
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-3031.E/09

ATTY/TYPIST: BP:ean

BRIEF DESCRIPTION:

ESSB 5352 - H AMD

By Representative Clibborn

ADOPTED AND ENGROSSED 4/9/09

1 Strike everything after the enacting clause and insert the
2 following:

3 "2009-11 FISCAL BIENNIUM

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

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

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

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

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

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

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

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

1 (g) "LEAP" means the legislative evaluation and accountability
2 program committee.

3 **GENERAL GOVERNMENT AGENCIES--OPERATING**

4 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
5 **HISTORIC PRESERVATION**

6 Motor Vehicle Account--State Appropriation \$422,000

7 The appropriation in this section is subject to the following
8 conditions and limitations: The entire appropriation is provided
9 solely for staffing costs to be dedicated to state transportation
10 activities. Staff hired to support transportation activities must have
11 practical experience with complex construction projects.

12 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
13 **COMMISSION**

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

15 NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

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

17 Puget Sound Ferry Operations Account--State
18 Appropriation \$100,000

19 TOTAL APPROPRIATION \$3,469,000

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

22 (1) \$1,699,000 of the motor vehicle account--state appropriation is
23 provided solely for the office of regulatory assistance integrated
24 permitting project.

25 (2) \$1,004,000 of the motor vehicle account--state appropriation is
26 provided solely for the continued maintenance and support of the
27 transportation executive information system. Of the amount provided in
28 this subsection, \$502,000 is for two existing FTEs at the department of
29 transportation to maintain and support the system.

30 NEW SECTION. **Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION**

31 Puget Sound Ferry Operations Account--State
32 Appropriation \$446,000

1 NEW SECTION. **Sec. 105. FOR THE STATE PARKS AND RECREATION**
2 **COMMISSION**

3 Motor Vehicle Account--State Appropriation \$986,000

4 The appropriation in this section is subject to the following
5 conditions and limitations: The entire appropriation in this section
6 is provided solely for road maintenance purposes.

7 NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE**

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

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

11 (1) \$351,000 of the motor vehicle account--state appropriation is
12 provided solely for costs associated with the motor fuel quality
13 program.

14 (2) \$1,004,000 of the motor vehicle account--state appropriation is
15 provided solely to test the quality of biofuel. The department must
16 test fuel quality at the biofuel manufacturer, distributor, and
17 retailer.

18 NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND**
19 **ACCOUNTABILITY PROGRAM COMMITTEE**

20 Motor Vehicle Account--State Appropriation \$502,000

21 NEW SECTION. **Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**
22 **COMMITTEE**

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

28 (a) Costs assigned to capital accounts to determine whether they
29 are capital costs that meet the statutory requirements for preservation
30 and improvement activities and whether they are within the scope of
31 legislative appropriations;

32 (b) Implementation of the life-cycle cost model required under RCW
33 47.60.345 to determine if it was developed as required and is
34 maintained and updated when asset inspections are made; and

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

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

19 **TRANSPORTATION AGENCIES--OPERATING**

20 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
21 **COMMISSION**

22	Highway Safety Account--State Appropriation	\$2,542,000
23	Highway Safety Account--Federal Appropriation	\$16,540,000
24	School Zone Safety Account--State Appropriation	\$3,340,000
25	TOTAL APPROPRIATION	\$22,422,000

26 The appropriations in this section are subject to the following
27 conditions and limitations: \$2,670,000 of the highway safety account--
28 federal appropriation is provided solely for a target zero trooper
29 pilot program, which the commission shall develop and implement in
30 collaboration with the Washington state patrol. The pilot program must
31 demonstrate the effectiveness of intense, high visibility, driving
32 under the influence enforcement in Washington. The commission shall
33 apply to the national highway traffic safety administration for federal
34 highway safety grants to cover the cost of the pilot program. If the
35 pilot program is approved for funding by the national highway traffic
36 safety administration, and sufficient federal grants are received, the

1 commission shall provide grants to the Washington state patrol for the
2 purchase of twenty-one fully equipped patrol vehicles in fiscal year
3 2010, and up to twenty-four months of salaries and benefits for
4 eighteen troopers and three sergeants beginning in fiscal year 2011.
5 The legislature anticipates that an additional \$1,830,000 will be
6 appropriated from the highway safety account--federal in the 2011-13
7 fiscal biennium to conclude this pilot program.

