Chapter 47.01 RCW
DEPARTMENT OF TRANSPORTATION

Sections

47.01.011 Legislative declaration.
47.01.021 Definitions.
47.01.031 Department created—Transfer of powers, duties, and functions.
47.01.041 Secretary of transportation—Appointment, salary, removal.
47.01.051 Commission created—Appointment of members—Terms—Qualifications—Removal.
47.01.061 Commission—Procedures and internal operations.
47.01.070 Director's and commissioner's prior assignments may be delegated.
47.01.071 Commission—Functions, powers, and duties.
47.01.075 Transportation policy development.
47.01.078 Transportation system policy goals—Duties.
47.01.081 Department—Organization—Management personnel.
47.01.091 Advisory councils.
47.01.101 Secretary—Authority and duties.
47.01.131 Continuation of state services to department.
47.01.170 Right of entry.
47.01.180 Roads and bridges in state parks.
47.01.190 State aid engineer.
47.01.210 Contract without bid or bond with public utilities and municipal corporations.
47.01.240 Coordination of long-range needs studies.
47.01.250 Consultation with designated state officials.
47.01.260 Authority of department.
47.01.270 Radioactive or hazardous cargo, notice of prohibition.
47.01.280 Application for improvements to existing highways.
47.01.290 Environmental review of transportation projects.
47.01.300 Environmental review of transportation projects—Cooperation with other environmental regulatory authorities.
47.01.305 Environmental mitigation in highway construction projects—Public lands first or other sites that avoid loss of long-term, commercially significant agricultural lands.
47.01.315 Work group on review processes under state and national environmental policy acts for state highway projects—Report.
47.01.330 Office of transit mobility.
47.01.340 Local and regional transportation goals.
47.01.380 State route No. 520 improvements—Exceptions.
47.01.390 Alaskan Way viaduct, Seattle Seawall, and state route No. 520 improvements—Requirements—Exceptions.
47.01.402 Alaskan Way viaduct replacement project—Deep bore tunnel option—Funding, accountability, and responsibility.
47.01.408 State route No. 520 improvements—Design requirements.
47.01.412 State route No. 520 improvements—Tax deferrals—Definition.
47.01.415 State route No. 520 improvements—Finance plan.
47.01.417 State route No. 520 improvements—Finance plan—Revenue sources and savings recognition.

47.01.419 State route No. 520 corridor improvements—West end project—Deferral of state and local sales and use taxes—Application—Tax deferral certificate—Repayment schedule—Interest.
47.01.420 Naming and renaming state transportation facilities.
47.01.425 Jurisdictional transfers.
47.01.430 Wounded combat veterans internship program.
47.01.435 Highway construction workforce development—Reports.
47.01.440 Adoption of statewide goals to reduce annual per capita vehicle miles traveled by 2050—Department's duties—Reports to the legislature.
47.01.450 Funding special needs transportation, application for—Deference to agency council on coordinated transportation recommendations.
47.01.460 Adjustments to recreational vehicle fees.
47.01.470 Transfer of ownership of department-owned vessel—Review of vessel's physical condition.
47.01.475 Transfer of ownership of department-owned vessel—Further requirements.
47.01.480 Connecting Washington project delivery—JUDY transportation future funding program—Report.
47.01.485 Final determination by local governments on department permit application for state highway projects less than five hundred million dollars, when due—Annual report.
47.01.490 Reporting engineering errors on highway construction projects—Requirements.
47.01.495 Construction program business plan—Requirements—Progress reports—Advisory group.
47.01.500 Design and construction of bridges across navigable rivers or waterways—Feasibility report on public access.
47.01.505 Interstate 5 Columbia river bridge project—Joint legislative action committee.
47.01.515 Environmental justice obligations of the department of transportation.
47.01.520 Publicly available mapping and forecasting tool—Charging and refueling infrastructure locations and information.

Collection agencies, use by public bodies to collect public debts—Fees: RCW 19.16.500.

Cross-state trail—Rail line franchise negotiations: RCW 79A.05.125.

Flaggers—Safety standards: RCW 49.17.350.

Grant administration from multiuse roadway safety account funds: RCW 46.09.540.

Mt. St. Helens eruption, facilitating recovery from—Scope of state agency action: RCW 43.01.210.

Secretary's duties
generally: RCW 46.68.120.
motor vehicle fund, distribution of amount to counties—Factors of distribution formula for RCW 46.68.120(4) funds: RCW 46.68.122.

population, road cost, money need, computed—Allocation percentage adjustment, when: RCW 46.68.124.

Traffic safety commission, secretary of transportation member of: RCW 43.59.030.

Trails system, Washington state recreation, department of transportation participation: RCW 79A.35.120.

RCW 47.01.011 Legislative declaration. The legislature hereby recognizes the following imperative needs within the state: To create a statewide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state, and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the *planning and community affairs agency. The powers, duties, and functions of the department of transportation must be performed in a manner consistent with the policy goals set forth in RCW 47.04.280. [2007 c 516 s 2; 1977 ex.s. c 151 s 1.]

***Reviser's note:** "Planning and community affairs agency" means "department of community, trade, and economic development," but the name is retained here for historical purposes. The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Findings—Intent—2007 c 516: "The legislature finds and declares that the citizens of the state expect clear and concise goals, objectives, and responsibilities regarding the operation of the statewide transportation system. Furthermore, the state's citizens expect that the state periodically receive clear and streamlined information that measures whether the goals and objectives are being satisfied. Therefore, it is the intent of the legislature that this act serve to clarify existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system." [2007 c 516 s 1.]

RCW 47.01.021 Definitions. As used in this title unless the context indicates otherwise:

(1) "Department" means the department of transportation created in RCW 47.01.031;

(2) "Commission" means the transportation commission created in RCW 47.01.051;

(3) "Secretary" means the secretary of transportation as provided for in RCW 47.01.041. [1977 ex.s. c 151 s 2.]

Additional definitions: RCW 47.04.010.

RCW 47.01.031 Department created—Transfer of powers, duties, and functions. (1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the *planning and community affairs agency, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in **this or in any other act of the 1977 legislature.

(3) The board of pilotage commissioners is transferred to the jurisdiction of the department for its staff support and administration: PROVIDED, That nothing in this section shall be construed as transferring any policy making powers of the board of pilotage commissioners to the transportation commission or the department of transportation. [1988 c 167 s 11; 1977 ex.s. c 151 s 3.]

Reviser's note: *(1) The "planning and community affairs agency" has been renamed the "department of community, trade, and economic development." The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

**(2) For codification of "this . . . . act" [1977 ex.s. c 151], see Codification Tables.

Savings—Severability—1988 c 167: See notes following RCW 47.26.121.

RCW 47.01.041 Secretary of transportation—Appointment, salary, removal. The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the governor with the advice and consent of the senate, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the transportation commission without a vote. The secretary shall serve at the pleasure of the governor. [2005 c 319 s 3; 1983 1st ex.s. c 53 s 28; 1977 ex.s. c 151 s 4.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Severability—1983 1st ex.s. c 53: See note following RCW 47.10.802.

RCW 47.01.051 Commission created—Appointment of members—Terms—Qualifications—Removal. There is hereby created a transportation commission, which shall consist of seven voting members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official, state officer, or state employee shall be a member of the commission. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county; however, the governor, or his or her designee, shall serve as a nonvoting member of the commission. Commission appointments should reflect both a wide range of transportation interests and a balanced statewide geographic representation. Commissioners may be removed from office by the governor before the expiration of their terms for cause. No member shall be appointed for more than two consecutive terms. [2006 c 334 s 1; 1977 ex.s. c 151 s 5.]

Effective date—2006 c 334: "This act takes effect July 1, 2006." [2006 c 334 s 52.]

RCW 47.01.061 Commission—Procedures and internal operations. (1) The commission shall meet at such times as it deems advisable but at least on a quarterly basis with meetings to be held in different parts of the state. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an executive director, and shall elect one of its members chair for a term of one year. The chair may vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall the entire commission membership be compensated for more than one thousand two

hundred thirty days combined. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business. [2006 c 334 s 2; 2005 c 319 s 4; 1987 c 364 s 2; 1984 c 287 s 94; 1983 1st ex.s. c 53 s 29; 1981 c 59 s 1; 1977 ex.s. c 151 s 6.]

Effective date—2006 c 334: See note following RCW 47.01.051.

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Severability—1983 1st ex.s. c 53: See note following RCW 47.10.802.

