

1 AN ACT Relating to transportation funding and appropriations;  
2 amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.380, 47.01.390,  
3 47.60.395, 88.16.090, 47.12.244, 70.95.521, 46.16.725, 46.68.060,  
4 46.63.170, and 46.68.220; creating new sections; making appropriations  
5 and authorizing expenditures for capital improvements; and declaring an  
6 emergency.

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

8 **2009-11 FISCAL BIENNIUM**

9 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state  
10 is hereby adopted and, subject to the provisions set forth, the several  
11 amounts specified, or as much thereof as may be necessary to accomplish  
12 the purposes designated, are hereby appropriated from the several  
13 accounts and funds named to the designated state agencies and offices  
14 for employee compensation and other expenses, for capital projects, and  
15 for other specified purposes, including the payment of any final  
16 judgments arising out of such activities, for the period ending June  
17 30, 2011.

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

3 (a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending  
4 June 30, 2010.

5 (b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending  
6 June 30, 2011.

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

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

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

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

18 (g) "LEAP" means the legislative evaluation and accountability  
19 program committee.

20 **GENERAL GOVERNMENT AGENCIES--OPERATING**

21 NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION**  
22 **COMMISSION**

23 Grade Crossing Protective Account--State Appropriation . . . . \$705,000

24 NEW SECTION. **Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

25 Motor Vehicle Account--State Appropriation . . . . . \$3,369,000

26 Puget Sound Ferry Operations Account--State  
27 Appropriation . . . . . \$100,000

28 TOTAL APPROPRIATION . . . . . \$3,469,000

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

31 (1) \$1,699,000 of the motor vehicle account--state appropriation is  
32 provided solely for the office of regulatory assistance integrated  
33 permitting project.

34 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
35 provided solely for the continued maintenance and support of the

1 transportation executive information system. Of the amount provided in  
2 this subsection, \$502,000 is for two existing FTEs at the department of  
3 transportation to maintain and support the system.

4 NEW SECTION. **Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION**

5 Puget Sound Ferry Operations Account--State

6 Appropriation . . . . . \$446,000

7 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**  
8 **COMMISSION**

9 Motor Vehicle Account--State Appropriation . . . . . \$1,406,000

10 The appropriation in this section is subject to the following  
11 conditions and limitations: The entire appropriation in this section  
12 is provided solely for road maintenance purposes and for the operation  
13 of the department of archaeology and historic preservation.

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

15 Motor Vehicle Account--State Appropriation . . . . . \$1,507,000

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

18 (1) \$351,000 of the motor vehicle account--state appropriation is  
19 provided solely for costs associated with the motor fuel quality  
20 program.

21 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
22 provided solely to test the quality of biofuel. The department must  
23 test fuel quality at the biofuel manufacturer, distributor, and  
24 retailer.

25 NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND**  
26 **ACCOUNTABILITY PROGRAM COMMITTEE**

27 Motor Vehicle Account--State Appropriation . . . . . \$502,000

28 NEW SECTION. **Sec. 107. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**  
29 **COMMITTEE**

30 (1) As part of its 2009-11 fiscal biennium work plan, the joint  
31 legislative audit and review committee shall audit the capital cost  
32 accounting practices of the Washington state ferries. The audit must

1 review the following and provide a report on its findings and any  
2 related recommendations to the legislature by January 2011:

3 (a) Costs assigned to capital accounts to determine whether they  
4 are capital costs that meet the statutory requirements for preservation  
5 and improvement activities and whether they are within the scope of  
6 legislative appropriations;

7 (b) Implementation of the life-cycle cost model required under RCW  
8 47.60.345 to determine if it was developed as required and is  
9 maintained and updated when asset inspections are made; and

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

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

28 **TRANSPORTATION AGENCIES--OPERATING**

29 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**  
30 **COMMISSION**

31	Highway Safety Account--State Appropriation . . . . .	\$2,542,000
32	Highway Safety Account--Federal Appropriation . . . . .	\$16,540,000
33	School Zone Safety Account--State Appropriation . . . . .	\$3,340,000
34	TOTAL APPROPRIATION . . . . .	\$22,422,000

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

1 (1) The commission may oversee no more than five pilot projects  
2 implementing the use of automated traffic safety cameras to detect  
3 speed violations.

4 (a) The commission shall comply with RCW 46.63.170 in administering  
5 the projects.

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

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

13 (2) The Washington traffic safety commission shall develop and  
14 implement the target zero trooper pilot program in collaboration with  
15 the Washington state patrol. The pilot program must demonstrate the  
16 effectiveness of intense, high visibility, driving under the influence  
17 enforcement in Washington. The commission shall apply to the national  
18 highway traffic safety administration for federal highway safety grants  
19 to cover the cost of the pilot program. If the pilot program is  
20 approved for funding by the national highway traffic safety  
21 administration, and sufficient federal grants are received, the  
22 commission shall provide grants to the Washington state patrol for the  
23 purchase of twenty-one fully equipped patrol vehicles in fiscal year  
24 2010, and up to twenty-four months of salaries and benefits for  
25 eighteen troopers and three sergeants beginning in fiscal year 2011.

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

27	Rural Arterial Trust Account--State Appropriation . . . . .	\$920,000
28	Motor Vehicle Account--State Appropriation . . . . .	\$2,129,000
29	County Arterial Preservation Account--State	
30	Appropriation . . . . .	\$1,423,000
31	TOTAL APPROPRIATION . . . . .	\$4,472,000

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

33	Urban Arterial Trust Account--State Appropriation . . . . .	\$1,824,000
34	Transportation Improvement Account--State	
35	Appropriation . . . . .	\$1,827,000
36	TOTAL APPROPRIATION . . . . .	\$3,651,000

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

2    Motor Vehicle Account--State Appropriation . . . . . \$1,501,000

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

5            (1) \$236,000 of the motor vehicle account--state appropriation is  
6    a reappropriation from the 2007-09 fiscal biennium for a comprehensive  
7    analysis of mid-term and long-term transportation funding mechanisms  
8    and methods. Elements of the study will include existing data and  
9    trends, policy objectives, performance and evaluation criteria,  
10   incremental transition strategies, and possibly, scaled testing.  
11   Baseline data and methods assessment must be concluded by December 31,  
12   2009. Performance criteria must be developed by June 30, 2010, and  
13   recommended planning level alternative funding strategies must be  
14   completed by December 31, 2010.

15           (2) \$200,000 of the motor vehicle account--state appropriation is  
16   for the joint transportation committee to convene an independent expert  
17   review panel to review the assumptions for toll operations costs used  
18   by the department to model financial plans for tolled facilities. The  
19   joint transportation committee shall provide a report to the house of  
20   representatives and senate transportation committees by September 1,  
21   2009.

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

23    Motor Vehicle Account--State Appropriation . . . . . \$1,887,000

24    Multimodal Transportation Account--State Appropriation . . . . \$112,000

25            TOTAL APPROPRIATION . . . . . \$1,999,000

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

28           (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
29   the transportation commission shall periodically review and, if  
30   necessary, modify the schedule of fares for the Washington state ferry  
31   system. The transportation commission may increase ferry fares,  
32   except no fare schedule modifications may be made prior to September 1,  
33   2009. For purposes of this subsection, "modify" includes increases or  
34   decreases to the schedule.

35           (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
36   the transportation commission shall establish, periodically review,  
37   and, if necessary, modify a schedule of toll charges applicable to the

1 state route number 167 high occupancy toll lane pilot project, as  
2 required under RCW 47.56.403. For purposes of this subsection,  
3 "modify" includes increases or decreases to the schedule.

4 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
5 the transportation commission shall periodically review and, if  
6 necessary, modify the schedule of toll charges applicable to the Tacoma  
7 Narrows bridge, taking into consideration the recommendations of the  
8 citizen advisory committee created under RCW 47.46.091. For purposes  
9 of this subsection, "modify" includes increases or decreases to the  
10 schedule.

11 (4) The commission may name state ferry vessels consistent with its  
12 authority to name state transportation facilities under RCW 47.01.420.  
13 When naming or renaming state ferry vessels, the commission shall  
14 consider selling the naming rights and shall make recommendations to  
15 the legislature regarding this option.

16 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**  
17 **INVESTMENT BOARD**

18 Motor Vehicle Account--State Appropriation . . . . . \$695,000

19 The appropriation in this section is subject to the following  
20 conditions and limitations: The freight mobility strategic investment  
21 board shall, on a quarterly basis, provide status reports to the office  
22 of financial management and the transportation committees of the  
23 legislature on the delivery of projects funded by this act.

24 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**  
25 **OPERATIONS BUREAU**

26 State Patrol Highway Account--State  
27 Appropriation . . . . . \$229,907,000  
28 State Patrol Highway Account--Federal  
29 Appropriation . . . . . \$10,602,000  
30 State Patrol Highway Account--Private/Local  
31 Appropriation . . . . . \$859,000  
32 Highway Safety Account--Federal Appropriation . . . . . \$2,670,000  
33 TOTAL APPROPRIATION . . . . . \$244,038,000

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

1 (1) Washington state patrol officers engaged in off-duty uniformed  
2 employment providing traffic control services to the department of  
3 transportation or other state agencies may use state patrol vehicles  
4 for the purpose of that employment, subject to guidelines adopted by  
5 the chief of the Washington state patrol. The Washington state patrol  
6 shall be reimbursed for the use of the vehicle at the prevailing state  
7 employee rate for mileage and hours of usage, subject to guidelines  
8 developed by the chief of the Washington state patrol.

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

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

20 (4) The Washington state patrol shall increase the enrollment in  
21 each of the academy classes to fifty-five cadets during the 2009-11  
22 fiscal biennium.

23 (5) \$2,670,000 of the highway safety account--federal appropriation  
24 is provided solely for a target zero trooper pilot program, which the  
25 Washington state patrol shall develop and implement in collaboration  
26 with the Washington traffic safety commission. The pilot program must  
27 demonstrate the effectiveness of intense, high visibility, driving  
28 under the influence enforcement in Washington. The commission shall  
29 apply to the national highway traffic safety administration for federal  
30 highway safety grants to cover the cost of the pilot program. If the  
31 pilot program is approved for funding by the national highway traffic  
32 safety administration, and sufficient federal grants are received, the  
33 commission shall provide grants to the Washington state patrol for the  
34 purchase of twenty-one fully equipped patrol vehicles in fiscal year  
35 2010, and up to twenty-four months of salaries and benefits for  
36 eighteen troopers and three sergeants beginning in fiscal year 2011.  
37 The legislature anticipates that an additional \$1,830,000 will be

1 appropriated from the highway safety account--federal in the 2011-13  
2 fiscal biennium to conclude this pilot program.

3 NEW SECTION.      **Sec. 208.**      **FOR THE WASHINGTON STATE PATROL--**  
4 **INVESTIGATIVE SERVICES BUREAU**

5 State Patrol Highway Account--State Appropriation . . . . . \$1,557,000

6 NEW SECTION.      **Sec. 209.**      **FOR THE WASHINGTON STATE PATROL--**  
7 **TECHNICAL SERVICES BUREAU**

8 State Patrol Highway Account--State Appropriation . . . . . \$103,337,000

9 State Patrol Highway Account--Private/Local  
10      Appropriation . . . . . \$2,008,000

11      TOTAL APPROPRIATION . . . . . \$105,345,000

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

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

22      (2) \$8,673,000 of the total appropriation is provided solely for  
23 automobile fuel in the 2009-11 fiscal biennium.

24      (3) \$8,638,000 of the total appropriation is provided solely for  
25 the purchase of pursuit vehicles.

26      (4) \$5,254,000 of the total appropriation is provided solely for  
27 vehicle repair and maintenance costs of vehicles used for highway  
28 purposes.

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

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

1            NEW SECTION.    **Sec. 210.    FOR THE DEPARTMENT OF LICENSING**

2	Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation . . . . .	\$4,373,000
5	Wildlife Account--State Appropriation . . . . .	\$837,000
6	Highway Safety Account--State Appropriation . . . . .	\$145,403,000
7	Highway Safety Account--Federal Appropriation . . . . .	\$8,000
8	Motor Vehicle Account--State Appropriation . . . . .	\$78,671,000
9	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,372,000
10	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
11	Department of Licensing Services Account--State	
12	Appropriation . . . . .	\$4,718,000
13	Washington State Patrol Highway Account--State	
14	Appropriation . . . . .	\$738,000
15	Ignition Interlock Device Revolving Account--State	
16	Appropriation . . . . .	\$2,490,000
17	TOTAL APPROPRIATION . . . . .	\$238,884,000

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

20            (1)(a) By November 1, 2009, the department of licensing, working  
21 with the department of revenue, shall analyze and plan for the transfer  
22 by July 1, 2010, of the administration of fuel taxes imposed under  
23 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law  
24 from the department of licensing to the department of revenue. By  
25 November 1, 2009, the departments shall report findings and  
26 recommendations to the governor and the transportation and fiscal  
27 committees of the legislature.