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

9	Rural Arterial Trust Account--State Appropriation	\$920,000
10	Motor Vehicle Account--State Appropriation	\$2,129,000
11	County Arterial Preservation Account--State	
12	Appropriation	\$1,423,000
13	TOTAL APPROPRIATION	\$4,472,000

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

15	Urban Arterial Trust Account--State Appropriation	\$1,824,000
16	Transportation Improvement Account--State	
17	Appropriation	\$1,827,000
18	TOTAL APPROPRIATION	\$3,651,000

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

20	Motor Vehicle Account--State Appropriation	\$1,851,000
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21 The appropriation in this section is subject to the following
22 conditions and limitations:

23 (1) \$236,000 of the motor vehicle account--state appropriation is
24 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
25 analysis of mid-term and long-term transportation funding mechanisms
26 and methods. Elements of the study will include existing data and
27 trends, policy objectives, performance and evaluation criteria,
28 incremental transition strategies, and possibly, scaled testing.
29 Baseline data and methods assessment must be concluded by December 31,
30 2009. Performance criteria must be developed by June 30, 2010, and
31 recommended planning level alternative funding strategies must be
32 completed by December 31, 2010.

33 (2) \$200,000 of the motor vehicle account--state appropriation is
34 for the joint transportation committee to convene an independent expert
35 review panel to review the assumptions for toll operations costs used

1 by the department to model financial plans for tolled facilities. The
2 joint transportation committee shall provide a report to the house of
3 representatives and senate transportation committees by September 1,
4 2009.

5 (3) \$350,000 of the motor vehicle account--state appropriation is
6 for an independent analysis of methodologies to value the reversible
7 lanes on Interstate 90 to be used for high capacity transit pursuant to
8 sound transit proposition 1 approved by voters in November 2008. The
9 independent analysis shall be conducted by sound transit and the
10 department of transportation, using consultant resources deemed
11 appropriate by the secretary of the department, the chief executive
12 officer of sound transit, and the cochairs of the joint transportation
13 committee. It shall be conducted in consultation with the federal
14 transit and federal highway administrations and account for applicable
15 federal laws, regulations, and practices. It shall also account for
16 the 1976 Interstate 90 memorandum of agreement and subsequent 2004
17 amendment and the 1978 federal secretary of transportation's
18 environmental decision on Interstate 90. The department and sound
19 transit must provide periodic reports to the joint transportation
20 committee, the sound transit board of directors, and the governor, and
21 report final recommendations by September 1, 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 \$232,147,000
28 State Patrol Highway Account--Federal
29 Appropriation \$10,602,000
30 State Patrol Highway Account--Private/Local
31 Appropriation \$859,000
32 TOTAL APPROPRIATION \$243,608,000

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

35 (1) Washington state patrol officers engaged in off-duty uniformed
36 employment providing traffic control services to the department of

1 transportation or other state agencies may use state patrol vehicles
2 for the purpose of that employment, subject to guidelines adopted by
3 the chief of the Washington state patrol. The Washington state patrol
4 shall be reimbursed for the use of the vehicle at the prevailing state
5 employee rate for mileage and hours of usage, subject to guidelines
6 developed by the chief of the Washington state patrol.

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

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

18 (4) \$2,125,000 of the state patrol highway account--state
19 appropriation is provided solely for the Washington state patrol to
20 increase the enrollment in each of the academy classes to fifty-five
21 cadets during the 2009-11 fiscal biennium.