RCW 47.01.070 Director's and commissioner's prior assignments may be delegated. In all situations wherein the director of highways, the director of aeronautics, or any one of their designees, or any member of the highway commission, the toll bridge authority, the aeronautics commission, or the canal commission, or any one of their designees was on September 21, 1977, designated or serving as a member of any board, commission, committee, or authority, the chair of the transportation commission or the chair's designee who shall be an employee of the department of transportation, shall hereafter determine who shall serve as such member. [2010 c 8 s 10001; 1977 ex.s. c 151 s 27; 1961 c 13 s 47.01.070. Prior: 1951 c 247 s 5. Formerly RCW 43.27.120.]

RCW 47.01.071 Commission—Functions, powers, and duties. The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, except during the 2021-2023 fiscal biennium, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(6) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law. [2022 c 186 s 702; 2016 c 35 s 1; 2007 c 516 s 4; 2006 c 334 s 3; 2005 c 319 s 5; 1981 c 59 s 2; 1980 c 87 s 45; 1977 ex.s. c 151 s 7.]

Effective date—2022 c 186: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 25, 2022]." [2022 c 186 s 802.]

Findings—Intent—2007 c 516: See note following RCW 47.01.011.

Effective date—2006 c 334: See note following RCW 47.01.051.

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

RCW 47.01.075 Transportation policy development. (1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).

(2) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

(3) In order to promote a better transportation system, the commission may offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

(a) Transportation finance;

(b) Preserving, maintaining, and operating the statewide transportation system;

(c) Transportation infrastructure needs;

(d) Promoting best practices for adoption and use by transportation-related agencies and programs;

(e) Transportation efficiencies that will improve service delivery and/or coordination;

(f) Improved planning and coordination among transportation agencies and providers; and

(g) Use of intelligent transportation systems and other technology-based solutions. [2007 c 516 s 5; 2006 c 334 s 4; 2005 c 319 s 6.]

Findings—Intent—2007 c 516: See note following RCW 47.01.011.

Effective date—2006 c 334: See note following RCW 47.01.051.

Transfers—2005 c 319: "(1)(a) All reports, documents, surveys, books, records, files, papers, or written material relating to the conduct of performance reviews and audits in the possession of the legislative transportation committee must be delivered to the custody of the transportation commission. Any remaining documents, books, records, files, papers, and written materials must be delivered to the custody of the joint transportation committee. All funds, credits, or other assets held by the legislative transportation committee for the purposes of staffing the transportation performance audit board are

assigned to the transportation commission. Any remaining funds, credits, or other assets held by the legislative transportation committee are assigned to the joint transportation committee.

(b) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(2) All employees of the legislative transportation committee are transferred to the jurisdiction of the transportation commission for the support of the transportation performance audit board. However, the commission may, if staffing needs warrant, assign the employees to other commission functions." [2005 c 319 s 15.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

RCW 47.01.078 Transportation system policy goals—Duties. To support achievement of the policy goals described in RCW 47.04.280, the department shall:

(1) Maintain an inventory of the condition of structures and corridors in most urgent need of retrofit or rehabilitation;

(2) Develop long-term financing tools that reliably provide ongoing maintenance and preservation of the transportation infrastructure;

(3) Balance system safety and convenience through all phases of a project to accommodate all users of the transportation system to safely, reliably, and efficiently provide mobility to people and goods;

(4) Develop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods;

(5) Consider efficiency tools, including high occupancy vehicle and high occupancy toll lanes, corridor-specific and systemwide pricing strategies, active traffic management, commute trip reduction, and other demand management tools;

(6) Promote integrated multimodal planning; and

(7) Consider engineers and architects to design environmentally sustainable, context-sensitive transportation systems. [2007 c 516 s 6.]

Findings—Intent—2007 c 516: See note following RCW 47.01.011.

RCW 47.01.081 Department—Organization—Management personnel. (1) Initially the department shall be organized into divisions, including the division of highways, the division of public transportation, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested

in the department and may also appoint up to twelve ferry system management positions as defined in RCW 47.64.011. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. [1984 c 48 s 1; 1977 ex.s. c 151 s 8.]

RCW 47.01.091 Advisory councils. The secretary shall establish such advisory councils as are necessary to carry out the purposes of this title, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended. [2006 c 334 s 5; 1977 ex.s. c 151 s 9.]

Effective date—2006 c 334: See note following RCW 47.01.051.

RCW 47.01.101 Secretary—Authority and duties. The secretary shall have the authority and it shall be his or her duty:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district, region, or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide, under contract or interagency agreement, staff support to the commission, including long-term technical and administrative support as needed, to assist it in carrying out its functions, powers, and duties;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation;

(9) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and

(10) To exercise all other powers and perform all other duties as are now or hereafter provided by law. [2006 c 334 s 6; 2005 c 319 s 7. Prior: 1987 c 505 s 48; 1987 c 179 s 1; 1983 1st ex.s. c 53 s 30; 1977 ex.s. c 151 s 10.]

Effective date—2006 c 334: See note following RCW 47.01.051.

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Severability—1983 1st ex.s. c 53: See note following RCW 47.10.802.

Regulations governing parking facilities: RCW 46.61.577.

RCW 47.01.131 Continuation of state services to department. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by RCW 47.01.031 shall continue to perform such services for the department of transportation unless otherwise directed by this title. [1977 ex.s. c 151 s 18.]

RCW 47.01.170 Right of entry. The department or its duly authorized and acting assistants, agents, or appointees have the right to enter upon any land, real estate, or premises in this state, whether public or private, for purposes of making examinations, locations, surveys, and appraisals for highway purposes. The making of any such entry for those purposes does not constitute any trespass by the department or by its duly authorized and acting assistants, agents, or appointees. [1984 c 7 s 77; 1961 c 13 s 47.01.170. Prior: 1945 c 176 s 1; Rem. Supp. 1945 s 6400-3f. Formerly RCW 43.27.030.]

RCW 47.01.180 Roads and bridges in state parks. The department is authorized at the request of, and upon plans approved by the state parks and recreation commission, to construct and maintain vehicular roads, highways, and bridges within the limits of the several state parks. [1984 c 7 s 78; 1961 c 13 s 47.01.180. Prior: 1943 c 253 s 1; Rem. Supp. 1943 s 6402-35. Formerly RCW 43.27.040.]

RCW 47.01.190 State aid engineer. The secretary shall appoint, with the approval of the governor, a qualified assistant to be designated as "state aid engineer" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets. [1984 c 7 s 79; 1961 c 13 s 47.01.190. Prior: 1949 c 220 s 2; Rem. Supp. 1949 s 4600-3g. Formerly RCW 43.27.050.]

RCW 47.01.210 Contract without bid or bond with public utilities and municipal corporations. It is lawful for the department to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the

performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of the department, the interest of the public will be best served. [1984 c 7 s 80; 1961 c 13 s 47.01.210. Prior: 1955 c 84 s 1; 1953 c 100 s 1. Formerly RCW 43.27.105.]

RCW 47.01.240 Coordination of long-range needs studies. The department and the transportation improvement board shall coordinate their activities relative to long-range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long-range needs data may be developed and maintained on an integrated and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the department in such form and extent as requested by the department, after consultation with the county road administration board and the association of Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads, and streets in Washington. [1988 c 167 s 12; 1984 c 7 s 82; 1971 ex.s. c 195 s 10.]

Savings—Severability—1988 c 167: See notes following RCW 47.26.121.

RCW 47.01.250 Consultation with designated state officials. The chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. [1998 c 245 s 92; 1990 c 266 s 5; 1979 c 158 s 204; 1977 ex.s. c 151 s 26.]

Identification of environmental costs of transportation projects—Pilot project—1993 c 59: "Recognizing the importance of maintaining the quality of life in Washington state, the citizens of this state demand protection and preservation of our scarce natural resources. Citizens also demand an efficient and effective transportation system.

The departments of transportation, ecology, fisheries, and wildlife and the Puget Sound water quality authority have worked jointly to develop cooperative approaches for mitigating environmental impacts resulting from transportation projects. Nevertheless, many transportation projects are costing more than was budgeted due to unanticipated and extensive environmental considerations. It is the intent of the legislature to find a process for accessing, budgeting, and accounting for environmental costs related to significant transportation projects in order to determine whether the environmental costs exceed the transportation benefits of a project.

Therefore, the department of transportation shall undertake a pilot program in at least one transportation district that will serve as a case study for the entire department. The department shall identify and cost out the discrete environmental elements of a representative sampling of transportation projects. The environmental elements should include, but not necessarily be limited to, wetlands, stormwater, hazardous waste, noise, fish, and wildlife. The department shall also consider an assessment of the cost impacts resulting from delays associated with permitting requirements.