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

30            (i) Outreach to and solicitation of comment from parties affected  
31 by the fuel taxes, including taxpayers, industry associations, state  
32 and federal agencies, and Indian tribes, and from the transportation  
33 and fiscal committees of the legislature;

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

36            (A) Taxpayer reporting and payment processes;

37            (B) The international fuel tax agreement;

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

3 (D) Computer systems;

4 (E) Best management practices and efficiencies;

5 (F) Costs; and

6 (G) Personnel matters;

7 (iii) Development of recommended actions to accomplish the  
8 transfer; and

9 (iv) An implementation plan and schedule.

10 (c) The report must include draft legislation, which transfers  
11 administration of fuel taxes as described under (a) of this subsection  
12 to the department of revenue on July 1, 2010, and amends existing law  
13 as needed.

14 (2) \$55,845,000 of the highway safety account--state appropriation  
15 is provided solely for the driver examining program. The department  
16 shall not close any licensing service offices other than the following  
17 anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East  
18 Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver;  
19 and (i) Yakima. The department shall, on a quarterly basis, report to  
20 the transportation committees of the legislature the following monthly  
21 data by licensing service office locations: (a) Lease costs; (b)  
22 salary and benefit costs; (c) other expenditures; (d) FTEs; (e) number  
23 of transactions completed, by type of transaction; and (f) office  
24 hours.

25 (3) \$11,688,000 of the highway safety account--state appropriation  
26 is provided solely for costs associated with: Issuing enhanced  
27 drivers' licenses and identicards at the enhanced licensing services  
28 offices; extended hours at those licensing services offices; cross-  
29 border tourism education; and other education campaigns. This is the  
30 maximum amount the department may expend for this purpose.

31 (4) \$2,490,000 of the ignition interlock device revolving account--  
32 state appropriation is provided solely for the department to assist  
33 indigent persons with the costs of installing, removing, and leasing  
34 the device, and applicable licensing pursuant to RCW 46.68.340.

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

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

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

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

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

28 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**  
29 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

30	High Occupancy Toll Lanes Operations Account--State	
31	Appropriation . . . . .	\$2,867,000
32	Motor Vehicle Account--State Appropriation . . . . .	\$585,000
33	Tacoma Narrows Toll Bridge Account--State	
34	Appropriation . . . . .	\$27,358,000
35	State Route Number 520 Corridor Account--State	
36	Appropriation . . . . .	\$60,260,000
37	TOTAL APPROPRIATION . . . . .	\$91,070,000

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

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

9 (2) The department shall work with the office of financial  
10 management to review the Tacoma Narrows bridge insurance coverage,  
11 deductibles, and limitations to assure that the asset is well protected  
12 at a reasonable cost. Results from this review must be used to  
13 negotiate any future new or extended insurance agreements.

14 (3) \$60,260,000 of the state route number 520 corridor account is  
15 provided solely for costs directly related to tolling the state route  
16 number 520 floating bridge.

17 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**  
18 **INFORMATION TECHNOLOGY--PROGRAM C**

19	Transportation Partnership Account--State	
20	Appropriation . . . . .	\$2,675,000
21	Motor Vehicle Account--State Appropriation . . . . .	\$69,811,000
22	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
23	Multimodal Transportation Account--State	
24	Appropriation . . . . .	\$363,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation . . . . .	\$2,676,000
27	TOTAL APPROPRIATION . . . . .	\$75,765,000

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

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

1 (2) The department shall provide updated information on six project  
 2 milestones for all active projects, funded in part or in whole with  
 3 2005 transportation partnership account funds or 2003 nickel account  
 4 funds, on a quarterly basis in the transportation executive information  
 5 system (TEIS). The department shall also provide updated information  
 6 on six project milestones for projects, funded with preexisting funds  
 7 and that are agreed to by the legislature, office of financial  
 8 management, and the department, on a quarterly basis in TEIS.

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

25 (4) The department may submit information technology-related  
 26 requests for funding only if the department has coordinated with the  
 27 department of information services as required under section 601 of  
 28 this act.

29 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 30 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**  
 31 Motor Vehicle Account--State Appropriation . . . . . \$25,501,000

32 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 33 **AVIATION--PROGRAM F**  
 34 Aeronautics Account--State Appropriation . . . . . \$6,009,000  
 35 Aeronautics Account--Federal Appropriation . . . . . \$2,150,000  
 36 TOTAL APPROPRIATION . . . . . \$8,159,000

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

3 (1) \$50,000 of the aeronautics account--state appropriation is a  
4 reappropriation provided solely to pay any outstanding obligations of  
5 the aviation planning council, which expires July 1, 2009.

6 (2) \$150,000 of the aeronautics account--state appropriation is a  
7 reappropriation provided solely to complete runway preservation  
8 projects.

9 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**  
10 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

11	Motor Vehicle Account--State Appropriation . . . . .	\$49,142,000
12	Motor Vehicle Account--Federal Appropriation . . . . .	\$500,000
13	Multimodal Transportation Account--State	
14	Appropriation . . . . .	\$250,000
15	Water Pollution Account--State Appropriation . . . . .	\$2,000,000
16	TOTAL APPROPRIATION . . . . .	\$51,892,000

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

19 (1) The department shall develop a plan for all current and future  
20 surplus property parcels based on the recommendations from the surplus  
21 property legislative work group that were presented to the senate  
22 transportation committee on February 26, 2009. The plan must include,  
23 at a minimum, strategies for maximizing the number of parcels sold, a  
24 schedule that optimizes proceeds, a recommended cash discount, a plan  
25 to report to the joint transportation committee, a recommendation for  
26 regional incentives, and a recommendation for equivalent value  
27 exchanges. This plan must accompany the department's 2010 supplemental  
28 budget request.

29 (2) The legislature recognizes that the Dryden pit site (WSDOT  
30 Inventory Control (IC) No. 2-04-00103) is unused state-owned real  
31 property under the jurisdiction of the department of transportation,  
32 and that the public would benefit significantly from the complete  
33 enjoyment of the natural scenic beauty and recreational opportunities  
34 available at the site. Therefore, pursuant to RCW 47.12.080, the  
35 legislature declares that transferring the property to the department  
36 of fish and wildlife is consistent with the public interest in order to  
37 preserve the area for the use of the public. The department of

1 transportation shall transfer and convey the Dryden pit site to the  
2 department of fish and wildlife for adequate consideration in the  
3 amount of \$600,000, the proceeds of which must be deposited in the  
4 motor vehicle fund.

5 (3) \$2,000,000 of the water pollution account--state appropriation  
6 is provided solely for the department's compliance with its national  
7 pollution discharge elimination system permit, consistent with the  
8 purposes described in Substitute House Bill No. 1614, addressing  
9 petroleum pollution in storm water.

10 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**  
11 **ECONOMIC PARTNERSHIPS--PROGRAM K**

12	Motor Vehicle Account--State Appropriation . . . . .	\$565,000
13	Multimodal Transportation Account--State Appropriation . . . . .	\$200,000
14	TOTAL APPROPRIATION . . . . .	\$765,000

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

23 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**  
24 **HIGHWAY MAINTENANCE--PROGRAM M**

25	Motor Vehicle Account--State Appropriation . . . . .	\$346,887,000
26	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,000,000
27	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$5,797,000
28	Water Pollution Account--State Appropriation . . . . .	\$12,500,000
29	TOTAL APPROPRIATION . . . . .	\$367,184,000

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

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

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

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

10 (4) \$2,000,000 of the motor vehicle account--federal appropriation  
11 is for unanticipated federal funds that may be received during the  
12 2009-11 fiscal biennium. Upon receipt of the funds, the department  
13 shall provide a report on the use of the funds to the transportation  
14 committees of the legislature and the office of financial management.

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

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

20 (b) The department is reimbursed from the narrows bridge lights  
21 organization within three months from the date any maintenance work is  
22 performed. If the narrows bridge lights organization is unable to  
23 reimburse the department for any future costs incurred, the lights must  
24 be removed at the expense of the narrows bridge lights organization  
25 subject to the terms of the contract.

26 (6) The department may work with the department of corrections to  
27 utilize corrections crews for the purposes of litter pickup on state  
28 highways.

29 (7) \$650,000 of the motor vehicle account--state appropriation is  
30 provided solely for increased asphalt costs. If Senate Bill No. 5976  
31 is not enacted by June 30, 2009, the amount provided in this subsection  
32 shall lapse.

33 (8) \$16,800,000 of the motor vehicle account--state appropriation  
34 is provided solely for the high priority maintenance backlog.  
35 Addressing the maintenance backlog must result in increased levels of  
36 service.

37 (9) The department may evaluate the cost effectiveness of replacing  
38 lighted highway signs with highly reflective signs.

1 (10) \$12,500,000 of the water pollution account--state  
2 appropriation is provided solely for the department's compliance with  
3 its national pollution discharge elimination system permit, consistent  
4 with the purposes described in Substitute House Bill No. 1614,  
5 addressing petroleum pollution in storm water.

6 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**  
7 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

8	Motor Vehicle Account--State Appropriation . . . . .	\$51,353,000
9	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
10	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
11	State Route Number 520 Corridor Account--State	
12	Appropriation . . . . .	\$88,000
13	TOTAL APPROPRIATION . . . . .	\$53,618,000

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

16 (1) \$2,400,000 of the motor vehicle account--state appropriation is  
17 provided solely for low-cost enhancements. The department shall give  
18 priority to low-cost enhancement projects that improve safety or  
19 provide congestion relief. The department shall prioritize low-cost  
20 enhancement projects on a statewide rather than regional basis. By  
21 September 1st of each even-numbered year, the department shall provide  
22 a report to the legislature listing all low-cost enhancement projects  
23 prioritized on a statewide rather than regional basis completed in the  
24 prior year.

25 (2) The department, in consultation with the Washington state  
26 patrol, may continue a pilot program for the patrol to issue  
27 infractions based on information from automated traffic safety cameras  
28 in roadway construction zones on state highways when workers are  
29 present. The department shall use the following guidelines to  
30 administer the program:

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

35 (b) The department shall plainly mark the locations where the  
36 automated traffic safety cameras are used by placing signs on locations

1 that clearly indicate to a driver that he or she is entering a roadway  
2 construction zone where traffic laws are enforced by an automated  
3 traffic safety camera;

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

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

12 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
13 infractions detected through the use of automated traffic safety  
14 cameras are not part of the registered owner's driving record under RCW  
15 46.52.101 and 46.52.120. Additionally, infractions generated by the  
16 use of automated traffic safety cameras must be processed in the same  
17 manner as parking infractions for the purposes of RCW 3.50.100,  
18 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
19 fine issued under this subsection (2) for an infraction generated  
20 through the use of an automated traffic safety camera is one hundred  
21 thirty-seven dollars. The court shall remit thirty-two dollars of the  
22 fine to the state treasurer for deposit into the state patrol highway  
23 account; and

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

1 (3) The department shall implement a pilot project to evaluate the  
2 benefits of using electronic traffic flagging devices. Electronic  
3 traffic flagging devices must be tested by the department at multiple  
4 sites and reviewed for efficiency and safety. The department shall  
5 report to the transportation committees of the legislature on the best  
6 use and practices involving electronic traffic flagging devices,  
7 including recommendations for future use, by June 30, 2010.

8 (4) \$88,000 of the state route number 520 corridor account is  
9 provided solely for costs directly related to tolling the state route  
10 number 520 floating bridge.

11 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**  
12 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

13	Motor Vehicle Account--State Appropriation . . . . .	\$29,389,000
14	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
15	Multimodal Transportation Account--State	
16	Appropriation . . . . .	\$973,000
17	State Route Number 520 Corridor Account--State	
18	Appropriation . . . . .	\$801,000
19	TOTAL APPROPRIATION . . . . .	\$31,193,000

20 The appropriations in this section are subject to the following  
21 conditions and limitations: \$801,000 of the state route number 520  
22 corridor account is provided solely for costs directly related to  
23 tolling the state route number 520 floating bridge.

24 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**  
25 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

26	Motor Vehicle Account--State Appropriation . . . . .	\$26,470,000
27	Motor Vehicle Account--Federal Appropriation . . . . .	\$19,116,000
28	Multimodal Transportation Account--State	
29	Appropriation . . . . .	\$696,000
30	Multimodal Transportation Account--Federal	
31	Appropriation . . . . .	\$2,809,000
32	Multimodal Transportation Account--Private/Local	
33	Appropriation . . . . .	\$100,000
34	TOTAL APPROPRIATION . . . . .	\$49,191,000

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

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

6 (2) The department shall work with the department of ecology, the  
7 county road administration board, and the transportation improvement  
8 board to develop model procedures, and municipal and state rules, to  
9 maximize the use of permeable concrete and asphalt on road construction  
10 and preservation projects. The department shall report to the joint  
11 transportation committee by December 1, 2009, with recommendations that  
12 will increase the use of permeable concrete and asphalt at the state  
13 and local level, and reduce the need for more costly alternative  
14 methods of stormwater mitigation.

15 (3) The department shall, to the greatest extent practicable,  
16 maximize the use of recycled concrete and asphalt on road construction  
17 and preservation projects. The department shall report to the joint  
18 transportation committee by December 1, 2010, regarding the use of  
19 recycled concrete and asphalt. The report must include, at a minimum,  
20 how much recycled concrete and asphalt was used and the resulting cost  
21 savings to the state.