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

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

29 (7) The Washington state patrol shall assign necessary personnel
30 and equipment to implement and operate the pilot program described
31 under section 218(2) of this act using the portion of the automated
32 traffic safety camera fines deposited into the state patrol highway
33 account, but not to exceed \$370,000. If the fines deposited into the
34 state patrol highway account from automated traffic safety camera
35 infractions do not reach \$370,000, the department of transportation
36 shall remit funds necessary to the Washington state patrol to ensure
37 the completion of the pilot program.

1 NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--**
2 **INVESTIGATIVE SERVICES BUREAU**

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

4 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**
5 **TECHNICAL SERVICES BUREAU**

6 State Patrol Highway Account--State Appropriation \$104,137,000

7 State Patrol Highway Account--Private/Local

8 Appropriation \$2,008,000

9 TOTAL APPROPRIATION \$106,145,000

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

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

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

22 (3) \$8,638,000 of the total appropriation is provided solely for
23 the purchase of pursuit vehicles.

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

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

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

35 (7) \$800,000 of the state patrol highway account--state
36 appropriation is provided solely for the Washington state patrol to

1 increase the enrollment in each of the academy classes to fifty-five
2 cadets during the 2009-11 fiscal biennium.

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

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

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

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

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

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

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

1 (A) Taxpayer reporting and payment processes;
2 (B) The international fuel tax agreement;
3 (C) Proportional registration under the provisions of the
4 international registration plan and chapter 46.87 RCW;
5 (D) Computer systems;
6 (E) Best management practices and efficiencies;
7 (F) Costs; and
8 (G) Personnel matters;
9 (iii) Development of recommended actions to accomplish the
10 transfer; and
11 (iv) An implementation plan and schedule.

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

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

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

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

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

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

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

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

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

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

34 High Occupancy Toll Lanes Operations Account--State
35 Appropriation \$2,867,000
36 Motor Vehicle Account--State Appropriation \$585,000
37 Tacoma Narrows Toll Bridge Account--State

1	Appropriation	\$27,358,000
2	State Route Number 520 Corridor Account--State	
3	Appropriation	\$60,260,000
4	TOTAL APPROPRIATION	\$91,070,000

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

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

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

18 (3) \$60,260,000 of the state route number 520 corridor account is
19 provided solely for costs directly related to tolling the state route
20 number 520 floating bridge.

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

23	Transportation Partnership Account--State	
24	Appropriation	\$2,675,000
25	Motor Vehicle Account--State Appropriation	\$67,811,000
26	Motor Vehicle Account--Federal Appropriation	\$240,000
27	Multimodal Transportation Account--State	
28	Appropriation	\$363,000
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation	\$2,676,000
31	TOTAL APPROPRIATION	\$73,765,000

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**

1 **AVIATION--PROGRAM F**

2	Aeronautics Account--State Appropriation	\$6,009,000
3	Aeronautics Account--Federal Appropriation	\$2,150,000
4	TOTAL APPROPRIATION	\$8,159,000

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

7 (1) \$50,000 of the aeronautics account--state appropriation is a
8 reappropriation provided solely to pay any outstanding obligations of
9 the aviation planning council, which expires July 1, 2009.

10 (2) \$150,000 of the aeronautics account--state appropriation is a
11 reappropriation provided solely to complete runway preservation
12 projects.

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

15	Motor Vehicle Account--State Appropriation	\$49,142,000
16	Motor Vehicle Account--Federal Appropriation	\$500,000
17	Multimodal Transportation Account--State	
18	Appropriation	\$250,000
19	Water Pollution Account--State Appropriation	\$2,000,000
20	TOTAL APPROPRIATION	\$51,892,000

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

23 (1) The department shall develop a plan for all current and future
24 surplus property parcels based on the recommendations from the surplus
25 property legislative work group that were presented to the senate
26 transportation committee on February 26, 2009. The plan must include,
27 at a minimum, strategies for maximizing the number of parcels sold, a
28 schedule that optimizes proceeds, a recommended cash discount, a plan
29 to report to the joint transportation committee, a recommendation for
30 regional incentives, and a recommendation for equivalent value
31 exchanges. This plan must accompany the department's 2010 supplemental
32 budget request. If the department determines that all or a portion of
33 real property or an interest in real property that was acquired through
34 condemnation or the threat of condemnation is no longer necessary for
35 a public purpose and should be sold, the former owner shall have a
36 right of repurchase. "Former owner" means the person or entity from
37 whom the department acquired title and that person's or entity's