It is the intent of the legislature that the environmental cost estimates be developed during a detailed scoping process that will include preliminary engineering and design. After the detailed scoping process and design report is complete, the department shall submit project-specific recommendations and cost estimates to the transportation commission before approval is granted for the construction phase of the projects.

Based upon the findings of the pilot program the transportation commission shall recommend policies to the legislative transportation committee regarding: (1) The current practice of appropriating design and construction dollars simultaneously; (2) identification of reasonable thresholds for environmental costs; (3) budget and accounting modifications that may be warranted in order to accurately capture environmental costs associated with transportation projects; and (4) modification to the priority array statutes, chapter 47.05 RCW." [1993 c 59 s 1.]

RCW 47.01.260 Authority of department. (1) The department of transportation shall exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, locating, designing, constructing, improving, repairing, operating, and maintaining state highways, including bridges and other structures, culverts, and drainage facilities and channel changes necessary for the protection of state highways, and shall examine and allow or disallow bills, subject to the provisions of RCW 85.07.170, for any work or services performed or materials, equipment, or supplies furnished.

(2) Subject to the limitations of RCW 4.24.115, the department, in the exercise of any of its powers, may include in any authorized contract a provision for indemnifying the other contracting party against specific loss or damages arising out of the performance of the contract.

(3) The department is authorized to acquire property as provided by law and to construct and maintain thereon any buildings or structures necessary or convenient for the planning, design, construction, operation, maintenance, and administration of the state highway system and to acquire property and to construct and maintain

any buildings, structures, appurtenances, and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon state highways.

(4) The department is authorized to engage in planning surveys and may collect, compile, and analyze statistics and other data relative to existing and future highways and highway needs throughout the state, and shall conduct research, investigations, and testing as it deems necessary to improve the methods of construction and maintenance of highways and bridges. [2006 c 368 s 2; 1983 c 29 s 1; 1979 ex.s. c 58 s 1.]

RCW 47.01.270 Radioactive or hazardous cargo, notice of prohibition. The department of transportation shall adopt regulations to establish procedures for giving notice to transporters of placarded radioactive or hazardous cargo of times when transportation of such cargo is prohibited. [1983 c 205 s 2.]

Transportation of radioactive or hazardous cargo, prohibited, when: RCW 47.48.050.

RCW 47.01.280 Application for improvements to existing highways. (1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the department shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system; and

(c) Will affect any other improvements planned by the department.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the department shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the department disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the department shall carry out the improvements in coordination with the applicant. [2006 c 334 s 7; 2005 c 319 s 121; 1999 c 94 s 10; 1985 c 433 s 6.]

Effective date—2006 c 334: See note following RCW 47.01.051.

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Legislative finding—Effective dates—1999 c 94: See notes following RCW 43.84.092.

Nonseverability—1985 c 433: See note following RCW 43.160.074.

RCW 47.01.290 Environmental review of transportation projects. The legislature recognizes that environmental review of transportation projects is a continuous process that should begin at the earliest stages of planning and continue through final project construction. Early and extensive involvement of the relevant environmental regulatory authorities is critical in order to avoid significant changes in substantially completed project design and engineering. It is the expectation of the legislature that if a comprehensive environmental approach is integrated throughout various transportation processes, onerous, duplicative, and time-consuming permit processes will be minimized. [1994 c 258 s 3; 1993 c 55 s 1.]

Captions not law—1994 c 258: See note following RCW 36.70A.420.

Statewide transportation planning: Chapter 47.06 RCW.

RCW 47.01.300 Environmental review of transportation projects—Cooperation with other environmental regulatory authorities. The department shall, in cooperation with environmental regulatory authorities:

(1) Identify and document environmental resources in the development of the statewide multimodal plan under RCW 47.06.040;

(2) Allow for public comment regarding changes to the criteria used for prioritizing projects under chapter 47.05 RCW before final adoption of the changes by the commission;

(3) Use an environmental review as part of the project prospectus identifying potential environmental impacts, mitigation, the utilization of the mitigation option available in RCW 90.74.040, and costs during the early project identification and selection phase, submit the prospectus to the relevant environmental regulatory authorities, and maintain a record of comments and proposed revisions received from the authorities;

(4) Actively work with the relevant environmental regulatory authorities during the design alternative analysis process and seek written concurrence from the authorities that they agree with the preferred design alternative selected;

(5) Develop a uniform methodology, in consultation with relevant environmental regulatory authorities, for submitting plans and specifications detailing project elements that impact environmental resources, and proposed mitigation measures including the mitigation option available in RCW 90.74.040, to the relevant environmental regulatory authorities during the preliminary specifications and engineering phase of project development;

(6) Screen construction projects to determine which projects will require complex or multiple permits. The permitting authorities shall develop methods for initiating review of the permit applications for the projects before the final design of the projects;

(7) Conduct special prebid meetings for those projects that are environmentally complex; and

(8) Review environmental considerations related to particular projects during the preconstruction meeting held with the contractor who is awarded the bid. [2012 c 62 s 1; 1994 c 258 s 4.]

Captions not law—1994 c 258: See note following RCW 36.70A.420.

RCW 47.01.305 Environmental mitigation in highway construction projects—Public lands first or other sites that avoid loss of long-term, commercially significant agricultural lands. (1) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and chapter 43.21C RCW, the department shall, to the greatest extent possible, consider using public land first.

(2) If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance. [2009 c 471 s 1.]

RCW 47.01.315 Work group on review processes under state and national environmental policy acts for state highway projects—Report. The department shall coordinate a state agency work group in 2016 that will identify issues, laws, and regulations relevant to consolidating and coordinating the review processes under the national environmental policy act, 42 U.S.C. Sec. 4321 et seq. and chapter 43.21C RCW to streamline the review of and avoid delays to projects on state highways as defined in RCW 46.04.560. The department must report the work group's findings to the joint transportation committee in compliance with RCW 43.01.036 by December 31, 2016. State agencies in the work group must include the department, the department of ecology, and any other relevant agencies. The report must include: An inventory of federal and state environmental regulatory authority; a discussion of the issues pertaining to the current process and timelines used by state and federal agencies for reviewing projects on state highways as defined in RCW 46.04.560; and recommendations for legislation or rules that would reduce delays and time associated with review by state and federal agencies, including suggestions for new categorical exemptions. [2015 3rd sp.s. c 15 s 6.]

Effective date—Findings—Intent—2015 3rd sp.s. c 15: See notes following RCW 47.01.485.

RCW 47.01.330 Office of transit mobility. (1) The secretary shall establish an office of transit mobility. The purpose of the office is to facilitate the integration of decentralized public transportation services with the state transportation system. The goals of the office of transit mobility are: (a) To facilitate connection and coordination of transit services and planning; and (b) maximizing opportunities to use public transportation to improve the efficiency of transportation corridors.

(2) The duties of the office include, but are not limited to, the following:

(a) Developing a statewide strategic plan that creates common goals for transit agencies and reduces competing plans for cross-jurisdictional service;

(b) Developing a park and ride lot program;

(c) Encouraging long-range transit planning;

(d) Providing public transportation expertise to improve linkages between regional transportation planning organizations and transit agencies;

(e) Strengthening policies for inclusion of transit and transportation demand management strategies in route development, corridor plan standards, and budget proposals;

(f) Recommending best practices to integrate transit and demand management strategies with regional and local land use plans in order to reduce traffic and improve mobility and access;

(g) Producing recommendations for the public transportation section of the Washington transportation plan; and

(h) Participating in all aspects of corridor planning, including freight planning, ferry system planning, and passenger rail planning.

(3) In forming the office, the secretary shall use existing resources to the greatest extent possible.

(4) The office of transit mobility shall establish measurable performance objectives for evaluating the success of its initiatives and progress toward accomplishing the overall goals of the office.

(5) The office of transit mobility must report quarterly to the secretary, and annually to the transportation committees of the legislature, on the progress of the office in meeting the goals and duties provided in this section. [2005 c 318 s 2.]

Findings—Intent—2005 c 318: "The legislature finds that the state needs to reestablish itself as a leader in public transportation.

The legislature also finds that increased demands on transportation resources require increased coordination among public transportation service providers.

The legislature also finds that the efficiency of transportation corridors would be enhanced by a more proactive and integrated approach to public transportation service delivery and planning.

The legislature also finds that the state department of transportation is in the unique position of being able to improve connectivity between service territories of transit agencies and modes of transportation.

The legislature also finds that the state should be a center of excellence in public transportation planning and research and providing technical assistance to transit agencies serving urban, suburban, and rural areas.