22 (4) \$600,000 of the motor vehicle account--state appropriation is  
23 provided solely for a diesel multiple unit feasibility and initial  
24 planning study. The study must evaluate potential service on the  
25 Stampede Pass line from Maple Valley to Auburn via Covington. The  
26 study must evaluate the potential demand for service, the business  
27 model and capital needs for launching and running the line, and the  
28 need for improvements in switching, signaling, and tracking. A report  
29 on the study must be submitted to the legislature by June 30, 2010.

30 (5) \$400,000 of the motor vehicle account--state appropriation is  
31 provided solely for a state route number 2 development plan as  
32 described in Substitute House Bill No. 1575.

33 (6) \$400,000 of the motor vehicle account--state appropriation is  
34 provided solely for a tolling study on state route number 167 and state  
35 route number 509. A report on the study must be submitted to the house  
36 of representatives and senate transportation committees by September  
37 30, 2010.

1 (7) \$243,000 of the motor vehicle account--state appropriation and  
 2 \$81,000 of the motor vehicle account--federal appropriation are  
 3 provided solely for the development of a freight database to help guide  
 4 freight investment decisions and track project effectiveness. The  
 5 database must be based on truck movement tracked through geographic  
 6 information system technology. TransNow shall contribute additional  
 7 federal funds that are not appropriated in this act. The department  
 8 shall work with the freight mobility strategic investment board to  
 9 implement this database.

10 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 11 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

12	Motor Vehicle Account--State Appropriation . . . . .	\$87,892,000
13	Motor Vehicle Account--Federal Appropriation . . . . .	\$400,000
14	TOTAL APPROPRIATION . . . . .	\$88,292,000

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

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

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

23 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT  
 24 DIVISION OF RISK MANAGEMENT FEES . . . . . \$1,639,000

25 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE  
 26 AUDITOR . . . . . \$937,000

27 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL  
 28 ADMINISTRATION . . . . . \$6,060,000

29 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
 30 PERSONNEL . . . . . \$6,347,000

31 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY  
 32 PREMIUMS AND ADMINISTRATION . . . . . \$44,418,000

33 (f) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . . \$623,000

34 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS  
 35 ENTERPRISES . . . . . \$1,008,000

36 (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS  
 37 PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . . . . \$1,143,000

1 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE  
 2 DEPARTMENT OF INFORMATION SERVICES . . . . . \$1,980,000  
 3 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
 4 GENERAL'S OFFICE . . . . . \$8,526,000  
 5 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
 6 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT  
 7 LITIGATION . . . . . \$672,000

8 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 9 **PUBLIC TRANSPORTATION--PROGRAM V**

10 Regional Mobility Grant Program Account--State  
 11 Appropriation . . . . . \$36,208,000  
 12 Multimodal Transportation Account--State  
 13 Appropriation . . . . . \$78,845,000  
 14 Multimodal Transportation Account--Federal  
 15 Appropriation . . . . . \$2,582,000  
 16 Multimodal Transportation Account--Private/Local  
 17 Appropriation . . . . . \$1,027,000  
 18 TOTAL APPROPRIATION . . . . . \$118,662,000

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

21 (1) \$26,000,000 of the multimodal transportation account--state  
 22 appropriation is provided solely for a grant program for special needs  
 23 transportation provided by transit agencies and nonprofit providers of  
 24 transportation.

25 (a) \$6,000,000 of the amount provided in this subsection is  
 26 provided solely for grants to nonprofit providers of special needs  
 27 transportation. Grants for nonprofit providers shall be based on need,  
 28 including the availability of other providers of service in the area,  
 29 efforts to coordinate trips among providers and riders, and the cost  
 30 effectiveness of trips provided.

31 (b) \$20,000,000 of the amount provided in this subsection is  
 32 provided solely for grants to transit agencies to transport persons  
 33 with special transportation needs. To receive a grant, the transit  
 34 agency must have a maintenance of effort for special needs  
 35 transportation that is no less than the previous year's maintenance of  
 36 effort for special needs transportation. Grants for transit agencies  
 37 shall be prorated based on the amount expended for demand response

1 service and route deviated service in calendar year 2007 as reported in  
2 the "Summary of Public Transportation - 2007" published by the  
3 department of transportation. No transit agency may receive more than  
4 thirty percent of these distributions.

5 (2) Funds are provided for the rural mobility grant program as  
6 follows:

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

14 (b) \$9,500,000 of the multimodal transportation account--state  
15 appropriation is provided solely to providers of rural mobility service  
16 in areas not served or underserved by transit agencies through a  
17 competitive grant process.

18 (c) \$1,000,000 of the multimodal transportation account--state  
19 appropriation is provided solely for vanpool grants to rural transit  
20 agencies to cover the capital cost of adding vans. The grants must be  
21 administered under the same rules and criteria as the statewide vanpool  
22 grant program.

23 (3) \$11,600,000 of the multimodal transportation account--state  
24 appropriation is provided solely for a statewide vanpool grant program  
25 for public transit agencies to cover the capital costs of vans. At  
26 least \$3,600,000 of this amount must be used for vanpool grants in  
27 congested corridors in King, Pierce, Snohomish, Thurston, Clark, and  
28 Spokane counties.

29 (4) \$500,000 of the multimodal transportation account--state  
30 appropriation is provided solely to expand park and ride lot capacity  
31 through short-term lease agreements and relocation incentives for  
32 carpools and vanpools.

33 (5)(a) \$2,500,000 of the multimodal transportation account--state  
34 appropriation is provided solely for grants to cities and counties to  
35 expand the commute trip reduction program established in RCW 70.94.521  
36 through 70.94.555 to: (i) Increase voluntary participation by medium-  
37 sized employers (fifty to one hundred employees) in affected urban  
38 growth areas; and (ii) provide state technical support for the expanded

1 program. The commute trip reduction board shall establish criteria for  
2 grants and statewide trip reduction goals for medium-sized employers,  
3 and report biennially on achievement of the goals as part of the  
4 board's legislative report.

5 (b) \$2,500,000 of the multimodal transportation account--state  
6 appropriation is provided solely for: (i) Grants to local governments  
7 primarily for small employers (under fifty employees) pursuant to the  
8 provisions for growth and transportation efficiency centers established  
9 under RCW 70.94.521 through 70.94.555; (ii) state technical support;  
10 and (iii) the measurement of the effectiveness of the program.

11 (6) \$400,000 of the multimodal transportation account--state  
12 appropriation is provided solely for a grant for a flexible carpooling  
13 pilot project program to be administered and monitored by the  
14 department. Funds are appropriated for one time only. The pilot  
15 project program must: Test and implement at least one flexible  
16 carpooling system in a high-volume commuter area that enables  
17 carpooling without prearrangement; utilize technologies that, among  
18 other things, allow for transfer of ride credits between participants;  
19 and be a membership system that involves prescreening to ensure safety  
20 of the participants. The program must include a pilot project that  
21 targets commuter traffic on the state route number 520 bridge. The  
22 department shall submit to the legislature by December 2010 a report on  
23 the program results and any recommendations for additional flexible  
24 carpooling programs.

25 (7) \$3,317,808 of the multimodal transportation account--state  
26 appropriation and \$21,248,089 of the regional mobility grant program  
27 account--state appropriation are reappropriated and provided solely for  
28 the regional mobility grant projects identified in LEAP Transportation  
29 Document 2007-B, as developed April 20, 2007; LEAP Transportation  
30 Document 2006-D, as developed March 8, 2006; or as selected by the  
31 legislature from the priority list to be submitted by the department in  
32 January 2009. Any project that has been awarded funds but has not  
33 reported activity within one year of the grant award must be reviewed  
34 by the department to determine whether the grant award should be  
35 terminated. If the grant award is terminated, the funds lapse. It is  
36 the intent of the legislature to appropriate funds through the regional  
37 mobility grant program only for projects that will be completed on  
38 schedule.

1 (8) \$14,959,600 of the regional mobility grant program account--  
2 state appropriation is provided solely for the regional mobility grant  
3 projects identified in LEAP Transportation Document 2007-B, as  
4 developed March 30, 2009. The department shall review all projects  
5 receiving grant awards under this program at least semiannually to  
6 determine whether the projects are making satisfactory progress. Any  
7 project that has been awarded funds, but does not report activity on  
8 the project within one year of the grant award, must be reviewed by the  
9 department to determine whether the grant should be terminated. The  
10 department shall promptly close out grants when projects have been  
11 completed, and any remaining funds available to the office of transit  
12 mobility must be used only to fund projects identified in LEAP  
13 Transportation Document 2009-B, as developed March 30, 2009. The  
14 department shall provide annual status reports on December 15, 2009,  
15 and December 15, 2010, to the office of financial management and the  
16 transportation committees of the legislature regarding the projects  
17 receiving the grants. It is the intent of the legislature to  
18 appropriate funds through the regional mobility grant program only for  
19 projects that will be completed on schedule.

20 (9) \$80,000 of the multimodal transportation account--state  
21 appropriation is provided solely to the department of transportation to  
22 distribute for implementation of the work group related to federal  
23 requirements in section 1, chapter . . . (Engrossed Substitute House  
24 Bill No. 2072), Laws of 2009 (special needs transportation). If  
25 Engrossed Substitute House Bill No. 2072 is not enacted by June 30,  
26 2009, the amount provided in this section shall lapse.

27 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**  
28 **MARINE--PROGRAM X**

29 Puget Sound Ferry Operations Account--State  
30 Appropriation . . . . . \$404,720,000

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

33 (1) \$52,463,000 of the Puget Sound ferry operations account--state  
34 appropriation is provided solely for auto ferry vessel operating fuel  
35 in the 2009-11 fiscal biennium. Any expenditures for fuel hedging  
36 payments may be considered vessel operating fuel payments.

1 (2) If the Washington state ferries considers implementing a fuel  
2 surcharge, they must first submit an analysis and business plan to the  
3 office of financial management and either the joint transportation  
4 committee or the transportation committees of the legislature. The  
5 analysis must include an evaluation of other cost savings and fuel  
6 price stabilization strategies that would be implemented before the  
7 imposition of a fuel surcharge.

8 (3) The department shall strive to significantly reduce the number  
9 of injuries suffered by Washington state ferries employees. By  
10 December 15, 2009, the department shall submit to the office of  
11 financial management and the transportation committees of the  
12 legislature its implementation plan to reduce such injuries.

13 (4) The Washington state ferries shall continue to provide service  
14 to Sidney, British Columbia. The Washington state ferries may place a  
15 Sidney terminal departure surcharge on fares for out of state residents  
16 riding the Washington state ferry route that runs between Anacortes,  
17 Washington and Sidney, British Columbia, if the cost for  
18 landing/license fee, taxes, and additional amounts charged for docking  
19 are in excess of \$250,000 CDN. The surcharge must be limited to  
20 recovering amounts above \$250,000 CDN.

21 (5) The Washington state ferries shall analyze operational  
22 solutions to enhance service on the Bremerton to Seattle ferry run.  
23 The Washington state ferries shall report their analysis to the  
24 transportation committees of the legislature by December 1, 2009.

25 (6) \$4,670,000 of the Puget Sound ferry operations account--state  
26 appropriation is provided solely for the Washington state ferries to  
27 develop an analysis of implementing a reservation system. The  
28 Washington state ferries' plan for a reservation system pilot program  
29 may only be implemented once the analysis has been reviewed by the  
30 office of financial management and either the joint transportation  
31 committee or the transportation committees of the legislature. This  
32 analysis must include an evaluation of the compatibility of the  
33 Washington state ferries' electronic fare system, proposed reservation  
34 system, and the implementation of smart card.

35 (7) The office of financial management budget instructions require  
36 agencies to recast enacted budgets into activities. The Washington  
37 state ferries shall include a greater level of detail in the recast of

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

4 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**  
5 **RAIL--PROGRAM Y--OPERATING**

6 Multimodal Transportation Account--State  
7 Appropriation . . . . . \$34,933,000

8 The appropriation in this section is subject to the following  
9 conditions and limitations:

10 (1) \$29,091,000 of the multimodal transportation account--state  
11 appropriation is provided solely for the Amtrak service contract and  
12 Talgo maintenance contract associated with providing and maintaining  
13 the state-supported passenger rail service. Upon completion of the  
14 rail platform project in the city of Stanwood, the department shall  
15 provide daily Amtrak Cascades service to the city.

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

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

19 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**  
20 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

21 Motor Vehicle Account--State Appropriation . . . . . \$8,739,000  
22 Motor Vehicle Account--Federal Appropriation . . . . . \$2,567,000  
23 TOTAL APPROPRIATION . . . . . \$11,306,000

24 **TRANSPORTATION AGENCIES--CAPITAL**

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

26 State Patrol Highway Account--State Appropriation . . . . . \$3,126,000

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

29 (1) \$1,626,000 of the state patrol highway account--state  
30 appropriation is provided solely for the following minor works  
31 projects: \$450,000 for Shelton training academy roofs; \$150,000 for  
32 HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for  
33 Bellevue electrical equipment upgrades; \$90,000 for South King

1 detachment window replacement; \$200,000 for the replacement of the  
2 Naselle radio tower, generator shelter, and fence; \$200,000 for  
3 unforeseen emergency repairs; and \$318,000 for the Shelton training  
4 academy drive course/skid pan repair.