1 successors or assigns to the property or property interest subject to
2 the repurchase right. At least ninety days prior to the date on which
3 the property is to be sold by the department, the department must mail
4 notice of the planned sale to the former owner of the property at the
5 former owner's last known address or to a forwarding address if that
6 owner has provided the department with a forwarding address. If the
7 former owner notifies the department within thirty days of the date of
8 the notice that the former owner intends to repurchase the property,
9 the department shall proceed with the sale of the property to the
10 former owner and shall not list the property for sale to other owners.
11 If the former owner does not provide timely written notice to the
12 department of the intent to exercise a repurchase right, or if the sale
13 to the former owner is not completed within one year of the date of
14 notice that the former owner intends to repurchase the property, that
15 right shall be extinguished.

16 (2) The legislature recognizes that the Dryden pit site (WSDOT
17 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
18 property under the jurisdiction of the department of transportation,
19 and that the public would benefit significantly from the complete
20 enjoyment of the natural scenic beauty and recreational opportunities
21 available at the site. Therefore, pursuant to RCW 47.12.080, the
22 legislature declares that transferring the property to the department
23 of fish and wildlife is consistent with the public interest in order to
24 preserve the area for the use of the public. The department of
25 transportation shall transfer and convey the Dryden pit site to the
26 department of fish and wildlife for adequate consideration in the
27 amount of \$600,000, the proceeds of which must be deposited in the
28 motor vehicle fund.

29 (3) \$2,000,000 of the water pollution account--state appropriation
30 is provided solely for the department's compliance with its national
31 pollution discharge elimination system permit, consistent with the
32 purposes described in Substitute House Bill No. 1614, addressing
33 petroleum pollution in storm water.

34 (4) The department shall work with the department of ecology, the
35 county road administration board, and the transportation improvement
36 board to develop model procedures, and municipal and state rules, to
37 maximize the use of permeable concrete and asphalt on road construction
38 and preservation projects. The department shall report to the joint

1 transportation committee by December 1, 2009, with recommendations that
2 will increase the use of permeable concrete and asphalt at the state
3 and local level, and reduce the need for more costly alternative
4 methods of storm water mitigation.

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

7	Motor Vehicle Account--State Appropriation	\$565,000
8	Multimodal Transportation Account--State Appropriation	\$200,000
9	TOTAL APPROPRIATION	\$765,000

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

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

20	Motor Vehicle Account--State Appropriation	\$346,887,000
21	Motor Vehicle Account--Federal Appropriation	\$2,000,000
22	Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
23	Water Pollution Account--State Appropriation	\$12,500,000
24	TOTAL APPROPRIATION	\$367,184,000

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

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

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

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

5 (4) \$2,000,000 of the motor vehicle account--federal appropriation
6 is for unanticipated federal funds that may be received during the
7 2009-11 fiscal biennium. Upon receipt of the funds, the department
8 shall provide a report on the use of the funds to the transportation
9 committees of the legislature and the office of financial management.

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

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

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

21 (6) The department may work with the department of corrections to
22 utilize corrections crews for the purposes of litter pickup on state
23 highways.

24 (7) \$650,000 of the motor vehicle account--state appropriation is
25 provided solely for increased asphalt costs. If Senate Bill No. 5976
26 is not enacted by June 30, 2009, the amount provided in this subsection
27 shall lapse.

28 (8) \$16,800,000 of the motor vehicle account--state appropriation
29 is provided solely for the high priority maintenance backlog.
30 Addressing the maintenance backlog must result in increased levels of
31 service.