Therefore, it is the intent of the legislature that the state department of transportation be a leader in public transportation. The department shall play a guiding role in coordinating decentralized public transportation services, increasing connectivity between them, advocating for public transportation as a means to increase corridor efficiency, and increasing the integration of public transportation and the highway system." [2005 c 318 s 1.]

RCW 47.01.340 Local and regional transportation goals. Local and regional transportation agencies shall adopt common transportation goals. The office of transit mobility shall review local and regional transportation plans, including plans required under RCW 35.58.2795, 36.70A.070(6), 36.70A.210, and 47.80.023, to provide for the efficient integration of multimodal and multijurisdictional transportation planning. [2005 c 318 s 3.]

Findings—Intent—2005 c 318: See note following RCW 47.01.330.

RCW 47.01.380 State route No. 520 improvements—Exceptions. The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 and 2011-2013 fiscal biennia. [2011 c 367 s 708; 2009 c 470 s 705; 2006 c 311 s 26.]

Effective date—2011 c 367: See note following RCW 46.68.060.

Effective date—2009 c 470: See note following RCW 46.68.170.

Findings—2006 c 311: See note following RCW 36.120.020.

RCW 47.01.390 Alaskan Way viaduct, Seattle Seawall, and state route No. 520 improvements—Requirements—Exceptions. (1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium. [2009 c 470 s 706; 2007 c 518 s 705; 2006 c 311 s 27.]

Effective date—2009 c 470: See note following RCW 46.68.170.

Severability—Effective date—2007 c 518: See notes following RCW 46.68.170.

Findings—2006 c 311: See note following RCW 36.120.020.

RCW 47.01.402 Alaskan Way viaduct replacement project—Deep bore tunnel option—Funding, accountability, and responsibility. (1) The legislature finds that the replacement of the vulnerable state route number 99 Alaskan Way viaduct is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 99 Alaskan Way viaduct is susceptible to damage, closure, or catastrophic failure from earthquakes and tsunamis. Additionally, the viaduct serves as a vital route for freight and passenger vehicles through downtown Seattle.

Since 2001, the department has undertaken an extensive evaluation of multiple options to replace the Alaskan Way viaduct, including an initial evaluation of seventy-six conceptual alternatives and a more detailed analysis of five alternatives in 2004. In addition to a substantial technical review, the department has also undertaken considerable public outreach, which included consultation with a stakeholder advisory committee that met sixteen times over a thirteen-month period.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state shall take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(2) The state route number 99 Alaskan Way viaduct replacement project finance plan must include state funding not to exceed two billion four hundred million dollars and must also include no more than four hundred million dollars in toll revenue. These funds must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(3) The department shall provide updated cost estimates for construction of the bored tunnel and also for the full Alaskan Way viaduct replacement project to the legislature and governor by January 1, 2010. The department must also consult with independent tunnel engineering experts to review the estimates and risk assumptions. The department shall not enter into a design-build contract for construction of the bored tunnel until the report in this section has been submitted.

(4) Any contract the department enters into related to construction of the deep bored tunnel must include incentives and

penalties to encourage on-time completion of the project and to minimize the potential for cost overruns.

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

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

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

(6)(a) The city and county departments of transportation shall be responsible for the cost, delivery, and associated risks of the project components for which each department is responsible, as outlined in the January 13, 2009, letter of agreement signed by the governor, city, and county.

(b) The state's contribution shall not exceed two billion four hundred million dollars. If costs exceed two billion four hundred million dollars, no more than four hundred million [dollars] of the additional costs shall be financed with toll revenue. Any costs in excess of two billion eight hundred million dollars shall be borne by property owners in the Seattle area who benefit from replacement of the existing viaduct with the deep bore tunnel.

(7) Compression brakes may be used by authorized motor vehicles in the deep bore tunnel in a manner consistent with the requirements of RCW 46.37.395. [2009 c 458 s 1.]

Alaskan Way viaduct replacement project—Deep bore tunnel option—Traffic and revenue study—2009 c 458: "The department of transportation must prepare a traffic and revenue study for a state route number 99 deep bore tunnel for the purpose of determining the facility's potential to generate toll revenue. The department shall regularly report to the transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility. The study must include the following information:

(1) An analysis of the potential diversion from state route number 99 to other parts of the transportation system resulting from tolls on the facility;

(2) An analysis of potential mitigation measures to offset or reduce diversion from state route number 99;

(3) A summary of the amount of revenue generated from tolling the deep bore tunnel; and

(4) An analysis of the impact of tolls on the performance of the facility.

The department must provide the results of the study to the governor and the legislature by January 2010." [2009 c 458 s 2.]

Effective date—2009 c 458: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 458 s 3.]

RCW 47.01.408 State route No. 520 improvements—Design requirements. (1) The state route number 520 bridge replacement and HOV project shall be designed to provide six total lanes, with two lanes that are for transit and high occupancy vehicle travel, and four general purpose lanes.

(2) The state route number 520 bridge replacement and HOV project shall be designed to accommodate effective connections for transit, including high capacity transit, to the light rail station at the University of Washington. [2008 c 270 s 2.]

Finding—2008 c 270: "The legislature finds that the replacement of the vulnerable state route number 520 bridge is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 bridge is forty-four years old and has a useful remaining life of between thirteen and eighteen years. While one hundred fifteen thousand vehicles travel on the bridge each day, there is an ever present likelihood that wind or an earthquake could suddenly destroy the bridge or render it unusable. Therefore, the state must develop a comprehensive approach to fund a state route number 520 bridge replacement to be constructed by 2018." [2008 c 270 s 1.]

RCW 47.01.412 State route No. 520 improvements—Tax deferrals—Definition. (1)(a) Any person involved in the construction of the state route number 520 bridge replacement and HOV project may apply for deferral of state and local sales and use taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in, the project.

(b) Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application must contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within 60 days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW and RCW 81.104.170 on the project.

(3) A person granted a tax deferral under this section shall complete paying the deferred taxes by June 30, 2026. It is the intent of the legislature that any nontoll accounts used to pay the deferred sales and use taxes will be reimbursed by toll revenues no later than December 31, 2050, which reflects prior legislative intent regarding the use of toll revenues for this purpose.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of a person granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties

and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of any private entity granted a deferral under this section.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) For purposes of this section, "person" has the same meaning as in RCW 82.04.030 and also includes the department of transportation. [2025 c 418 s 6; 2022 c 144 s 1; 2008 c 270 s 7.]

Application of RCW 82.32.805 and 82.32.808—2022 c 144: "The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act." [2022 c 144 s 2.]

Effective date—2022 c 144: "This act takes effect July 1, 2022." [2022 c 144 s 3.]

Finding—2008 c 270: See note following RCW 47.01.408.

RCW 47.01.415 State route No. 520 improvements—Finance plan. The state route number 520 bridge replacement and HOV project finance plan must include state funding, federal funding, at least one billion dollars in regional contributions, and revenue from tolling. The department must provide a proposed finance plan to be tied to the estimated cost of the recommended project solutions, as provided under *RCW 47.01.406, to the governor and the joint transportation committee by January 1, 2008. [2007 c 517 s 7.]

***Reviser's note:** RCW 47.01.406 was repealed by 2017 3rd sp.s. c 25 s 39.

Finding—2007 c 517: "The legislature finds that the replacement of the vulnerable state route number 520 corridor is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 floating bridge is susceptible to damage, closure, or even catastrophic failure from earthquakes, windstorms, and waves. Additionally, the bridge serves as a vital route for vehicles to cross Lake Washington, carrying over three times its design capacity in traffic, resulting in more than seven hours of congestion per day.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to move forward with a state route number 520 bridge replacement project design that provides six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel that could also accommodate high capacity transportation, and the bridge shall also be designed to accommodate light rail in the future. High occupancy vehicle lanes in the state route 520 corridor must also be able to support a bus rapid transit system." [2007 c 517 s 1.]

Effective date—2007 c 517: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately [May 15, 2007]." [2007 c 517 s 9.]

RCW 47.01.417 State route No. 520 improvements—Finance plan—Revenue sources and savings recognition. The state route number 520 bridge replacement and HOV project finance plan must include:

(1) Recognition of revenue sources that include: One billion seven hundred million dollars in state and federal funds allocated to the project; one billion five hundred million dollars to two billion dollars in tolling revenue, including early tolls that could begin in late 2009; eighty-five million dollars in federal urban partnership grant funds; and other contributions from private and other government sources; and

(2) Recognition of savings to be realized from:

(a) Potential early construction of traffic improvements from the eastern Lake Washington shoreline to 108th Avenue Northeast in Bellevue;

(b) Early construction of a single string of pontoons to support two lanes that are for transit and high occupancy vehicle travel and four general purpose lanes;

(c) Preconstruction tolling to reduce total financing costs; and

(d) A deferral of the sales taxes paid on construction costs. [2008 c 270 s 3.]