5 (2) \$1,500,000 of the state patrol highway account--state  
6 appropriation is provided solely for the Shelton academy of the  
7 Washington state patrol and is contingent upon a signed agreement  
8 between the city of Shelton, the department of corrections, and the  
9 Washington state patrol that provides for an on-going payment to these  
10 three entities, based on their percentage of the total investment in  
11 the project, from all hookup fees, late comer fees, LIDS, and all other  
12 initial fees collected for the new waste water treatment lines, waste  
13 water plants, water lines, and water systems.

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

15 Rural Arterial Trust Account--State Appropriation . . . . .	\$51,000,000
16 Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
17 County Arterial Preservation Account--State	
18 Appropriation . . . . .	\$31,400,000
19 TOTAL APPROPRIATION . . . . .	\$83,448,000

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

22 (1) \$1,048,000 of the motor vehicle account--state appropriation  
23 may be used for county ferry projects as developed pursuant to RCW  
24 47.56.725(4).

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

33 **NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

34 Small City Pavement and Sidewalk Account--State	
35 Appropriation . . . . .	\$4,600,000
36 Urban Arterial Trust Account--State Appropriation . . . . .	\$122,400,000





1 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed  
2 the likely amount necessary to deliver the projects listed within those  
3 biennia by fifty million dollars in each biennium. The appropriations  
4 provided in this section for the projects in those biennia are fifty  
5 million dollars less than the aggregate total of project costs listed.  
6 It is the intent of the legislature that, so long as the favorable  
7 bidding climate continues, the department shall deliver the projects  
8 listed in LEAP Transportation Document 2009-1 within the time, scope,  
9 and budgets identified in that document.

10 (3) \$62,874,000 of the transportation partnership account--state  
11 appropriation and \$270,000,000 of the state route number 520 corridor  
12 account--state appropriation are provided solely for replacement of the  
13 state route number 520 bridge for projects for which the designs are  
14 agreed upon. The department shall submit an application for the  
15 eastside transit and HOV project to the supplemental discretionary  
16 grant program for regionally significant projects as provided in the  
17 American Recovery and Reinvestment Act of 2009. If federal stimulus  
18 funds are received, an equivalent amount of the funds already  
19 identified for this project must be earmarked for the construction of  
20 the projects on the west side of the state route number 520 corridor.

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

25 (5) Funding allocated for mitigation costs is provided solely for  
26 the purpose of project impact mitigation, and shall not be used to  
27 develop or otherwise participate in the environmental assessment  
28 process.

29 (6) The department shall apply for surface transportation program  
30 (STP) enhancement funds to be expended in lieu of or in addition to  
31 state funds for eligible costs of projects in Programs I and P  
32 including, but not limited to, the SR 518, SR 520, Columbia river  
33 crossing, and Alaskan Way viaduct projects.

34 (7) The department shall, on a quarterly basis beginning July 1,  
35 2009, provide to the office of financial management and the legislature  
36 reports providing the status on each active project funded in part or  
37 whole by the transportation 2003 account (nickel account) or the  
38 transportation partnership account. Funding provided at a programmatic

1 level for transportation partnership account and transportation 2003  
2 account (nickel account) projects relating to bridge rail, guard rail,  
3 fish passage barrier removal, and roadside safety projects should be  
4 reported on a programmatic basis. Projects within this programmatic  
5 level funding should be completed on a priority basis and scoped to be  
6 completed within the current programmatic budget. The department shall  
7 work with the office of financial management and the transportation  
8 committees of the legislature to agree on report formatting and  
9 elements. Elements must include, but not be limited to, project scope,  
10 schedule, and costs. For new construction contracts valued at fifteen  
11 million dollars or more, the department must also use an earned value  
12 method of project monitoring. The department shall also provide the  
13 information required under this subsection on a quarterly basis via the  
14 transportation executive information systems (TEIS).

15 (8) The transportation 2003 account (nickel account)--state  
16 appropriation includes up to \$704,000,000 in proceeds from the sale of  
17 bonds authorized by RCW 47.10.861.

18 (9) The transportation partnership account--state appropriation  
19 includes up to \$1,258,269,000 in proceeds from the sale of bonds  
20 authorized in RCW 47.10.873.

21 (10) The special category C account--state appropriation includes  
22 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW  
23 47.10.812.

24 (11) The motor vehicle account--state appropriation includes up to  
25 \$55,900,000 in proceeds from the sale of bonds authorized in RCW  
26 47.10.843.

27 (12) The department must prepare a tolling study for the Columbia  
28 river crossing project. While conducting the study, the department  
29 must coordinate with the Oregon department of transportation to perform  
30 the following activities:

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

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

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

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

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

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

12 (g) Conduct public work sessions and open houses to provide  
13 information to citizens, including users of the bridge and business and  
14 freight interests, regarding implementation of tolls on the Interstate  
15 5 and to solicit citizen views on the following items:

16 (i) Funding a portion of the Columbia river crossing project with  
17 tolls;

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

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

22 (h) Provide a report to the governor and the legislature by January  
23 2010.

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

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

32 (i) Confer with the mayors and city councils of jurisdictions in  
33 the vicinity of the project regarding the implementation of high  
34 occupancy toll lanes and the impacts that the implementation of these  
35 high occupancy toll lanes might have on the operation of the corridor  
36 and adjacent local streets;

37 (ii) Conduct public work sessions and open houses to provide

1 information to citizens regarding implementation of high occupancy toll  
2 lanes and to solicit citizen views; and

3 (iii) Provide a report to the governor and the legislature by  
4 January 2010.

5 (14) \$9,199,985 of the motor vehicle account--state appropriation  
6 is provided solely for project 100224I, as identified in the LEAP  
7 transportation document in subsection (1) of this section: US 2 high  
8 priority safety project. Expenditure of these funds is for safety  
9 projects on state route number 2 between Skykomish and Gold Bar, which  
10 may include median rumble strips, traffic cameras, and electronic  
11 message signs.

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

15 (16) The department shall conduct a public outreach process to  
16 identify and respond to community concerns regarding the Belfair  
17 bypass. The process must include representatives from Mason county,  
18 the legislature, area businesses, and community members. The  
19 department shall use this process to consider and develop design  
20 alternatives that alter the project's scope so that the community's  
21 needs are met within the project budget. The department shall provide  
22 a report on the process and outcomes to the legislature by June 30,  
23 2010.

24 (17) The department shall not sign the final environmental impact  
25 statement for the east link project or negotiate an airspace lease with  
26 sound transit for the use of the Interstate 90 center roadway for  
27 exclusive use by light rail until completion of an independent facility  
28 asset assessment by the joint transportation committee.

29 (18) \$6,000,000 of the motor vehicle account--state appropriation  
30 is provided solely for the design and construction of a new interchange  
31 between state route number 195 and Cheney-Spokane Road. It is the  
32 intent of the legislature that an additional \$6,500,000 will be  
33 provided in the 2011-13 omnibus transportation appropriations act to  
34 complete this project.

35 (19) \$846,700 of the motor vehicle account--federal appropriation  
36 and \$17,280 of the motor vehicle account--state appropriation are  
37 provided solely for the Westview school noise wall.

1 (20) \$1,360 of the motor vehicle account--state appropriation and  
2 \$35,786 of the motor vehicle account--federal appropriation are  
3 provided solely for interchange design and planning work on US 12 at A  
4 Street and Tank Farm Road.

5 (21) \$20,011,125 of the transportation partnership account--state  
6 appropriation, \$2,550 of the motor vehicle account--state  
7 appropriation, \$30,003,473 of the motor vehicle account--private/local  
8 appropriation, and \$1,482,066 of the motor vehicle account--federal  
9 appropriation is provided solely for the I-5/Columbia river  
10 crossing/Vancouver project. The funding described in this subsection  
11 includes a \$35,000,000 contribution from the state of Oregon.

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

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

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

26 (23) The state route number 99 Alaskan Way viaduct replacement  
27 project, as jointly proposed by the state, city, and county departments  
28 of transportation, and recommended by the governor, King county, and  
29 the city of Seattle in a letter of agreement dated January 13, 2009,  
30 must provide adequate and efficient access for freight and vehicles,  
31 and must also provide adequate and efficient access to neighborhoods  
32 along the state route number 99 corridor. To that end, it is the  
33 intent of the legislature to strongly encourage the city of Seattle to  
34 use its best efforts to provide for the following improvements, prior  
35 to the closure of the access ramps between Western Avenue and Elliot  
36 Avenue and state route number 99, within their planning processes and  
37 budget:

1 (a) Perform all work necessary to ensure that the Alaskan Way  
2 surface street is an efficient alternative access route for freight and  
3 vehicles. At a minimum, the city of Seattle should:

4 (i) Construct a four-lane, grade separated connection from Alaskan  
5 Way to Elliot Avenue; synchronize traffic lights and traffic control  
6 devices; and erect additional traffic lights and control devices, if  
7 necessary, to prioritize vehicular traffic flow; and

8 (ii) Provide for reliable and effective access to the port of  
9 Seattle and other major destinations south of the port, which must  
10 include implementation of measures to facilitate efficient traffic flow  
11 along Alaskan Way by way of the state route number 99 and state route  
12 number 519 interchange;

13 (b) Develop a plan that optimizes traffic flow from neighborhoods  
14 in northwest Seattle to the deep bored tunnel. At a minimum, the plan  
15 should address: The movement of traffic along major arterials  
16 including, but not limited to, North 46th Street, North 39th Street,  
17 Nickerson Street, Dexter Avenue North, Mercer Street, and West Mercer  
18 Street; and traffic light synchronization, on-street parking,  
19 congestion near the Aurora Avenue bridge related to the Queen Anne  
20 Drive and 6th Avenue North turnaround, and bridge policies that affect  
21 congestion and traffic flow; and

22 (c) Develop and implement a plan that maximizes safe and efficient  
23 vehicle throughput on Mercer Street. The plan should optimize traffic  
24 flow on Mercer Street, including two-way West Mercer Street  
25 improvements, and on the transition from Elliott Avenue to state route  
26 number 99, and should provide for safe and efficient access to state  
27 route number 99 and the deep bore tunnel.

28 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**  
29 **PRESERVATION--PROGRAM P**

30	Transportation Partnership Account--State	
31	Appropriation . . . . .	\$107,377,000
32	Motor Vehicle Account--State Appropriation . . . . .	\$117,354,000
33	Motor Vehicle Account--Federal Appropriation . . . . .	\$508,421,000
34	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$6,417,000
35	Transportation 2003 Account (Nickel Account)--State	
36	Appropriation . . . . .	\$7,237,000
37	Puyallup Tribal Settlement Account--State	

1	Appropriation . . . . .	\$6,500,000
2	TOTAL APPROPRIATION . . . . .	\$753,306,000

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

5 (1) The entire transportation 2003 account (nickel account)  
6 appropriation and the entire transportation partnership account  
7 appropriation are provided solely for the projects and activities as  
8 listed by fund, project, and amount in LEAP Transportation Document  
9 2009-1, Highway Preservation Program (P), as developed March 30, 2009.  
10 However, limited transfers of specific line-item project appropriations  
11 may occur between projects for those amounts listed subject to the  
12 conditions and limitations in section 603 of this act.

13 (2) \$544,639 of the motor vehicle account--federal appropriation  
14 and \$280,361 of the motor vehicle account--state appropriation are  
15 provided solely for project 602110F, as identified in the LEAP  
16 transportation document in subsection (1) of this section: SR  
17 21/Keller ferry boat - replace ferry boat. The Keller ferry boat  
18 replacement must consist of a tug and barge.

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

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

36 (5) The department shall, on a quarterly basis beginning July 1,  
37 2009, provide to the office of financial management and the legislature  
38 reports providing the status on each active project funded in part or

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

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

22 (7) Within existing funds and resources, the department shall  
23 conduct an analysis and produce a report on state highway pavement  
24 replacement needs, level of investment, timing, and strategies for the  
25 next ten years. The department shall include the following in the  
26 report:

27 (a) For asphalt and chip seal: (i) The current backlog of "black"  
28 pavement preservation projects; (ii) the level of investment needed and  
29 schedule to reduce or eliminate the backlog and resume the lowest life-  
30 cycle cost to replace the highway lane miles; and (iii) strategies for  
31 addressing the recent rapid escalation of asphalt prices and using  
32 alternatives to hot mix asphalt;

33 (b) For concrete or "white" pavement: (i) Identification of  
34 concrete rehabilitation and replacement needs in the next ten years;  
35 and (ii) the level of investment, schedule, and strategies for  
36 rehabilitation and replacement, including dowel-bar retrofit, selected  
37 panel replacement, and full replacement; and

1 (c) For all types of pavement: Criteria for determining which type  
2 of pavement will be used for specific projects, including annualized  
3 cost per mile, traffic volume per lane mile, and heavy truck traffic  
4 volume per lane mile.

5 The department shall submit the report to the office of financial  
6 management and the transportation committees of the legislature by  
7 December 31, 2009, in order to inform the development of the 2011-13  
8 omnibus transportation appropriations act.

9 (8) \$1,722 of the motor vehicle account--state appropriation,  
10 \$9,608,115 of the motor vehicle account--federal appropriation, and  
11 \$272,141 of the transportation partnership account--state appropriation  
12 are provided solely for the Hood Canal bridge project.

