
SUBSTITUTE SENATE BILL 6120

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Marr, Swecker, Oemig, Haugen, Rockefeller, Kauffman, Berkey, Murray, Spanel, Eide, Kilmer, Poulsen, Delvin, Regala, Jacobsen, Fraser, Kohl-Welles and Rasmussen)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to rail and freight infrastructure; amending RCW
2 47.06A.020; adding a new chapter to Title 81 RCW; repealing RCW
3 47.06A.040; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the economic
6 vitality of Washington state requires robust rail and freight systems
7 capable of providing its businesses, ports, and agricultural producers
8 with competitive access to domestic and international markets. The
9 legislature further finds that a carefully planned program of state
10 investments in rail and freight infrastructure will allow Washington
11 state to realize important public benefits, including increased safety
12 and economic growth. To the extent that state funds are used to
13 improve rail infrastructure, the legislature declares that it is the
14 policy of the state of Washington to examine the cost of any rail
15 infrastructure improvement as compared to the public benefits to be
16 gained by making the improvement according to the following priorities,
17 in order of relative importance: (1) Economic, safety, or
18 environmental advantages of freight movement by rail compared to
19 alternative modes; (2) self-sustaining economic development that

1 creates family-wage jobs; (3) preservation of transportation corridors
2 that would otherwise be lost; (4) increased access to efficient and
3 cost-effective transport to market for Washington's agricultural and
4 industrial products; (5) better integration and cooperation within the
5 regional, national, and international systems of freight distribution;
6 and (6) mitigation of impacts of increased rail traffic on communities.
7 In all cases, state investment in rail infrastructure should be
8 allocated to leverage the greatest amount of partnership funding
9 possible, and should only be considered when there is a demonstrably
10 lower likelihood of obtaining the benefits specified in this section
11 without at least some state funding of the infrastructure improvement.

12 NEW SECTION. **Sec. 2.** (1) The department of transportation shall
13 plan and coordinate the state's investment in the preservation and
14 improvement of rail infrastructure and the rail transportation system.
15 The department shall furnish quarterly updates to the transportation
16 commission and the transportation committees of the house of
17 representatives and senate regarding the development and execution of
18 the plan for the state's participation in the preservation and
19 improvement of rail infrastructure and the rail transportation system.
20 In executing its duties under this chapter, the department shall
21 carefully consider the recommendations that the transportation
22 commission shall, from time to time, but at least annually by August
23 1st, make in writing to the department. The department shall promptly
24 and diligently furnish information that the transportation commission
25 or the transportation committees of the house of representatives or
26 senate may request relating to the rail transportation system or the
27 rail infrastructure actions and projects plan described in section 3 of
28 this act.

29 (2) The freight mobility strategic investment board created in RCW
30 47.06A.030 becomes a division within the department of transportation
31 on December 1, 2007.

32 NEW SECTION. **Sec. 3.** The department of transportation shall
33 identify rail infrastructure needs that could be addressed through the
34 state's financial or other participation. The department shall
35 consider possible types of state participation to address a rail
36 infrastructure need, and shall analyze reasonable possibilities

1 according to priorities identified in section 1 of this act by
2 developing and implementing the benefit/impact evaluation methodology
3 referenced in the statewide rail capacity and needs study finalized in
4 December 2006. The department shall convene a work group comprised of
5 people representing the following: (1) The transportation commission;
6 (2) the freight mobility strategic investment board; (3) Washington
7 public ports association; (4) Washington trucking association; (5) the
8 department of community, trade and economic development; (6) union
9 pacific railroad; (7) burlington northern santa fe railway; (8) all
10 aboard Washington; (9) association of counties; (10) association of
11 cities; (11) the department of agriculture; and (12) manufacturers and
12 agricultural growers that use the rail system to distribute their
13 products. The work group shall collaborate with the department to
14 develop the benefit/impact analysis method to be used to evaluate all
15 proposed state actions or projects according to the priorities
16 established in section 1 of this act. Based upon the benefit/impact
17 analysis, the department shall develop and sequence a plan of actions
18 and projects in which the state should participate. The rail
19 infrastructure actions and projects plan must include an explanation of
20 the analysis undertaken, and the conclusions derived from the analysis,
21 for actions and projects recommended for state participation, as well
22 as those actions and projects considered, but not recommended. The
23 department shall update and report the plan to the transportation
24 commission and the transportation committees of the house of
25 representatives and senate by October 1st each year. The department
26 shall monitor any circumstance with a foreseeable impact on the plan,
27 and advise the transportation commission and the transportation
28 committees of the house of representatives and senate by February 15th
29 each year regarding any changed circumstances that affect the plan.

30 NEW SECTION. **Sec. 4.** By December 15th each year, the
31 transportation commission shall report to the transportation committees
32 of the house of representatives and senate the commission's concurrence
33 or disagreement with the advisability of the actions and projects
34 recommended by the department of transportation in the plan developed
35 by the department under section 3 of this act. The commission shall
36 base its determinations on the priorities identified in section 1 of
37 this act, and an evaluation of each action or project according to the

1 methodology developed as part of the statewide rail capacity and needs
2 study finalized in December 2006. If the commission finds that certain
3 actions or projects do not appear within the department's plan, but
4 warrant consideration, then the commission shall report its own
5 analysis of the action or project to the transportation committees of
6 the house of representatives and senate.