Finding—2008 c 270: See note following RCW 47.01.408.

RCW 47.01.419 State route No. 520 corridor improvements—West end project—Deferral of state and local sales and use taxes—Application—Tax deferral certificate—Repayment schedule—Interest. (1)(a) The department may apply for deferral of state and local sales and use taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in, the state route number 520 corridor improvements - west end project.

(b) The application must be made to the department of revenue in a form and manner prescribed by the department of revenue. The application must contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within 60 days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW and RCW 81.104.170 on the project. No new deferral certificates may be issued once the project is operationally complete as described in subsection (3) of this section.

(3) If the department is granted a tax deferral under this section, the department must begin paying the deferred taxes in the 24th year after the date certified by the department of revenue as the date on which the project is operationally complete. The project, which completes corridor improvements between Interstate 5 and the west high rise, is operationally complete under this section when the department notifies the department of revenue in writing that all

projects qualifying for a deferral under this section are operationally complete. The first payment is due on December 31st of the 24th calendar year after the certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal 10 percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the department granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of any private entity granted a deferral under this section.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section. [2024 c 281 s 1.]

Applicability—2024 c 281 s 1: "The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 1 of this act." [2024 c 281 s 2.]

Effective date—2024 c 281: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 26, 2024]." [2024 c 281 s 3.]

RCW 47.01.420 Naming and renaming state transportation facilities. (1) The commission may name or rename state transportation facilities including, but not limited to: State highways; state highway bridges, structures, and facilities; state rest areas; and state roadside facilities, such as viewpoints. The commission must consult with the department before taking final action to name or rename a state transportation facility.

(2)(a) The department, state and local governmental entities, citizen organizations, and any person may initiate the process to name or rename a state transportation facility.

(b) For the commission to consider a naming or renaming proposal, the requesting entity or person must provide sufficient evidence, as determined by the commission, indicating community support and acceptance of the proposal. Evidence may include the following:

(i) Letters of support from state and federal legislators representing the impacted area encompassing the state transportation facility;

(ii) Resolutions passed by local, publicly elected bodies in the impacted area encompassing the state transportation facility;

(iii) Department support; or

(iv) Supportive actions by or letters from local organizations including, but not limited to, local chambers of commerce and service clubs.

(3) After the commission takes final action in naming or renaming a state transportation facility, the department shall design and install the appropriate signs in accordance with state and federal standards. [2007 c 33 s 1.]

RCW 47.01.425 Jurisdictional transfers. The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The commission shall receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The commission must utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The commission shall forward to the senate and house transportation committees by November 15th each year any recommended jurisdictional transfers. [2009 c 260 s 1; 2005 c 319 s 130; 1991 c 342 s 62. Formerly RCW 47.26.167.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Effective dates—1991 c 342: "(1) Sections 62 and 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

(2) The remainder of this act shall take effect April 1, 1992." [1991 c 342 s 68.]

RCW 47.01.430 Wounded combat veterans internship program. Subject to the availability of amounts appropriated for this specific purpose, the department shall establish an internship program for returning wounded combat veterans. The purpose of the program is to assist returning wounded combat veterans by matching them with jobs within the department that require their military skill sets and would be of benefit to the department, or that would teach them new skills. The jobs may include, but are not limited to, the following classifications: Engineering; construction trades; logistics; and project planning. The emphasis of the program should be to assist veterans who served in southern or central Asia, Operation Enduring Freedom; and the Persian Gulf, Operation Iraqi Freedom. This program may assist with the placement of wounded combat veterans as apprentices under RCW 39.04.320. The department may adopt rules under chapter 34.05 RCW to implement the requirements of this section. For the purposes of this section, "veteran" has the same meaning as in RCW 41.04.005. [2007 c 92 s 1.]

RCW 47.01.435 Highway construction workforce development—Reports. (1) The department shall expend federal funds received by the department, and funds that may be available to the department, under 23 U.S.C. Sec. 140(b) to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce by conducting activities in subsections (4) and (5) of this section.

(2) The requirements contained in subsection (1) of this section do not apply to or reduce the federal funds that would be otherwise allocated to local government agencies.

(3) The department shall, in coordination with the department of labor and industries, expend moneys for apprenticeship preparation and support services, including providing grants to local Indian tribes, churches, nonprofits, and other organizations. The department shall,

to the greatest extent practicable, expend moneys from sources other than those specified in subsection (1) of this section for the activities in this subsection and subsections (4) and (5) of this section.

(4) The department shall coordinate with the department of labor and industries to provide any portion of the following services:

(a) Preapprenticeship programs approved by the apprenticeship and training council;

(b) Preemployment counseling;

(c) Orientations on the highway construction industry, including outreach to women, minorities, and other disadvantaged individuals;

(d) Basic skills improvement classes;

(e) Career counseling;

(f) Remedial training;

(g) Entry requirements for training programs;

(h) Supportive services and assistance with transportation;

(i) Child care and special needs;

(j) Jobsite mentoring and retention services;

(k) Assistance with tools, protective clothing, and other related support for employment costs; and

(l) The recruitment of women and persons of color to participate in the apprenticeship program at the department.

(5) The department must actively engage with communities with populations that are underrepresented in current transportation apprenticeship programs.

(6) The department, in coordination with the department of labor and industries, shall submit a report to the transportation committees of the legislature by December 1st of each year beginning in 2012. The report must contain:

(a) An analysis of the results of the activities in subsections (4) and (5) of this section;

(b) The amount available to the department from federal funds for the activities in subsections (4) and (5) of this section and the amount expended for those activities; and

(c) The performance outcomes achieved from each activity, including the number of persons receiving services, training, and employment.

(7) By December 31, 2020, the department must report to the legislature on the results of how the department's efforts to actively engage with communities with populations that are underrepresented in current transportation apprenticeship programs have resulted in an increased participation of underrepresented groups in the department's apprenticeship program over a five-year period. [2015 c 164 s 1; 2012 c 66 s 1.]

RCW 47.01.440 Adoption of statewide goals to reduce annual per capita vehicle miles traveled by 2050—Department's duties—Reports to the legislature. (1) To support the implementation of RCW 47.04.280 and 47.01.078(4), the department shall adopt broad statewide goals to reduce annual per capita vehicle miles traveled by 2050 consistent with the stated goals of executive order 07-02. Consistent with these goals, the department shall:

(a) Establish the following benchmarks using a statewide baseline of seventy-five billion vehicle miles traveled less the vehicle miles traveled attributable to vehicles licensed under RCW 46.16A.455 and

weighing ten thousand pounds or more, which are exempt from this section:

(i) Decrease the annual per capita vehicle miles traveled by eighteen percent by 2020;

(ii) Decrease the annual per capita vehicle miles traveled by thirty percent by 2035; and

(iii) Decrease the annual per capita vehicle miles traveled by fifty percent by 2050;

(b) By July 1, 2008, establish and convene a collaborative process to develop a set of tools and best practices to assist state, regional, and local entities in making progress towards the benchmarks established in (a) of this subsection. The collaborative process must provide an opportunity for public review and comment and must:

(i) Be jointly facilitated by the department, the department of ecology, and the department of commerce;

(ii) Provide for participation from regional transportation planning organizations, the Washington state transit association, the Puget Sound clean air agency, a statewide business organization representing the sale of motor vehicles, at least one major private employer that participates in the commute trip reduction program, and other interested parties, including but not limited to parties representing diverse perspectives on issues relating to growth, development, and transportation;

(iii) Identify current strategies to reduce vehicle miles traveled in the state as well as successful strategies in other jurisdictions that may be applicable in the state;

(iv) Identify potential new revenue options for local and regional governments to authorize to finance vehicle miles traveled reduction efforts;

(v) Provide for the development of measurement tools that can, with a high level of confidence, measure annual progress toward the benchmarks at the local, regional, and state levels, measure the effects of strategies implemented to reduce vehicle miles traveled and adequately distinguish between common travel purposes, such as moving freight or commuting to work, and measure trends of vehicle miles traveled per capita on a five-year basis;

(vi) Establish a process for the department to periodically evaluate progress toward the vehicle miles traveled benchmarks, measure achieved and projected emissions reductions, and recommend whether the benchmarks should be adjusted to meet the state's overall goals for the reduction of greenhouse gas emissions;

(vii) Estimate the projected reductions in greenhouse gas emissions if the benchmarks are achieved, taking into account the expected implementation of existing state and federal mandates for vehicle technology and fuels, as well as expected growth in population and vehicle travel;

(viii) Examine access to public transportation for people living in areas with affordable housing to and from employment centers, and make recommendations for steps necessary to ensure that areas with affordable housing are served by adequate levels of public transportation; and

(vix) [(ix)] By December 1, 2008, provide a report to the transportation committees of the legislature on the collaborative process and resulting recommended tools and best practices to achieve the reduction in annual per capita vehicle miles traveled goals.