13 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**  
14 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

15	Motor Vehicle Account--State Appropriation . . . . .	\$6,394,000
16	Motor Vehicle Account--Federal Appropriation . . . . .	\$9,262,000
17	TOTAL APPROPRIATION . . . . .	\$15,656,000

18 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**  
19 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

20	Puget Sound Capital Construction Account--State	
21	Appropriation . . . . .	\$129,775,000
22	Puget Sound Capital Construction Account--Federal	
23	Appropriation . . . . .	\$38,675,000
24	Puget Sound Capital Construction Account--Local	
25	Appropriation . . . . .	\$8,492,000
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation . . . . .	\$67,931,000
28	Transportation Partnership Account--State	
29	Appropriation . . . . .	\$64,784,000
30	Multimodal Transportation Account--State Appropriation . . . .	\$170,000
31	TOTAL APPROPRIATION . . . . .	\$309,827,000

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

34 (1) \$129,566,000 of the Puget Sound capital construction account--  
35 state appropriation, \$38,675,000 of the Puget Sound capital  
36 construction account--federal appropriation, \$64,784,000 of the

1 transportation partnership account--state appropriation, \$67,931,000 of  
2 the transportation 2003 account (nickel account)--state appropriation,  
3 and \$170,000 of the multimodal transportation account--state  
4 appropriation are provided solely for ferry capital projects, project  
5 support, and administration as listed in LEAP Transportation Document  
6 ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed  
7 March 30, 2009.

8 (2) \$57,031,000 of the transportation 2003 account (nickel  
9 account)--state appropriation and \$63,100,000 of the transportation  
10 partnership account--state appropriation are provided solely for the  
11 acquisition of three new Island Homes class ferry vessels subject to  
12 the conditions and limitations in RCW 47.56.780, the first two of which  
13 shall be used to restore service on the Port Townsend-Keystone route.  
14 The department may add additional passenger capacity to one of these  
15 vessels to make it more flexible within the system in the future, if  
16 doing so does not require additional staffing on the vessel.

17 (3) \$6,300,000 of the Puget Sound capital construction account--  
18 state appropriation is provided solely for emergency capital costs.

19 (4) The Anacortes terminal may be replaced if additional federal  
20 funds are sought and received by the department. If federal funds  
21 received are not sufficient to replace the terminal, only usable,  
22 discrete phases of the project, up to the amount of federal funds  
23 received, may be constructed with the funds.

24 (5) \$247,000 of the Puget Sound capital construction account--state  
25 appropriation is provided solely for the department to update the  
26 vessel life-cycle cost model by December 31, 2009.

27 (6) \$3,965,000 of the Puget Sound capital construction account--  
28 state appropriation is provided solely for the following vessel  
29 projects: Waste heat recovery pilot project; steering gear ventilation  
30 pilot project; and a new propulsion system for the MV Yakima. Before  
31 beginning these projects, the Washington state ferries must ensure the  
32 vessels' out-of-service time does not negatively impact service to the  
33 system.

34 (7) The Washington state ferries shall pursue purchasing a  
35 foreign-flagged vessel for service on the Anacortes, Washington to  
36 Sidney, British Columbia ferry route.

37 (8) The department shall provide to the office of financial  
38 management and the legislature quarterly reports providing the status

1 on each project listed in this section and in the project lists  
2 submitted pursuant to this act and on any additional projects for which  
3 the department has expended funds during the 2009-11 fiscal biennium.  
4 Elements must include, but not be limited to, project scope, schedule,  
5 and costs. The department shall also provide the information required  
6 under this subsection via the transportation executive information  
7 systems (TEIS). The quarterly report regarding the status of projects  
8 identified on the list referenced in subsection (1) of this section  
9 must be developed according to an earned value method of project  
10 monitoring.

11 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**  
12 **RAIL--PROGRAM Y--CAPITAL**

13	Essential Rail Assistance Account--State Appropriation . . . .	\$675,000
14	Transportation Infrastructure Account--State	
15	Appropriation . . . . .	\$9,416,000
16	Multimodal Transportation Account--State	
17	Appropriation . . . . .	\$97,610,000
18	Multimodal Transportation Account--Federal	
19	Appropriation . . . . .	\$16,054,000
20	Multimodal Transportation Account--Private/Local	
21	Appropriation . . . . .	\$81,000
22	TOTAL APPROPRIATION . . . . .	\$123,836,000

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

25 (1)(a) Except as provided otherwise in this section, the entire  
26 appropriations in this section are provided solely for the projects and  
27 activities as listed by fund, project, and amount in LEAP  
28 Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y),  
29 as developed March 30, 2009. However, limited transfers of specific  
30 line-item project appropriations may occur between projects for those  
31 amounts listed subject to the conditions and limitations in section 603  
32 of this act.

33 (b)(i) Within the amounts provided in this section, \$116,000 of the  
34 transportation infrastructure account--state appropriation is for a  
35 low-interest loan through the freight rail investment bank program to  
36 the Port of Ephrata for rehabilitation of a rail spur.

1 (ii) Within the amounts provided in this section, \$1,200,000 of the  
2 transportation infrastructure account--state appropriation is for a  
3 low-interest loan through the freight rail investment bank program to  
4 the Port of Everett for a new rail track to connect a cement loading  
5 facility to the mainline.

6 (c)(i) Within the amounts provided in this section, \$1,679,350 of  
7 the multimodal transportation account--state appropriation and \$175,000  
8 of the essential rail assistance account--state appropriation are for  
9 statewide - emergent freight rail assistance projects as follows: Port  
10 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
11 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
12 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
13 700610A) \$337,978; Clark County owned railroad/Vancouver - track  
14 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved  
15 locomotive facility (BIN 711010B) \$366,813.

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

26 (iii) Within the amounts provided in this section, \$337,978 of the  
27 multimodal transportation account--state appropriation is for a  
28 statewide - emergent freight rail assistance project grant for the  
29 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
30 provided that the grantee first documents to the satisfaction of the  
31 department sufficient commitments from the new shipper or shippers to  
32 locate in the publicly owned industrial park west of Creston to ensure  
33 that the net present value of the public benefits of the project is  
34 greater than the grant amount.

35 (d) \$8,100,000 of the transportation infrastructure account--state  
36 appropriation is provided solely for grants to any intergovernmental  
37 entity or local rail district to which the department of transportation  
38 assigns the management and oversight responsibility for the business

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

21 (2)(a) The department shall issue a call for projects for the  
22 freight rail investment bank program and the emergent freight rail  
23 assistance program, and shall evaluate the applications according to  
24 the cost benefit methodology developed during the 2008 interim using  
25 the legislative priorities specified in (c) of this subsection. By  
26 November 1, 2010, the department shall submit a prioritized list of  
27 recommended projects to the office of financial management and the  
28 transportation committees of the legislature.

29 (b) When the department identifies a prospective rail project that  
30 may have strategic significance for the state, or at the request of a  
31 proponent of a prospective rail project or a member of the legislature,  
32 the department shall evaluate the prospective project according to the  
33 cost benefit methodology developed during the 2008 interim using the  
34 legislative priorities specified in (c) of this subsection. The  
35 department shall report its cost benefit evaluation of the prospective  
36 rail project, as well as the department's best estimate of an  
37 appropriate construction schedule and total project costs, to the

1 office of financial management and the transportation committees of the  
2 legislature.

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

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

7 (ii) Self-sustaining economic development that creates family-wage  
8 jobs;

9 (iii) Preservation of transportation corridors that would otherwise  
10 be lost;

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

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

15 (vi) Mitigation of impacts of increased rail traffic on  
16 communities.

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

20 (4) At the earliest possible date, the department shall apply, and  
21 assist ports and local jurisdictions in applying, for any federal  
22 funding that may be available for any projects that may qualify for  
23 such federal funding. State projects must be (a) currently identified  
24 on the project list referenced in subsection (1)(a) of this section or  
25 (b) projects for which no state match is required to complete the  
26 project. Local or port projects must not require additional state  
27 funding in order to complete the project, with the exception of (c)  
28 state funds currently appropriated for such project if currently  
29 identified on the project list referenced in subsection (1)(a) of this  
30 section or (d) potential grants awarded in the competitive grant  
31 process for the essential rail assistance program. If the department  
32 receives any federal funding, the department is authorized to obligate  
33 and spend the federal funds in accordance with federal law. To the  
34 extent permissible by federal law, federal funds may be used (e) in  
35 addition to state funds appropriated for projects currently identified  
36 on the project list referenced in subsection (1)(a) of this section in  
37 order to advance funding from future biennia for such project(s) or (f)  
38 in lieu of state funds; however, the state funds must be redirected

1 within the rail capital program to advance funding for other projects  
 2 currently identified on the project list referenced in subsection  
 3 (1)(a) of this section. State funds may be redirected only upon  
 4 consultation with the transportation committees of the legislature and  
 5 the office of financial management, and approval by the director of the  
 6 office of financial management. The department shall spend the federal  
 7 funds before the state funds, and shall consult the office of financial  
 8 management and the transportation committees of the legislature  
 9 regarding project scope changes.

10 (5) The department shall provide quarterly reports to the office of  
 11 financial management and the transportation committees of the  
 12 legislature regarding applications that the department submits for  
 13 federal funds, the status of such applications, and the status of  
 14 projects identified on the list referenced in subsection (1)(a) of this  
 15 section. The quarterly report regarding the status of projects  
 16 identified on the list referenced in subsection (1)(a) of this section  
 17 must be developed according to an earned value method of project  
 18 monitoring.

19 (6) The multimodal transportation account--state appropriation  
 20 includes up to \$43,616,000 in proceeds from the sale of bonds  
 21 authorized in RCW 47.10.867.

22 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 23 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

24	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
25	Highway Infrastructure Account--Federal	
26	Appropriation . . . . .	\$1,602,000
27	Freight Mobility Investment Account--State	
28	Appropriation . . . . .	\$13,048,000
29	Transportation Partnership Account--State	
30	Appropriation . . . . .	\$8,363,000
31	Motor Vehicle Account--State Appropriation . . . . .	\$11,641,000
32	Motor Vehicle Account--Federal Appropriation . . . . .	\$37,069,000
33	Freight Mobility Multimodal Account--State	
34	Appropriation . . . . .	\$13,918,000
35	Freight Mobility Multimodal Account--Local	
36	Appropriation . . . . .	\$3,135,000
37	Multimodal Transportation Account--Federal	

1	Appropriation . . . . .	\$2,098,000
2	Multimodal Transportation Account--State	
3	Appropriation . . . . .	\$23,340,000
4	Transportation 2003 Account (Nickel Account)--State	
5	Appropriation . . . . .	\$709,000
6	Passenger Ferry Account--State Appropriation . . . . .	\$2,879,000
7	TOTAL APPROPRIATION . . . . .	\$118,009,000

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

10 (1) The department shall, on a quarterly basis, provide status  
11 reports to the legislature on the delivery of projects as outlined in  
12 the project lists incorporated in this section. For projects funded by  
13 new revenue in the 2003 and 2005 transportation packages, reporting  
14 elements shall include, but not be limited to, project scope, schedule,  
15 and costs. Other projects may be reported on a programmatic basis.  
16 The department shall also provide the information required under this  
17 subsection on a quarterly basis via the transportation executive  
18 information system (TEIS).

19 (2) \$2,879,000 of the passenger ferry account--state appropriation  
20 is provided solely for near and long-term costs of capital improvements  
21 in a business plan approved by the governor for passenger ferry  
22 service.

23 (3) \$3,000,000 of the motor vehicle account--federal appropriation  
24 is provided solely for the Coal Creek parkway project (L1000025).

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

28 (5) The department shall apply for surface transportation program  
29 (STP) enhancement funds to be expended in lieu of or in addition to  
30 state funds for eligible costs of projects in local programs, program  
31 Z capital.

32 (6) Federal funds may be transferred from program Z to programs I  
33 and P and state funds shall be transferred from programs I and P to  
34 program Z to replace those federal funds in a dollar-for-dollar match.  
35 Fund transfers authorized under this subsection shall not affect  
36 project prioritization status. Appropriations shall initially be  
37 allotted as appropriated in this act. The department may not transfer  
38 funds as authorized under this subsection without approval of the

1 office of financial management. The department shall submit a report  
2 on those projects receiving fund transfers to the office of financial  
3 management and the transportation committees of the legislature by  
4 December 1, 2009, and December 1, 2010.

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

11 (8) \$14,182,113 of the multimodal transportation account--state  
12 appropriation, \$8,753,895 of the motor vehicle account--federal  
13 appropriation, and \$4,000,000 of the transportation partnership  
14 account--state appropriation are provided solely for the pedestrian and  
15 bicycle safety program projects and safe routes to schools program  
16 projects identified in LEAP Transportation Document 2009-A, pedestrian  
17 and bicycle safety program projects and safe routes to schools program  
18 projects, as developed March 30, 2009, LEAP Transportation Document  
19 2007-A, pedestrian and bicycle safety program projects and safe routes  
20 to schools program projects, as developed April 20, 2007, and LEAP  
21 Transportation Document 2006-B, pedestrian and bicycle safety program  
22 projects and safe routes to schools program projects, as developed  
23 March 8, 2006. Projects must be allocated funding based on order of  
24 priority. The department shall review all projects receiving grant  
25 awards under this program at least semiannually to determine whether  
26 the projects are making satisfactory progress. Any project that has  
27 been awarded funds, but does not report activity on the project within  
28 one year of the grant award must be reviewed by the department to  
29 determine whether the grant should be terminated. The department shall  
30 promptly close out grants when projects have been completed, and  
31 identify where unused grant funds remain because actual project costs  
32 were lower than estimated in the grant award.