7 **Sec. 5.** RCW 47.06A.020 and 2005 c 319 s 125 are each amended to
8 read as follows:

9 (1) The board shall:

10 (a) Adopt rules and procedures necessary to implement the freight
11 mobility strategic investment program;

12 (b) Solicit from public entities proposed projects that meet
13 eligibility criteria established in accordance with subsection (4) of
14 this section; and

15 (c) Review and evaluate project applications based on criteria
16 established under this section, and prioritize and select projects
17 comprising a portfolio to be funded in part with grants from state
18 funds appropriated for the freight mobility strategic investment
19 program. In determining the appropriate level of state funding for a
20 project, the board shall ensure that state funds are allocated to
21 leverage the greatest amount of partnership funding possible. After
22 selecting projects comprising the portfolio, the board shall submit
23 them (~~as part of its budget request to the office of financial~~
24 ~~management and the legislature~~) by August 1st each year to the
25 secretary of the department of transportation and the transportation
26 commission. The board shall ensure that projects submitted as part of
27 the portfolio are not more appropriately funded with other federal,
28 state, or local government funding mechanisms or programs. The board
29 shall reject those projects that appear to improve overall general
30 mobility with limited enhancement for freight mobility. The department
31 shall consider the portfolio furnished by the board in developing and
32 updating the state's plan for participation in rail infrastructure
33 improvements, and the transportation commission shall consider the
34 portfolio furnished by the board when reviewing the department's plan
35 and making recommendations to the legislature under section 4 of this
36 act.

1 (~~The board shall provide periodic progress reports on its~~
2 ~~activities to the office of financial management and the senate and~~
3 ~~house transportation committees.~~)

4 (2) The board may:

5 (a) Accept from any state or federal agency, loans or grants for
6 the financing of any transportation project and enter into agreements
7 with any such agency concerning the loans or grants;

8 (b) Provide technical assistance to project applicants;

9 (c) Accept any gifts, grants, or loans of funds, property, or
10 financial, or other aid in any form from any other source on any terms
11 and conditions which are not in conflict with this chapter;

12 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
13 the purposes of this chapter; and

14 (e) Do all things necessary or convenient to carry out the powers
15 expressly granted or implied under this chapter.

16 (3) The board shall designate strategic freight corridors within
17 the state. The board shall update the list of designated strategic
18 corridors not less than every two years, and shall establish a method
19 of collecting and verifying data, including information on city and
20 county-owned roadways.

21 (4) The board shall ~~((utilize))~~ adopt a rule describing threshold
22 project eligibility criteria that ~~((, at a minimum, includes the~~
23 ~~following:~~

24 ~~(a) The project must be on a strategic freight corridor;~~

25 ~~(b) The project must meet one of the following conditions:~~

26 ~~(i) It is primarily aimed at reducing identified barriers to~~
27 ~~freight movement with only incidental benefits to general or personal~~
28 ~~mobility; or~~

29 ~~(ii) It is primarily aimed at increasing capacity for the movement~~
30 ~~of freight with only incidental benefits to general or personal~~
31 ~~mobility; or~~

32 ~~(iii) It is primarily aimed at mitigating the impact on communities~~
33 ~~of increasing freight movement, including roadway/railway conflicts;~~
34 ~~and~~

35 ~~(c) The project must have a total public benefit/total public cost~~
36 ~~ratio of equal to or greater than one.~~

37 ~~(5) From June 11, 1998, through the biennium ending June 30, 2001,~~
38 ~~the board shall use the multicriteria analysis and scoring framework~~

1 ~~for evaluating and ranking eligible freight mobility and freight~~
2 ~~mitigation projects developed by the freight mobility project~~
3 ~~prioritization committee and contained in the January 16, 1998, report~~
4 ~~entitled "Project Eligibility, Priority and Selection Process for a~~
5 ~~Strategic Freight Investment Program."~~ The prioritization process
6 shall measure the degree to which projects address important program
7 objectives and shall generate a project score that reflects a project's
8 priority compared to other projects. The board shall assign scoring
9 points to each criterion that indicate the relative importance of the
10 criterion in the overall determination of project priority. After June
11 30, 2001, the board may supplement and refine the initial project
12 priority criteria and scoring framework developed by the freight
13 mobility project prioritization committee as expertise and experience
14 is gained in administering the freight mobility program)) is consistent
15 with the benefit/impact analysis developed by the department and
16 freight stakeholders under section 3 of this act, and the legislative
17 priorities identified in section 1 of this act.

18 ((+6)) (5) It is the intent of the legislature that each freight
19 mobility project contained in the project portfolio submitted by the
20 board utilize the greatest amount of nonstate funding possible. The
21 board shall adopt rules that give preference to projects that contain
22 the greatest levels of financial participation from nonprogram fund
23 sources. The board shall consider twenty percent as the minimum
24 partnership contribution, but shall also ensure that there are
25 provisions allowing exceptions for projects that are located in areas
26 where minimal local funding capacity exists or where the magnitude of
27 the project makes the adopted partnership contribution financially
28 unfeasible.

29 ((+7)) (6) The board shall develop and recommend policies that
30 address operational improvements that primarily benefit and enhance
31 freight movement, including, but not limited to, policies that reduce
32 congestion in truck lanes at border crossings and weigh stations and
33 provide for access to ports during nonpeak hours.

34 NEW SECTION. Sec. 6. RCW 47.06A.040 (Board--Administration and
35 staffing) and 1999 c 216 s 3 & 1998 c 175 s 5 are each repealed.

1 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act constitute
2 a new chapter in Title 81 RCW.

3 NEW SECTION. **Sec. 8.** Section 5 of this act take effect December
4 1, 2007.

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