(2) Included in the December 1, 2008, report to the transportation committees of the legislature, the department shall

identify strategies to reduce vehicle miles traveled in the state as well as successful strategies in other jurisdictions that may be applicable in the state that recognize the differing urban and rural transportation requirements.

(3) Prior to implementation of the goals in this section, the department, in consultation with the department of commerce, cities, counties, local economic development organizations, and local and regional chambers of commerce, shall provide a report to the appropriate committees of the legislature on the anticipated impacts of the goals established in this section on the following:

(a) The economic hardship on small businesses as it relates to the ability to hire and retain workers who do not reside in the county in which they are employed;

(b) Impacts on low-income residents;

(c) Impacts on agricultural employers and their employees, especially on the migrant farmworker community;

(d) Impacts on distressed rural counties; and

(e) Impacts in counties with more than fifty percent of the land base of the county in public or tribal lands. [2023 c 470 s 2084; 2011 c 171 s 103; 2008 c 14 s 8.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Findings—Intent—Scope of chapter 14, Laws of 2008—2008 c 14: See RCW 70A.45.005 and 70A.45.900.

RCW 47.01.450 Funding special needs transportation, application for—Deference to agency council on coordinated transportation recommendations. (1) To be eligible for funding on or after January 1, 2010, any organization applying for state paratransit/special needs grants, as described in section 223(1), chapter 121, Laws of 2008, or for other funding provided for persons with special transportation needs, as defined in *RCW 47.06B.012, must include in its application, in addition to meeting other eligibility requirements provided in law, an explanation of how the requested funding will advance efficiencies in, accessibility to, or coordination of transportation services provided to persons with special transportation needs as defined in *RCW 47.06B.012.

(2) Unless otherwise required by law, in administering federal funding provided for special needs transportation purposes, including funding under SAFETEA-LU, the safe, accountable, flexible, efficient transportation equity act, P.L. 109-59, or its successor, the department shall give priority to projects that result in increased efficiencies in special needs transportation or improved coordination among special needs transportation service providers.

(3) In making final grant award determinations under subsection (1) of this section, the department shall seek input from the agency council on coordinated transportation, as provided in *chapter 47.06B RCW, and shall give substantial deference to applications recommended by the council. [2009 c 515 s 16.]

***Reviser's note:** Chapter 47.06B RCW was repealed by 2011 c 60 s 51.

RCW 47.01.460 Adjustments to recreational vehicle fees. (1) The department of transportation may increase the recreational vehicle sanitary disposal fee charged under RCW 46.17.375 as authorized in RCW 43.135.055 by a percentage that exceeds the fiscal growth factor. After consultation with citizen representatives of the recreational vehicle user community, the department of transportation may implement RV account fee adjustments no more than once every four years. RV account fee adjustments must be preceded by an evaluation of the following factors:

(a) Maintenance of a self-supporting program;

(b) Levels of service at existing recreational vehicle sanitary disposal facilities;

(c) Identified needs for improved recreational vehicle service at safety rest areas statewide;

(d) Sewage treatment costs; and

(e) Inflation.

(2) If the department of transportation chooses to adjust the RV account fee, it shall notify the department of licensing six months before implementation of the fee increase. Adjustments in the RV account fee must be in increments of no more than fifty cents per biennium. [2010 c 161 s 1145.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session —2010 c 161: See notes following RCW 46.04.013.

RCW 47.01.470 Transfer of ownership of department-owned vessel—Review of vessel's physical condition. (1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method. [2013 c 291 s 13.]

RCW 47.01.475 Transfer of ownership of department-owned vessel—Further requirements. (1) Following the inspection required under RCW 47.01.470 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70A.305.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550. [2021 c 65 s 54; 2013 c 291 s 14.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

RCW 47.01.480 Connecting Washington project delivery—JUDY transportation future funding program—Report. (1)(a) For projects identified as connecting Washington projects and supported by revenues under chapter 44, Laws of 2015 3rd sp. sess., it is the priority of the legislature that the department deliver the named projects. The legislature encourages the department to continue to institutionalize innovation and collaboration in design and project delivery with an eye toward the most efficient use of resources. In doing so, the legislature expects that, for some projects, costs will be reduced during the project design phase due to the application of practical design. However, significant changes to a project title or scope arising from the application of practical design requires legislative approval. The legislature will utilize existing mechanisms and processes to ensure timely and efficient approval. Practical design-related changes to the scope may be proposed by the department, for the legislature's approval, only if the project's intended performance is substantially unchanged and the local governments and interested stakeholders impacted by the project have been consulted and have reviewed the proposed changes.

(b) To the greatest extent practicable, a contract for the construction of a project with any change to the title or scope, whether significant or not, arising from the application of practical design must not be let until the department has provided a detailed notice describing the change to the chairs and ranking members of the house of representatives and senate transportation committees or, if during the interim, to the joint transportation committee.

(c) To determine the savings attributable to practical design, each connecting Washington project must be evaluated. For design-bid-build projects, the evaluation must occur at the end of the project design phase. For design-build projects, the evaluation must occur at the completion of 30 percent design. Each year as a part of its annual budget submittal, the department must include a detailed summary of how practical design has been applied and the associated savings

gained. The annual summary must also include for each project: Details regarding any savings gained specifically through changes in the cost of materials, changes in the scope of a project and associated impacts on risk, the retirement of any risk reserves, and unused contingency funds.

(2)(a) The transportation future funding program is intended to provide for future emergent transportation projects, accelerating the schedule for existing connecting Washington projects, and highway preservation investments, beginning in fiscal year 2024, based on savings accrued from the application of practical design and any retired risk or unused contingency funding on connecting Washington projects.

(b) Beginning July 1, 2016, the department must submit a report to the state treasurer and the transportation committees of the legislature once every six months identifying the amount of savings attributable to the application of practical design, retired risk, and unused contingency funding, and report when the savings become available. The state treasurer must transfer the available amounts identified in the report to the JUDY transportation future funding program account created in RCW 46.68.396.

(c) Beginning in fiscal year 2024, as a part of its budget submittal, the department may provide a list of highway improvement projects or preservation investments for potential legislative approval as part of the transportation future funding program. Highway improvement projects considered for inclusion under the transportation future funding program may include new connecting Washington projects, or accelerate the schedule for existing connecting Washington projects, and must: Address significant safety concerns; alleviate congestion and advance mobility; provide compelling economic development gains; leverage partnership funds from local, federal, or other sources; or require a next phase of funding to build upon initial investments provided by the legislature.

(d) It is the intent of the legislature that if savings attributable to the application of practical design are used to accelerate existing connecting Washington projects, savings must also be used for new connecting Washington projects of equal cost. [2022 c 182 s 436; 2015 3rd sp.s. c 12 s 1.]

Intent—Effective date—2022 c 182: See notes following RCW 70A.65.240.

Effective date—2015 3rd sp.s. c 12: "Except for section 4 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 6, 2015]." [2015 3rd sp.s. c 12 s 7.]

RCW 47.01.485 Final determination by local governments on department permit application for state highway projects less than five hundred million dollars, when due—Annual report. (1) To the greatest extent practicable, a city, town, code city, or county must make a final determination on all permits required for a project on a state highway as defined in RCW 46.04.560 no later than ninety days after the department's submission of a complete permit application for

a project with an estimated cost of less than five hundred million dollars.

(2) The department must report annually to the governor and the transportation committees of the house of representatives and the senate in compliance with RCW 43.01.036 regarding any permit application that takes longer than the number of days identified in subsection (1) of this section to process. [2015 3rd sp.s. c 15 s 2.]

Effective date—2015 3rd sp.s. c 15: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 6, 2015]." [2015 3rd sp.s. c 15 s 11.]

Findings—Intent—2015 3rd sp.s. c 15: "The legislature finds that in 2012 the legislature passed Second Engrossed Substitute Senate Bill No. 6406 (chapter 1, Laws of 2012 1st sp. sess.), which updated statutory provisions relating to natural resource management and regulatory programs. The legislature finds that opportunities to build upon the updates made in 2012 and to further streamline regulatory processes and achieve program efficiencies while maintaining current levels of natural resource protection exist. The legislature intends to update provisions relating to the review, permitting, and approval of department of transportation projects, particularly those that occur on shorelines of the state, to achieve these opportunities.