33 (9) Except as provided otherwise in this section, the entire  
34 appropriations in this section are provided solely for the projects and  
35 activities as listed by fund, project, and amount in LEAP  
36 Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as  
37 developed March 30, 2009.

1 (10) For the 2009-11 project appropriations, unless otherwise  
2 provided in this act, the director of financial management may  
3 authorize a transfer of appropriation authority between projects  
4 managed by the freight mobility strategic investment board in order for  
5 the board to manage project spending and efficiently deliver all  
6 projects in the respective program.

7 **TRANSFERS AND DISTRIBUTIONS**

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

12	Highway Bond Retirement Account Appropriation . . . . .	\$695,338,000
13	Ferry Bond Retirement Account Appropriation . . . . .	\$33,770,000
14	Transportation Improvement Board Bond Retirement	
15	Account--State Appropriation . . . . .	\$21,023,000
16	Nondebt-Limit Reimbursable Account Appropriation . . . . .	\$15,790,000
17	Transportation Partnership Account--State	
18	Appropriation . . . . .	\$4,656,000
19	Motor Vehicle Account--State Appropriation . . . . .	\$658,000
20	Transportation 2003 Account (Nickel Account)--State	
21	Appropriation . . . . .	\$2,605,000
22	Special Category C Account--State Appropriation . . . . .	\$82,000
23	Urban Arterial Trust Account--State Appropriation . . . . .	\$56,000
24	Transportation Improvement Account--State Appropriation . . . . .	\$26,000
25	Multimodal Transportation Account--State Appropriation . . . . .	\$161,000
26	TOTAL APPROPRIATION . . . . .	\$773,958,000

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

30	Transportation Partnership Account--State Appropriation . . . . .	\$629,000
31	Motor Vehicle Account--State Appropriation . . . . .	\$89,000
32	Transportation 2003 Account (Nickel Account)--State	
33	Appropriation . . . . .	\$352,000
34	Special Category C Account--State Appropriation . . . . .	\$11,000

1 Urban Arterial Trust Account--State Appropriation . . . . . \$8,000  
 2 Transportation Improvement Account--State Appropriation . . . . . \$4,000  
 3 Multimodal Transportation Account--State Appropriation . . . . . \$22,000  
 4 TOTAL APPROPRIATION . . . . . \$1,131,000

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

8 Motor Vehicle Account--State Appropriation:  
 9 For transfer to the Puget Sound Capital Construction  
 10 Account . . . . . \$122,000,000

11 The department of transportation is authorized to sell up to  
 12 \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and  
 13 terminal acquisition, major and minor improvements, and long lead-time  
 14 materials acquisition for the Washington state ferries.

15 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**  
 16 **FOR DISTRIBUTION**

17 Motor Vehicle Account Appropriation for  
 18 motor vehicle fuel tax distributions to cities  
 19 and counties . . . . . \$488,843,000

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

21 Motor Vehicle Account--State  
 22 Appropriation: For motor vehicle fuel tax  
 23 refunds and statutory transfers . . . . . \$1,310,279,000

24 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**  
 25 **TRANSFERS**

26 Motor Vehicle Account--State  
 27 Appropriation: For motor vehicle fuel tax  
 28 refunds and transfers . . . . . \$129,178,000

29 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**  
 30 **TRANSFERS**

31 (1) Tacoma Narrows Toll Bridge Account--State  
 32 Appropriation: For transfer to the Motor Vehicle  
 33 Account--State . . . . . \$5,288,000

1           (2) Motor Vehicle Account--State Appropriation:  
2 For transfer to the Puget Sound Ferry Operations  
3 Account--State . . . . . \$12,000,000  
4           (3) Recreational Vehicle Account--State  
5 Appropriation: For transfer to the Motor Vehicle  
6 Account--State . . . . . \$1,645,000  
7           (4) License Plate Technology Account--State  
8 Appropriation: For transfer to the Motor Vehicle  
9 Account--State . . . . . \$2,750,000  
10           (5) Multimodal Transportation Account--State  
11 Appropriation: For transfer to the Puget Sound  
12 Ferry Operations Account--State . . . . . \$20,000,000  
13           (6) Waste Tire Removal Account--State Appropriation:  
14 For transfer to the Motor Vehicle Account--State . . . . . \$6,800,000  
15           (7) Highway Safety Account--State Appropriation:  
16 For transfer to the Multimodal Transportation  
17 Account--State . . . . . \$15,000,000  
18           (8) Department of Licensing Services Account--State  
19 Appropriation: For transfer to the Motor Vehicle  
20 Account--State . . . . . \$1,500,000  
21           (9) State Patrol Highway Account--State Appropriation:  
22 For transfer to the Motor Vehicle Account--State . . . . . \$10,000,000  
23           (10) Motor Vehicle Account--State Appropriation:  
24 For transfer to the High Occupancy Toll Lanes Operations  
25 Account . . . . . \$1,000,000  
26           (11) Advanced Right-of-Way Account: For transfer  
27 to the Motor Vehicle Account--State . . . . . \$14,000,000  
28           (12) Regional Mobility Grant Program Account--State  
29 Appropriation: For transfer to the Multimodal  
30 Transportation Account--State . . . . . \$30,000,000  
31           (13) Multimodal Transportation Account--State  
32 Appropriation: For transfer to the Puget Sound Capital  
33 Construction Account--State . . . . . \$1,500,000

34           The transfers identified in this section are subject to the  
35 following conditions and limitations: The amount transferred in  
36 subsection (1) of this section represents repayment of operating loans  
37 and reserve payments provided to the Tacoma Narrows toll bridge account  
38 from the motor vehicle account in the 2005-07 fiscal biennium.



1 Department of Licensing Services Account--State . . . . . (\$30,000)  
2 Multimodal Transportation Account--State . . . . . (\$138,000)  
3 Tacoma Narrows Toll Bridge Account--State . . . . . (\$24,000)

4 Appropriations are adjusted to reflect changes to appropriations to  
5 reflect savings resulting from pension funding. The office of  
6 financial management shall update agency appropriations schedules to  
7 reflect the changes to funding levels in this section as identified by  
8 agency and fund in LEAP document Z9-2009.

9 NEW SECTION. **Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT--**  
10 **REVISED EMPLOYER HEALTH BENEFIT RATES**

11 Aeronautics Account--State . . . . . \$14,000  
12 State Patrol Highway Account--State . . . . . \$2,409,000  
13 Motorcycle Safety Education Account--State . . . . . \$9,000  
14 Puget Sound Capital Construction--State . . . . . \$134,000  
15 High Occupancy Toll Lanes Operations Account--State . . . . . \$8,000  
16 Rural Arterial Trust Account--State . . . . . \$6,000  
17 Wildlife Account--State . . . . . \$6,000  
18 Highway Safety Account--State . . . . . \$1,011,000  
19 Highway Safety Account--Federal . . . . . \$22,000  
20 Motor Vehicle Account--State . . . . . \$7,783,000  
21 Puget Sound Ferry Operations Account--State . . . . . \$2,054,000  
22 Urban Arterial Trust Account--State . . . . . \$8,000  
23 Transportation Improvement Account--State . . . . . \$8,000  
24 County Arterial Preservation Account--State . . . . . \$6,000  
25 Department of Licensing Services Account--State . . . . . \$12,000  
26 Multimodal Transportation Account--State . . . . . \$68,000  
27 Tacoma Narrows Toll Bridge Account--State . . . . . \$12,000

28 Appropriations are adjusted to reflect changes to appropriations to  
29 reflect changes in the employer cost of providing health benefit  
30 coverage. The office of financial management shall update agency  
31 appropriations schedules to reflect the changes to funding levels in  
32 this section as identified by agency and fund in LEAP document 6M-2009.

33 **IMPLEMENTING PROVISIONS**

1            NEW SECTION.    **Sec. 601.    INFORMATION SYSTEMS PROJECTS.**    Agencies

2 shall comply with the following requirements regarding information  
3 systems projects when specifically directed to do so by this act.

4            (1) Agency planning and decisions concerning information technology  
5 shall be made in the context of its information technology portfolio.  
6 "Information technology portfolio" means a strategic management  
7 approach in which the relationships between agency missions and  
8 information technology investments can be seen and understood, such  
9 that: Technology efforts are linked to agency objectives and business  
10 plans; the impact of new investments on existing infrastructure and  
11 business functions are assessed and understood before implementation;  
12 and agency activities are consistent with the development of an  
13 integrated, nonduplicative statewide infrastructure.

14            (2) Agencies shall use their information technology portfolios in  
15 making decisions on matters related to the following:

16            (a) System refurbishment, acquisitions, and development efforts;

17            (b) Setting goals and objectives for using information technology  
18 in meeting legislatively-mandated missions and business needs;

19            (c) Assessment of overall information processing performance,  
20 resources, and capabilities;

21            (d) Ensuring appropriate transfer of technological expertise for  
22 the operation of any new systems developed using external resources;  
23 and

24            (e) Progress toward enabling electronic access to public  
25 information.

26            (3) Each project will be planned and designed to take optimal  
27 advantage of Internet technologies and protocols. Agencies shall  
28 ensure that the project is in compliance with the architecture,  
29 infrastructure, principles, policies, and standards of digital  
30 government as maintained by the information services board.

31            (4) The agency shall produce a feasibility study for information  
32 technology projects at the direction of the information services board  
33 and in accordance with published department of information services  
34 policies and guidelines. At a minimum, such studies shall include a  
35 statement of: (a) The purpose or impetus for change; (b) the business  
36 value to the agency, including an examination and evaluation of  
37 benefits, advantages, and cost; (c) a comprehensive risk assessment  
38 based on the proposed project's impact on both citizens and state

1 operations, its visibility, and the consequences of doing nothing; (d)  
2 the impact on agency and statewide information infrastructure; and (e)  
3 the impact of the proposed enhancements to an agency's information  
4 technology capabilities on meeting service delivery demands.

5 (5) The agency shall produce a comprehensive management plan for  
6 each project. The plan or plans shall address all factors critical to  
7 successful completion of each project. The plan(s) shall include, but  
8 is not limited to, the following elements: A description of the  
9 problem or opportunity that the information technology project is  
10 intended to address; a statement of project objectives and assumptions;  
11 a definition and schedule of phases, tasks, and activities to be  
12 accomplished; and the estimated cost of each phase. The planning for  
13 the phased approach shall be such that the business case justification  
14 for a project needs to demonstrate how the project recovers cost or  
15 adds measurable value or positive cost benefit to the agency's business  
16 functions within each development cycle.

17 (6) The agency shall produce quality assurance plans for  
18 information technology projects. Consistent with the direction of the  
19 information services board and the published policies and guidelines of  
20 the department of information services, the quality assurance plan  
21 shall address all factors critical to successful completion of the  
22 project and successful integration with the agency and state  
23 information technology infrastructure. At a minimum, quality assurance  
24 plans shall provide time and budget benchmarks against which project  
25 progress can be measured, a specification of quality assurance  
26 responsibilities, and a statement of reporting requirements. The  
27 quality assurance plans shall set out the functionality requirements  
28 for each phase of a project.

29 (7) A copy of each feasibility study, project management plan, and  
30 quality assurance plan shall be provided to the department of  
31 information services, the office of financial management, and  
32 legislative fiscal committees. The plans and studies shall demonstrate  
33 a sound business case that justifies the investment of taxpayer funds  
34 on any new project, an assessment of the impact of the proposed system  
35 on the existing information technology infrastructure, the disciplined  
36 use of preventative measures to mitigate risk, and the leveraging of  
37 private-sector expertise as needed. Authority to expend any funds for  
38 individual information systems projects is conditioned on the approval

1 of the relevant feasibility study, project management plan, and quality  
2 assurance plan by the department of information services and the office  
3 of financial management.

4 (8) Quality assurance status reports shall be submitted to the  
5 department of information services, the office of financial management,  
6 and legislative fiscal committees at intervals specified in the  
7 project's quality assurance plan.

8 NEW SECTION. **Sec. 602.** Due to the state of the economy affecting  
9 state budgets, the state is reviewing agency spending plans to identify  
10 areas in which new technologies can be applied to achieve greater  
11 efficiencies, economies of scale, and save the state money.  
12 Information technology and communications is an area where the state  
13 can save millions of dollars, if managed well. If information  
14 technology and communications are managed poorly, by not planning  
15 effectively and taking advantage of new capabilities, this can also  
16 cost the state millions of dollars.

17 By July 1, 2009, each transportation agency is required to begin  
18 implementing a holistic virtualization strategy to take advantage of  
19 information technology infrastructure savings in the areas of capital  
20 and operating costs at the server, desktop, network, data storage,  
21 business continuance, and disaster recovery levels. This includes a  
22 disaster recovery strategy and roadmap, a unified storage strategy, a  
23 network infrastructure plan, and a centralized management plan for  
24 servers and applications. The business needs, business strategy, and  
25 mission of each agency must be tied to the technical strategy,  
26 including the completion of an impact analysis showing a quantifiable  
27 return on investment analysis for cost savings/avoidance.

