 of this act take
2 effect upon certification by the secretary of transportation that the
3 new statewide tolling operations center and photo toll system are fully
4 operational. A notice of certification must be filed with the code
5 reviser for publication in the state register. If a certificate is not
6 issued by the secretary of transportation by December 1, 2012, sections
7 709 and 713 of this act are null and void.

(End of bill)

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