The legislature further finds that the shoreline management act of 1971, codified in chapter 90.58 RCW, was approved and enacted by a vote of the people, and that the shoreline management act embodies a balance between the protection of state shorelines and development. Recognizing this balance, the legislature intends to facilitate transportation projects while ensuring accountability." [2015 3rd sp.s. c 15 s 1.]

RCW 47.01.490 Reporting engineering errors on highway construction projects—Requirements. (1) The department shall submit a report to the transportation committees of the legislature detailing engineering errors on highway construction projects resulting in project cost increases in excess of five hundred thousand dollars. The department must submit a full report within ninety days of the negotiated change order resulting from the engineering error.

(2) The department's full report must include an assessment and review of:

(a) How the engineering error happened;

(b) The department of the employee or employees responsible for the engineering error, without disclosing the name of the employee or employees;

(c) What corrective action was taken;

(d) The estimated total cost of the engineering error and how the department plans to mitigate that cost;

(e) Whether the cost of the engineering error will impact the overall project financial plan; and

(f) What action the secretary has recommended to avoid similar engineering errors in the future. [2015 3rd sp.s. c 17 s 8.]

Effective date—2015 3rd sp.s. c 17: See note following RCW 47.85.005.

RCW 47.01.495 Construction program business plan—Requirements—Progress reports—Advisory group. (1) The department must develop a construction program business plan that incorporates findings of the report required in section 3, chapter 18, Laws of 2015 3rd sp. sess. and also outlines a sustainable staffing level of state-employed engineering staff, adjusted as necessary by additional sustainable revenue and modeled and optimized to address long-term needs in preservation and improvement programs through multiple biennia.

(2) The sustainable staffing level recognizes that it is in the state's interest that periodic increases in workload due to increases in construction funding are best addressed through the use of contract engineering resources in conjunction with limited and flexible augmentations to department staffing levels as necessary for project oversight, accountability, and delivery.

(3) To provide the appropriate management oversight and accountability of the use of contracted services, the plan must also make recommendations on the development of a strong owner strategy that addresses state employee training, career development, and competitive compensation.

(4) The department must submit the plan to the office of financial management and appropriate committees of the legislature one hundred eighty days after the report in section 3, chapter 18, Laws of 2015 3rd sp. sess. is completed. The department must submit progress reports on implementation of the plan biennially beginning September 30, 2018, until September 30, 2030. The elements of the plan must include:

(a) Sustainable staffing levels to address long-term needs in preservation and improvement programs;

(b) Employee recruitment, retention, training, and compensation status;

(c) Project delivery methods for design and construction; and

(d) A comparison of Washington state to national trends and methods.

(5) To assist in the development of the plan, the department must convene an advisory group to be comprised of the following members:

(a) One representative of the professional and technical employees local 17 to represent the nonmanagement engineering and technical employees of the department;

(b) One member of the managerial engineering and technical staff of the department, who must serve as chair of the advisory group;

(c) One member appointed by the American council of engineering companies of Washington to represent the private design industry; and

(d) One member appointed by the associated general contractors of Washington to represent the private construction industry. [2015 3rd sp.s. c 18 s 4.]

Effective date—2015 3rd sp.s. c 18: See note following RCW 47.20.780.

RCW 47.01.500 Design and construction of bridges across navigable rivers or waterways—Feasibility report on public access.

(1) During the design process for state highway projects that include the construction of a new bridge or reconstruction of an existing bridge across a navigable river or waterway, excluding limited access highways and ferry terminals, the department must consider and report on the feasibility of providing a means of public access to the navigable river or waterway for public recreational purposes. The report must document whether the proposed project is in an area identified by state or local plans to be a priority for recreational access to waterways. If the proposed project is in an area identified by state or local plans to be a priority for recreational access to waterways, the department must coordinate with other relevant state agencies or local agencies to ensure consistency with the identified recreational plan.

(2) To the greatest extent practicable, when constructing a state highway project, including a major improvement project, the department must not adversely impact preexisting, lawful public access to a waterway.

(3) A consideration of feasibility must include a description of the suitability for public use, implications associated with potential access, and the availability of alternate public access within a reasonable distance, if present. A consideration of feasibility must not alter the purpose and need for the proposed transportation project or create any legal obligation to modify existing recreational access from state highway facilities. If public access to waterways is deemed feasible, any subsequent development must be conclusively deemed for recreational purposes notwithstanding such facilities' relationship to transportation facilities. Findings that improvements are not feasible do not require the alteration of any existing or historic access.

(4) This section must not be interpreted to: Delay decision making or approvals on proposed state transportation improvement projects, or limit the department's entitlement to recreational immunity consistent with chapter 4.24 RCW. [2016 c 34 s 2.]

Legislative recognition, direction—2016 c 34: "The legislature recognizes that the department of transportation considers public access, including recreational trails and paths, when planning and designing new highway facilities consistent with chapters 47.30 and 90.58 RCW and RCW 79A.35.120. The legislature directs the department of transportation to explore the feasibility of providing access for water-related recreation." [2016 c 34 s 1.]

RCW 47.01.505 Interstate 5 Columbia river bridge project—Joint legislative action committee. (1) On behalf of the state, the legislature of the state of Washington invites the legislature of the state of Oregon to participate in a joint legislative action committee regarding the construction of a new Interstate 5 bridge spanning the Columbia river that achieves the following purposes:

(a) Works with both states' departments of transportation and transportation commissions and stakeholders to begin a process toward project development. It is assumed that the appropriate local and bistate entities already tasked with related work will also be included when the legislative and interagency agreements are ready to move forward. The legislative action committee must convene its first meeting by December 15, 2017;

(b) Reviews and confirms lead roles related to permitting, construction, operation, and maintenance of a future Interstate 5 bridge project;

(c) Establishes a process to seek public comment on the Interstate 5 bridge project development plan selected and presents final recommendations for the process and financing to both states;

(d) Works to ensure that there are sufficient resources available to both states' departments of transportation to inventory and utilize existing data and any prior relevant work to allow for nonduplicative and efficient decision making regarding a new project;

(e) Examines all of the potential mass transit options available for a future Interstate 5 bridge project;

(f) Utilizes design-build procurement, or an equivalent or better innovation delivery method, and determines the least costly, most efficient project management and best practices tools consistent with work already completed including, but not limited to, height, navigation needs, transparency, economic development, and other critical elements, while minimizing the impacts of congestion during construction;

(g) Considers the creation of a Columbia river bridge authority to review bridge needs for possible repair, maintenance, or new construction, prioritizing those needs and making recommendations to both states with regard to financing specific projects, timing, authorities, and operations; and

(h) Provides a report to the legislatures of each state that details the findings and recommendations of the legislative action committee by December 15, 2018. The report must also contain a recommendation as to whether the Interstate 5 project should be designated by the legislature of the state of Washington as a project of statewide significance and by the state of Oregon with an equivalent designation.

(2)(a) The joint Oregon-Washington legislative action committee is established, with sixteen members as provided in this subsection:

(i) The speaker and minority leader of the house of representatives of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's house of representatives.

(ii) The majority leader and minority leader of the senate of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's senate.

(b) The legislative action committee shall choose its cochairs from among its membership, one each from the senate and the house of representatives of both states.

(c) Executive agencies, including the departments of transportation and the transportation commissions, shall cooperate with the committee and provide information and other assistance as the cochairs may reasonably request.

(d) Staff support for the legislative action committee must be provided by the Washington house of representatives office of program research, Washington senate committee services, and, contingent upon the acceptance by the legislature of the state of Oregon of the invitation in subsection (1) of this section to participate in the legislative action committee, the Oregon legislative policy and research office.

(e) Legislative members of the legislative action committee are reimbursed for travel expenses. For Washington legislative members, this reimbursement must be in accordance with RCW 44.04.120.

(f) The expenses of the legislative action committee must be paid jointly by both states' senate and house of representatives. In Washington, committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(g) Each meeting of the legislative action committee must allow an opportunity for public comment. Legislative action committee meetings must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives of both states.

(h) The Washington members of the joint Oregon-Washington legislative action committee shall report back to the Washington state legislature, by August 1, 2022, regarding the progress of the committee and its work to advance the project to build a new Interstate 5 bridge spanning the Columbia river. The report must include a description of the locally preferred alternative ultimately identified as part of the interstate bridge replacement project. [2022 c 186 s 704; 2017 c 288 s 4.]

Effective date—2022 c 186: See note following RCW 47.01.071.

Finding—2017 c 288: See note following RCW 43.157.010.