28 By July 1, 2009, due to the large increase in networks to move an  
29 increasingly large amount of data, transportation agencies are to begin  
30 implementing wide area network optimization technologies to improve  
31 application performance while decreasing continuing requests for  
32 additional bandwidth and save the state money.

33 By January 1, 2010, each transportation agency shall have a plan  
34 and begin its implementation for moving from legacy communication  
35 systems that are outdated and costly and implement new voice over  
36 internet protocol communications systems. Each agency is required to  
37 begin implementing a holistic communications and collaboration strategy

1 to take advantage of information technology infrastructure savings in  
2 the areas of capital and operating costs, decrease statewide  
3 communication costs, and increase communications and collaboration  
4 capabilities.

5 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation  
6 2003 projects or improvements and the 2005 transportation partnership  
7 projects or improvements are listed in LEAP Transportation Document  
8 2009-1, which consists of a list of specific projects by fund source  
9 and amount over a sixteen year period. Current fiscal biennium funding  
10 for each project is a line item appropriation, while the outer year  
11 funding allocations represent a sixteen year plan. The department is  
12 expected to use the flexibility provided in this section to assist in  
13 the delivery and completion of all transportation partnership account  
14 and transportation 2003 (nickel) account projects on the LEAP lists  
15 referenced in this act. For the 2009-11 project appropriations, unless  
16 otherwise provided in this act, the director of financial management  
17 may authorize a transfer of appropriation authority between projects  
18 funded with transportation 2003 account (nickel account)  
19 appropriations, transportation partnership account appropriations, or  
20 multimodal transportation account appropriations, in order to manage  
21 project spending and efficiently deliver all projects in the respective  
22 program under the following conditions and limitations:

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

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

28 (c) Each transfer between projects may only occur if the director  
29 of financial management finds that any resulting change will not hinder  
30 the completion of the projects as approved by the legislature;

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

34 (e) Transfers may not occur to projects not identified on the  
35 applicable project list; and

36 (f) Transfers may not be made while the legislature is in session.

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

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

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

14 NEW SECTION. **Sec. 604. MEGA-PROJECT REPORTING.** Mega-projects are  
15 defined as individual or groups of related projects that cost  
16 \$1,000,000,000 or more. These projects include, but are not limited  
17 to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane  
18 corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office  
19 of financial management shall track mega-projects and report the  
20 financial status and schedule of these projects at least once a year to  
21 the transportation committees of the legislature. The design of mega-  
22 projects must be evaluated considering cost, capacity, safety, mobility  
23 needs, and how well the design of the facility fits within its urban  
24 environment.

25 NEW SECTION. **Sec. 605.** Executive Order number 05-05,  
26 archaeological and cultural resources, was issued effective November  
27 10, 2005. Agencies and higher education institutions that issue grants  
28 or loans for capital projects shall comply with the requirements set  
29 forth in this executive order.

30 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

31 **Sec. 701.** RCW 46.68.170 and 2007 c 518 s 701 are each amended to  
32 read as follows:

33 There is hereby created in the motor vehicle fund the RV account.

1 All moneys hereafter deposited in said account shall be used by the  
2 department of transportation for the construction, maintenance, and  
3 operation of recreational vehicle sanitary disposal systems at safety  
4 rest areas in accordance with the department's highway system plan as  
5 prescribed in chapter 47.06 RCW. During the (~~2005-2007 and~~) 2007-  
6 2009 and 2009-2011 fiscal biennia, the legislature may transfer from  
7 the RV account to the motor vehicle fund such amounts as reflect the  
8 excess fund balance of the RV account.

9 **Sec. 702.** RCW 47.29.170 and 2007 c 518 s 702 are each amended to  
10 read as follows:

11 Before accepting any unsolicited project proposals, the commission  
12 must adopt rules to facilitate the acceptance, review, evaluation, and  
13 selection of unsolicited project proposals. These rules must include  
14 the following:

15 (1) Provisions that specify unsolicited proposals must meet  
16 predetermined criteria;

17 (2) Provisions governing procedures for the cessation of  
18 negotiations and consideration;

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

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

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

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

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

36 (c) Procedures for what will happen if there are insufficient

1 proposals submitted or if there are no letters of interest submitted in  
2 the appropriate time frame.

3 The commission may adopt other rules as necessary to avoid  
4 conflicts with existing laws, statutes, or contractual obligations of  
5 the state.

6 The commission may not accept or consider any unsolicited proposals  
7 before July 1, (~~2009~~) 2011.

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

22 **Sec. 704.** RCW 46.16.685 and 2007 c 518 s 704 are each amended to  
23 read as follows:

24 The license plate technology account is created in the state  
25 treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be  
26 deposited into this account. Expenditures from this account must  
27 support current and future license plate technology and systems  
28 integration upgrades for both the department and correctional  
29 industries. Moneys in the account may be spent only after  
30 appropriation. Additionally, the moneys in this account may be used to  
31 reimburse the motor vehicle account for any appropriation made to  
32 implement the digital license plate system. During the 2007-2009 and  
33 2009-2011 fiscal (~~biennium~~) biennia, the legislature may transfer  
34 from the license plate technology account to the multimodal  
35 transportation account such amounts as reflect the excess fund balance  
36 of the license plate technology account.

1           **Sec. 705.** RCW 47.01.380 and 2006 c 311 s 26 are each amended to  
2 read as follows:

3           The department shall not commence construction on any part of the  
4 state route number 520 bridge replacement and HOV project until a  
5 record of decision has been reached providing reasonable assurance that  
6 project impacts will be avoided, minimized, or mitigated as much as  
7 practicable to protect against further adverse impacts on neighborhood  
8 environmental quality as a result of repairs and improvements made to  
9 the state route number 520 bridge and its connecting roadways, and that  
10 any such impacts will be addressed through engineering design choices,  
11 mitigation measures, or a combination of both. The requirements of  
12 this section shall not apply to off-site pontoon construction  
13 supporting the state route number 520 bridge replacement and HOV  
14 project. The requirements of this section shall not apply during the  
15 2009-2011 fiscal biennium.

16           **Sec. 706.** RCW 47.01.390 and 2007 c 518 s 705 are each amended to  
17 read as follows:

18           (1) Prior to commencing construction on either project, the  
19 department of transportation must complete all of the following  
20 requirements for both the Alaskan Way viaduct and Seattle Seawall  
21 replacement project, and the state route number 520 bridge replacement  
22 and HOV project: (a) In accordance with the national environmental  
23 policy act, the department must designate the preferred alternative,  
24 prepare a substantial project mitigation plan, and complete a  
25 comprehensive cost estimate review using the department's cost estimate  
26 validation process, for each project; (b) in accordance with all  
27 applicable federal highway administration planning and project  
28 management requirements, the department must prepare a project finance  
29 plan for each project that clearly identifies secured and anticipated  
30 fund sources, cash flow timing requirements, and project staging and  
31 phasing plans if applicable; and (c) the department must report these  
32 results for each project to the joint transportation committee.

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

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

3 (4) The requirements of subsection (1) of this section shall not  
4 apply during the 2009-2011 fiscal biennium.

5 **Sec. 707.** RCW 47.60.395 and 2007 c 512 s 15 are each amended to  
6 read as follows:

7 (1) The joint legislative audit and review committee shall assess  
8 and report as follows:

9 (a) Audit the implementation of the cost allocation methodology  
10 evaluated under [section 205,] chapter 518, Laws of 2007, as it exists  
11 on July 22, 2007, assessing whether actual costs are allocated  
12 consistently with the methodology, whether there are sufficient  
13 internal controls to ensure proper allocation, and the adequacy of  
14 staff training; and

15 (b) Review the assignment of preservation costs and improvement  
16 costs for fiscal year 2009 to determine whether:

17 (i) The costs are capital costs;

18 (ii) The costs meet the statutory requirements for preservation  
19 activities and for improvement activities; and

20 (iii) Improvement costs are within the scope of legislative  
21 appropriations.

22 (2) The report on the evaluations in this section is due by January  
23 31, 2010.

24 (3) This section expires December 31, 2010.

25 (4) The requirements of this section shall not apply during the  
26 2009-11 fiscal biennium.

27 **Sec. 708.** RCW 88.16.090 and 2008 c 128 s 4 are each amended to  
28 read as follows:

29 (1) A person may pilot any vessel subject to this chapter on waters  
30 covered by this chapter only if licensed to pilot such vessels on such  
31 waters under this chapter.

32 (2)(a) A person is eligible to be licensed as a pilot or a pilot  
33 trainee if the person:

34 (i) Is a citizen of the United States;

35 (ii) Is over the age of twenty-five years and under the age of  
36 seventy years;

1 (iii)(A) Holds at the time of application, as a minimum, a United  
2 States government license as master of steam or motor vessels of not  
3 more than one thousand six hundred gross register tons (three thousand  
4 international tonnage convention tons) upon oceans, near coastal  
5 waters, or inland waters; or the then most equivalent federal license  
6 as determined by the board; any such license to have been held by the  
7 applicant for a period of at least two years before application;

8 (B) Holds at the time of licensure as a pilot, after successful  
9 completion of the board-required training program, a first class United  
10 States endorsement without restrictions on the United States government  
11 license for the pilotage district in which the pilot applicant desires  
12 to be licensed; however, all applicants for a pilot examination  
13 scheduled to be given before July 1, 2008, must have the United States  
14 pilotage endorsement at the time of application; and

15 (C) The board may require that applicants and pilots have federal  
16 licenses and endorsements as it deems appropriate; and

17 (iv) Successfully completes a board-specified training program.

18 (b) In addition to the requirements of (a) of this subsection, a  
19 pilot applicant must meet such other qualifications as may be required  
20 by the board.

21 (c) A person applying for a license under this section shall not  
22 have been convicted of an offense involving drugs or the personal  
23 consumption of alcohol in the twelve months prior to the date of  
24 application. This restriction does not apply to license renewals under  
25 this section.

26 (3) The board may establish such other training license and pilot  
27 license requirements as it deems appropriate.

28 (4) Pilot applicants shall be evaluated and may be ranked for entry  
29 into a board-specified training program in a manner specified by the  
30 board based on their performance on a written examination or  
31 examinations established by the board, performance on other evaluation  
32 exercises as may be required by the board, and other criteria or  
33 qualifications as may be set by the board.

34 When the board determines that the demand for pilots requires entry  
35 of an applicant into the training program it shall issue a training  
36 license to that applicant, but under no circumstances may an applicant  
37 be issued a training license more than four years after taking the

1 written entry examination. The training license authorizes the trainee  
2 to do such actions as are specified in the training program.

3 After the completion of the training program the board shall  
4 evaluate the trainee's performance and knowledge. The board, as it  
5 deems appropriate, may then issue a pilot license, delay the issuance  
6 of the pilot license, deny the issuance of the pilot license, or  
7 require further training and evaluation.

8 (5) The board may (a) appoint a special independent committee or  
9 (b) contract with private or governmental entities knowledgeable and  
10 experienced in the development, administration, and grading of  
11 licensing examinations or simulator evaluations for marine pilots, or  
12 (c) do both. Active, licensed pilots designated by the board may  
13 participate in the development, administration, and grading of  
14 examinations and other evaluation exercises. If the board does appoint  
15 a special examination or evaluation development committee, it is  
16 authorized to pay the members of the committee the same compensation  
17 and travel expenses as received by members of the board. Any person  
18 who willfully gives advance knowledge of information contained on a  
19 pilot examination or other evaluation exercise is guilty of a gross  
20 misdemeanor.

21 (6) This subsection applies to the review of a pilot applicant's  
22 written examinations and evaluation exercises to qualify to be placed  
23 on a waiting list to become a pilot trainee. Failure to comply with  
24 the process set forth in this subsection renders the results of the  
25 pilot applicant's written examinations and evaluation exercises final.  
26 A pilot applicant may seek board review, administrative review, and  
27 judicial review of the results of the written examinations and  
28 evaluation exercises in the following manner:

29 (a) A pilot applicant who seeks a review of the results of his or  
30 her written examinations or evaluation exercises must request from the  
31 board-appointed or board-designated examination committee an  
32 administrative review of the results of his or her written examinations  
33 or evaluation exercises as set forth by board rule.

34 (b) The determination of the examination committee's review of a  
35 pilot applicant's examination results becomes final after thirty days  
36 from the date of service of written notification of the committee's  
37 determination unless a full adjudicative hearing before an

1 administrative law judge has been requested by the pilot applicant  
2 before the thirty-day period has expired, as set forth by board rule.

3 (c) When a full adjudicative hearing has been requested by the  
4 pilot applicant, the board shall request the appointment of an  
5 administrative law judge under chapter 34.12 RCW who has sufficient  
6 experience and familiarity with pilotage matters to be able to conduct  
7 a fair and impartial hearing. The hearing shall be governed by chapter  
8 34.05 RCW. The administrative law judge shall issue an initial order.

9 (d) The initial order of the administrative law judge is final  
10 unless within thirty days of the date of service of the initial order  
11 the board or pilot applicant requests review of the initial order under  
12 chapter 34.05 RCW.