RCW 47.01.515 Environmental justice obligations of the department of transportation. The department must apply and comply with the substantive and procedural requirements of chapter 70A.02 RCW. [2021 c 314 s 9.]

Conflict with federal requirements—2021 c 314: See note following RCW 70A.02.005.

RCW 47.01.520 Publicly available mapping and forecasting tool—Charging and refueling infrastructure locations and information. (1) The department, through the department's public-private partnership office and in consultation with the department of ecology, the department of commerce, and the office of equity, must develop and maintain a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state.

(2)(a) The publicly available mapping and forecasting tool must be designed to enable coordinated, effective, efficient, and timely deployment of charging and refueling infrastructure necessary to support statewide and local transportation electrification efforts that result in emissions reductions consistent with RCW 70A.45.020.

(b) The tool must:

(i) Initially prioritize on-road transportation;

(ii) To the greatest extent possible, maintain the latest data;

(iii) Model charging and refueling infrastructure that may be used by owners and operators of light, medium, and heavy duty vehicles; and

(iv) Incorporate the department's traffic data for passenger and freight vehicles.

(c) The tool must, if feasible:

(i) Provide the data necessary to support programs by state agencies that directly or indirectly support transportation electrification efforts;

(ii) Evolve over time to support future transportation electrification programs;

(iii) Provide data at a scale that supports electric utility planning for the impacts of transportation electrification both systemwide and on specific components of the distribution system; and

(iv) Forecast statewide zero emissions vehicle use that would achieve the emissions reductions consistent with RCW 70A.45.020. The department may reference existing zero emissions vehicle use forecasts, such as that established in the state energy strategy.

(3) The department, in consultation with the department of commerce, the department of ecology, and the office of equity, may elect to include other transportation charging and refueling infrastructure, such as maritime, public transportation, and aviation in the mapping and forecasting tool.

(4) The tool must include, to the extent feasible, the following elements:

(a) The amount, type, location, and year of installation for electric vehicle supply equipment that is expected to be necessary to support forecasted electric vehicle penetration and usage within the state;

(b) Electric vehicle adoption, usage, technological profiles, and any other characteristics necessary to model future electric vehicle penetration levels and use cases that impact electric vehicle supply equipment needs within the state;

(c) The estimated energy and capacity demand based on inputs from (b) of this subsection;

(d) Boundaries of political subdivisions including, but not limited to:

(i) Retail electricity suppliers;

(ii) Public transportation agency boundaries;

(iii) Municipalities;

(iv) Counties; and

(v) Federally recognized tribal governments;

(e) Existing and known publicly or privately owned level 2, direct current fast charge, and refueling infrastructure. The department must identify gas stations, convenience stores, and other small retailers that are colocated with existing and known electric vehicle charging infrastructure identified under this subsection;

(f) A public interface designed to provide any user the ability to determine the forecasted charging and refueling infrastructure needs within a provided geographic boundary, including those listed under (d) of this subsection; and

(g) The ability for all data tracked within the tool to be downloadable or usable within a separate mapping and forecasting tool.

(5) The tool must, if feasible, integrate scenarios including:

(a) Varying levels of public transportation utilization;

(b) Varying levels of active transportation usage, such as biking or walking;

(c) Vehicle miles traveled amounts above and below the baseline;

(d) Adoption of autonomous and shared mobility services; and

(e) Forecasts capturing each utility service area's relative level of zero emissions vehicle use that would achieve each utility

service area's relative emissions reductions consistent with RCW 70A.45.020.

(6) To support highly impacted communities and vulnerable populations disproportionately burdened by transportation-related emissions and to ensure economic and mobility benefits flow to communities that have historically received less investment in infrastructure, the mapping and forecasting tool must integrate population, health, environmental, and socioeconomic data on a census tract basis. The department may use existing data used by other state or federal agencies. The department must consult with the department of health, the office of equity, the department of ecology, and other agencies as necessary in order to ensure the tool properly integrates cumulative impact analyses best practices and to ensure that the tool is developed in coordination with other state government administrative efforts to identify disproportionately impacted communities.

(7) The mapping and forecasting tool must, to the extent appropriate, integrate related analyses, such as the department of commerce's state energy strategy, the joint transportation committee's public fleet electrification study, the west coast collaborative's alternative fuel infrastructure corridor coalition report, and other related electric vehicle supply equipment assessments as deemed appropriate. To the extent that the mapping and forecasting tool is used by the department as the basis for the identification of recommended future electric vehicle charging sites, the department must consider recommending sites that are colocated with small retailers, including gas stations and convenience stores, and other amenities.

(8) Where appropriate and feasible, the mapping and forecasting tool must incorporate infrastructure located at or near the border in neighboring state and provincial jurisdictions.

(9) In designing the mapping and forecasting tool, the department must coordinate with the department of commerce, the department of ecology, the utilities and transportation commission, and other state agencies as needed in order to ensure the mapping and forecasting tool is able to successfully facilitate other state agency programs that involve deployment of electric vehicle supply equipment.

(10) The department must conduct a stakeholder process in developing the mapping and forecasting tool to ensure the tool supports the needs of communities, public agencies, and relevant private organizations. The stakeholder process must involve stakeholders, including but not limited to electric utilities, early in the development of the tool.

(11) The department may contract with the department of commerce or consultants, or both, to develop and implement all or portions of the mapping and forecasting tool. The department may rely on or, to the extent necessary, contract for privately maintained data sufficient to develop the elements specified in subsection (4) of this section.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Charging infrastructure" means a unit of fueling infrastructure that supplies electric energy for the recharging of battery electric vehicles.

(b) "Direct current fast charger" means infrastructure that supplies electricity to battery electric vehicles at capacities no

less than 50 kilowatts, typically using 208/408 volt three-phase direct current electricity.

(c) "Electric vehicle" means any craft, vessel, automobile, public transportation vehicle, or equipment that transports people or goods and operates, either partially or exclusively, on electrical energy from an off-board source that is stored onboard for motive purpose.

(d) "Electric vehicle supply equipment" means charging infrastructure and hydrogen refueling infrastructure.

(e) "Level 2 charger" means infrastructure that supplies electricity to battery electric vehicles at 240 volts and equal to or less than 80 amps.

(f) "Refueling infrastructure" means a unit of fueling infrastructure that supplies hydrogen for the resupply of hydrogen fuel cell electric vehicles. [2021 c 300 s 2.]

Intent—2021 c 300: "(1) Motor vehicles are a significant source of air pollution, including greenhouse gas emissions, in Washington. The transportation sector accounts for nearly one-half of greenhouse gas emissions in Washington, and on-road vehicle emissions are responsible for the vast majority of the transportation sector emissions.

(2) The widespread adoption of zero emissions vehicles is essential to the achievement of the state emissions limits established in RCW 70A.45.020, which, by 2050, requires a reduction of greenhouse gas emissions to 5,000,000 metric tons and the achievement of net zero greenhouse gas emissions. The rapid uptake of zero emissions vehicles is also an essential component of the state energy strategy, which calls for the phaseout of vehicles powered by gasoline or diesel by mid-century. To ensure that the necessary infrastructure is in place to facilitate zero emissions vehicle adoption, the state energy strategy calls for the establishment of building codes that require installation of the conduit, wiring, and panel capacity necessary to support electric vehicle charging in new and retrofitted buildings.

(3) In 2005, Washington first took action to adopt some of the motor vehicle emissions standards of the state of California, which are more protective of human health and the environment than federal motor vehicle emissions standards. In 2020, the legislature directed the department of ecology to adopt all of California's motor vehicle emissions standards, including California's zero emissions vehicles program.

(4) A Washington state transition to a zero emissions transportation future requires accurate forecasting of zero emissions vehicle adoption rates, comprehensive planning for the necessary electric vehicle charging and green hydrogen production infrastructure, including the siting of infrastructure in desirable locations with amenities, such as near convenience stores, gas stations, and other small retailers, and managing the load of charging and green hydrogen production and refueling infrastructure as a dynamic energy service to the electric grid.

(5) To ensure that the transition to a zero emissions transportation future proceeds efficiently and conveniently for users and operators of the multimodal transportation system, it is the intent of the legislature to:

(a) Require state government to provide resources that facilitate the planning and deployment of electric vehicle charging and refueling

infrastructure in a transparent, effective, and equitable manner across the state;

(b) Ensure utility resource planning analyzes the impacts on electricity generation and delivery from growing adoption and usage of electric vehicles; and

(c) Require state building codes that support the anticipated levels of zero emissions vehicle use that result from the program requirements in chapter 70A.30 RCW and that achieve emissions reductions consistent with RCW 70A.45.020." [2021 c 300 s 1.]