13 (e) The board may appoint a person to review the initial order and  
14 to prepare and enter a final order as governed by chapter 34.05 RCW and  
15 as set forth by board rule. The person appointed by the board under  
16 this subsection (6)(e) is called the board reviewing officer.

17 (7) Pilots are licensed under this section for a term of five years  
18 from and after the date of the issuance of their respective state  
19 licenses. Licenses must thereafter be renewed as a matter of course,  
20 unless the board withholds the license for good cause. Each pilot  
21 shall pay to the state treasurer an annual license fee in an amount set  
22 by the board by rule. Pursuant to RCW 43.135.055, the fees established  
23 under this subsection may be increased (~~((in excess of the fiscal growth~~  
24 ~~factor as provided in RCW 43.135.055))~~) through the fiscal year ending  
25 June 30, ~~((2009))~~ 2011. The fees must be deposited in the pilotage  
26 account. The board may assess partially active or inactive pilots a  
27 reduced fee.

28 (8) All pilots and pilot trainees are subject to an annual physical  
29 examination by a physician chosen by the board. The physician shall  
30 examine the pilot's or pilot trainee's heart, blood pressure,  
31 circulatory system, lungs and respiratory system, eyesight, hearing,  
32 and such other items as may be prescribed by the board. After  
33 consultation with a physician and the United States coast guard, the  
34 board shall establish minimum health standards to ensure that pilots  
35 and pilot trainees licensed by the state are able to perform their  
36 duties. Within ninety days of the date of each annual physical  
37 examination, and after review of the physician's report, the board  
38 shall make a determination of whether the pilot or pilot trainee is

1 fully able to carry out the duties of a pilot or pilot trainee under  
2 this chapter. The board may in its discretion check with the  
3 appropriate authority for any convictions of or information regarding  
4 offenses by a licensed pilot or pilot trainee involving drugs or the  
5 personal consumption of alcohol in the prior twelve months.

6 (9) The board may require vessel simulator training for a pilot  
7 trainee and shall require vessel simulator training for a licensed  
8 pilot subject to RCW 88.16.105. The board shall also require vessel  
9 simulator training in the first year of active duty for a new pilot and  
10 at least once every five years for all active pilots.

11 (10) The board shall prescribe, pursuant to chapter 34.05 RCW, such  
12 reporting requirements and review procedures as may be necessary to  
13 assure the accuracy and validity of license and service claims.  
14 Willful misrepresentation of such required information by a pilot  
15 applicant shall result in disqualification of the pilot applicant.

16 **Sec. 709.** RCW 47.12.244 and 2007 c 518 s 707 are each amended to  
17 read as follows:

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

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

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

28 (3) Any federal moneys available for acquisition of right-of-way  
29 for future construction under the provisions of section 108 of Title  
30 23, United States Code.

31 ((+4)) During the ((2007-09)) 2007-2009 and 2009-2011 fiscal  
32 ((biennium)) biennia, the legislature may transfer from the advance  
33 right-of-way revolving fund to the motor vehicle account amounts as  
34 reflect the excess fund balance of the advance right-of-way revolving  
35 fund.

1       **Sec. 710.** RCW 70.95.521 and 2007 c 518 s 708 are each amended to  
2 read as follows:

3       The waste tire removal account is created in the state treasury.  
4 All receipts from tire fees imposed under RCW 70.95.510 must be  
5 deposited in the account. Moneys in the account may be spent only  
6 after appropriation. Expenditures from the account may be used for the  
7 cleanup of unauthorized waste tire piles and measures that prevent  
8 future accumulation of unauthorized waste tire piles. During the 2007-  
9 2009 and 2009-2011 fiscal (~~biennium~~) biennia, the legislature may  
10 transfer from the waste tire removal account to the motor vehicle fund  
11 such amounts as reflect the excess fund balance of the waste tire  
12 removal account.

13       **Sec. 711.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read  
14 as follows:

15       (1) The creation of the board does not in any way preclude the  
16 authority of the legislature to independently propose and enact special  
17 license plate legislation.

18       (2) The board must review and either approve or reject special  
19 license plate applications submitted by sponsoring organizations.

20       (3) Duties of the board include but are not limited to the  
21 following:

22       (a) Review and approve the annual financial reports submitted by  
23 sponsoring organizations with active special license plate series and  
24 present those annual financial reports to the senate and house  
25 transportation committees;

26       (b) Report annually to the senate and house transportation  
27 committees on the special license plate applications that were  
28 considered by the board;

29       (c) Issue approval and rejection notification letters to sponsoring  
30 organizations, the department, the chairs of the senate and house of  
31 representatives transportation committees, and the legislative sponsors  
32 identified in each application. The letters must be issued within  
33 seven days of making a determination on the status of an application;

34       (d) Review annually the number of plates sold for each special  
35 license plate series created after January 1, 2003. The board may  
36 submit a recommendation to discontinue a special plate series to the

1 chairs of the senate and house of representatives transportation  
2 committees;

3 (e) Provide policy guidance and directions to the department  
4 concerning the adoption of rules necessary to limit the number of  
5 special license plates that an organization or a governmental entity  
6 may apply for.

7 (4) Except as provided in chapter 72, Laws of 2008, in order to  
8 assess the effects and impact of the proliferation of special license  
9 plates, the legislature declares a temporary moratorium on the issuance  
10 of any additional plates until July 1, (~~2009~~) 2011. During this  
11 period of time, the special license plate review board created in RCW  
12 46.16.705 and the department of licensing are prohibited from  
13 accepting, reviewing, processing, or approving any applications.  
14 Additionally, no special license plate may be enacted by the  
15 legislature during the moratorium, unless the proposed license plate  
16 has been approved by the board before February 15, 2005.

17 **Sec. 712.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to  
18 read as follows:

19 There is hereby created in the state treasury a fund to be known as  
20 the highway safety fund to the credit of which shall be deposited all  
21 moneys directed by law to be deposited therein. This fund shall be  
22 used for carrying out the provisions of law relating to driver  
23 licensing, driver improvement, financial responsibility, cost of  
24 furnishing abstracts of driving records and maintaining such case  
25 records, and to carry out the purposes set forth in RCW 43.59.010.  
26 During the (~~2005-2007 and~~) 2007-2009 and 2009-2011 fiscal biennia,  
27 the legislature may transfer from the highway safety fund to the motor  
28 vehicle fund and the multimodal transportation account such amounts as  
29 reflect the excess fund balance of the highway safety fund.

30 **Sec. 713.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to  
31 read as follows:

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

34 (a) The appropriate local legislative authority must first enact an  
35 ordinance allowing for their use to detect one or more of the  
36 following: Stoplight, railroad crossing, or school speed zone

1 violations. At a minimum, the local ordinance must contain the  
2 restrictions described in this section and provisions for public notice  
3 and signage. Cities and counties using automated traffic safety  
4 cameras before July 24, 2005, are subject to the restrictions described  
5 in this section, but are not required to enact an authorizing  
6 ordinance.

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

10 (c) During the 2009-2011 fiscal biennium, automated traffic safety  
11 cameras may be used to detect speed violations for the purposes of  
12 section 201(1) of this act if the local legislative authority first  
13 enacts an ordinance authorizing the use of cameras to detect speed  
14 violations.

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

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

35 ((+e)) (f) The registered owner of a vehicle is responsible for an  
36 infraction under RCW 46.63.030(1)(e) unless the registered owner  
37 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
38 car business, satisfies the conditions under subsection (3) of this

1 section. If appropriate under the circumstances, a renter identified  
2 under subsection (3)(a) of this section is responsible for an  
3 infraction.

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

13 ~~((g))~~ (h) All locations where an automated traffic safety camera  
14 is used must be clearly marked by placing signs in locations that  
15 clearly indicate to a driver that he or she is entering a zone where  
16 traffic laws are enforced by an automated traffic safety camera.

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

24 (2) Infractions detected through the use of automated traffic  
25 safety cameras are not part of the registered owner's driving record  
26 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
27 by the use of automated traffic safety cameras under this section shall  
28 be processed in the same manner as parking infractions, including for  
29 the purposes of RCW ~~((3.46.120,))~~ 3.50.100, 35.20.220, 46.16.216, and  
30 46.20.270(3). However, the amount of the fine issued for an infraction  
31 generated through the use of an automated traffic safety camera shall  
32 not exceed the amount of a fine issued for other parking infractions  
33 within the jurisdiction.

34 (3) If the registered owner of the vehicle is a rental car  
35 business, the law enforcement agency shall, before a notice of  
36 infraction being issued under this section, provide a written notice to  
37 the rental car business that a notice of infraction may be issued to

1 the rental car business if the rental car business does not, within  
2 eighteen days of receiving the written notice, provide to the issuing  
3 agency by return mail:

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

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

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

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

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

21 (5) For the purposes of this section, "automated traffic safety  
22 camera" means a device that uses a vehicle sensor installed to work in  
23 conjunction with an intersection traffic control system, a railroad  
24 grade crossing control system, or a speed measuring device, and a  
25 camera synchronized to automatically record one or more sequenced  
26 photographs, microphotographs, or electronic images of the rear of a  
27 motor vehicle at the time the vehicle fails to stop when facing a  
28 steady red traffic control signal or an activated railroad grade  
29 crossing control signal, or exceeds a speed limit in a school speed  
30 zone as detected by a speed measuring device. During the 2009-2011  
31 fiscal biennium, an automated traffic safety camera includes a camera  
32 used to detect speed violations for the purposes of section 201(1) of  
33 this act.

34 **Sec. 714.** RCW 46.68.220 and 2009 c 8 s 503 are each amended to  
35 read as follows:

36 The department of licensing services account is created in the  
37 motor vehicle fund. All receipts from service fees received under RCW

1 46.01.140(4)(b) shall be deposited into the account. Moneys in the  
2 account may be spent only after appropriation. Expenditures from the  
3 account may be used only for information and service delivery systems  
4 for the department, and for reimbursement of county licensing  
5 activities. During the 2007-2009 and 2009-2011 fiscal (~~biennium~~)  
6 biennia, the legislature may transfer from the department of licensing  
7 services account such amounts as reflect the excess fund balance of the  
8 account.

9 **MISCELLANEOUS**

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

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

(End of bill)

INDEX	PAGE #
COUNTY ROAD ADMINISTRATION BOARD . . . . .	5, 29
DEPARTMENT OF AGRICULTURE . . . . .	3
DEPARTMENT OF LICENSING . . . . .	10
TRANSFERS . . . . .	50
DEPARTMENT OF TRANSPORTATION . . . . .	30
AVIATION--PROGRAM F . . . . .	14
CHARGES FROM OTHER AGENCIES--PROGRAM U . . . . .	22
ECONOMIC PARTNERSHIPS--PROGRAM K . . . . .	16
FACILITIES--PROGRAM D--OPERATING . . . . .	14
HIGHWAY MAINTENANCE--PROGRAM M . . . . .	16
IMPROVEMENTS--PROGRAM I . . . . .	31
INFORMATION TECHNOLOGY--PROGRAM C . . . . .	13
LOCAL PROGRAMS--PROGRAM Z--CAPITAL . . . . .	46
LOCAL PROGRAMS--PROGRAM Z--OPERATING . . . . .	28
MARINE--PROGRAM X . . . . .	26
PRESERVATION--PROGRAM P . . . . .	37
PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL . . . . .	30
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H . . . . .	15
PUBLIC TRANSPORTATION--PROGRAM V . . . . .	23
RAIL--PROGRAM Y--OPERATING . . . . .	28
RAIL--PROGRAM Y--CAPITAL . . . . .	42
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B . . . . .	12
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL . . . . .	40
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING . . . . .	18
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S . . . . .	20
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T . . . . .	20
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W . . . . .	40
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD . . . . .	7
INFORMATION SYSTEMS PROJECTS . . . . .	54
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE . . . . .	3
JOINT TRANSPORTATION COMMITTEE . . . . .	6
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE . . . . .	3
MARINE EMPLOYEES COMMISSION . . . . .	3
OFFICE FINANCIAL MANAGEMENT	
REVISED EMPLOYER HEALTH BENEFIT RATES . . . . .	53
REVISED PENSION CONTRIBUTION RATES . . . . .	52

OFFICE OF FINANCIAL MANAGEMENT . . . . .	2
STATE PARKS AND RECREATION COMMISSION . . . . .	3
STATE TREASURER	
ADMINISTRATIVE TRANSFERS . . . . .	50
BOND RETIREMENT AND INTEREST . . . . .	49, 50
STATE REVENUES FOR DISTRIBUTION . . . . .	50
TRANSFERS . . . . .	50
STATUTORY APPROPRIATIONS . . . . .	52
TRANSPORTATION COMMISSION . . . . .	6
TRANSPORTATION IMPROVEMENT BOARD . . . . .	5, 29
UTILITIES AND TRANSPORTATION COMMISSION . . . . .	2
WASHINGTON STATE PATROL . . . . .	28
FIELD OPERATIONS BUREAU . . . . .	7
TECHNICAL SERVICES BUREAU . . . . .	9
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU . . . . .	9
WASHINGTON TRAFFIC SAFETY COMMISSION . . . . .	4

--- END ---