32 (9) The department shall provide a cost-benefit analysis to the
33 house and senate transportation committees by January 15, 2010, on
34 replacing all illuminated guide signs in the state with a super high
35 efficiency, retroreflective sheeting for optimal performance and sign
36 illumination to be completed by June 30, 2014. The report shall
37 include an update on replacements from illuminated guide signs with a

1 super high efficiency, retroreflective sheeting that have occurred since
2 January 15, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

1 section for the notice of infraction. A declaration form suitable for
2 this purpose must be included with each automated traffic infraction
3 notice issued, along with instructions for its completion and use.

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

11 (4) \$88,000 of the state route number 520 corridor account is
12 provided solely for costs directly related to tolling the state route
13 number 520 floating bridge.

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

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

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

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

29	Motor Vehicle Account--State Appropriation	\$26,470,000
30	Motor Vehicle Account--Federal Appropriation	\$19,116,000
31	Multimodal Transportation Account--State	
32	Appropriation	\$696,000
33	Multimodal Transportation Account--Federal	
34	Appropriation	\$2,809,000
35	Multimodal Transportation Account--Private/Local	
36	Appropriation	\$100,000

1 TOTAL APPROPRIATION \$49,191,000

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

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

9 (2) The department shall, to the greatest extent practicable,
10 maximize the use of recycled concrete and asphalt on road construction
11 and preservation projects. The department shall report to the joint
12 transportation committee by December 1, 2010, regarding the use of
13 recycled concrete and asphalt. The report must include, at a minimum,
14 how much recycled concrete and asphalt was used and the resulting cost
15 savings to the state.

16 (3) \$600,000 of the motor vehicle account--state appropriation is
17 provided solely for a diesel multiple unit feasibility and initial
18 planning study. The study must evaluate potential service on the
19 Stampede Pass line from Maple Valley to Auburn via Covington. The
20 study must evaluate the potential demand for service, the business
21 model and capital needs for launching and running the line, and the
22 need for improvements in switching, signaling, and tracking. A report
23 on the study must be submitted to the legislature by June 30, 2010.

24 (4) \$400,000 of the motor vehicle account--state appropriation is
25 provided solely for a state route number 2 development plan as
26 described in Substitute House Bill No. 1575.

27 (5) \$400,000 of the motor vehicle account--state appropriation is
28 provided solely for a study of the use of tolls to help fund future
29 capacity and connection improvements on state route number 167 and
30 state route number 509. A report on the study must be submitted to the
31 house of representatives and senate transportation committees by
32 September 30, 2010.

33 (6) \$243,000 of the motor vehicle account--state appropriation and
34 \$81,000 of the motor vehicle account--federal appropriation are
35 provided solely for the development of a freight database to help guide
36 freight investment decisions and track project effectiveness. The
37 database must be based on truck movement tracked through geographic
38 information system technology. TransNow shall contribute additional

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

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

6	Motor Vehicle Account--State Appropriation	\$87,331,000
7	Motor Vehicle Account--Federal Appropriation	\$400,000
8	Multimodal Transportation Account--State Appropriation	\$561,000
9	TOTAL APPROPRIATION	\$88,292,000

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

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

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

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

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

22 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
23 ADMINISTRATION \$6,060,000

24 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
25 PERSONNEL \$6,347,000

26 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
27 PREMIUMS AND ADMINISTRATION \$44,418,000

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

29 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
30 ENTERPRISES \$1,008,000

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

33 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
34 DEPARTMENT OF INFORMATION SERVICES \$1,477,000

35 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
36 GENERAL'S OFFICE \$8,526,000

37 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

1 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
2 LITIGATION \$672,000

3 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **PUBLIC TRANSPORTATION--PROGRAM V**

5 Regional Mobility Grant Program Account--State
6 Appropriation \$36,208,000
7 Multimodal Transportation Account--State
8 Appropriation \$78,845,000
9 Multimodal Transportation Account--Federal
10 Appropriation \$2,582,000
11 Multimodal Transportation Account--Private/Local
12 Appropriation \$1,027,000
13 TOTAL APPROPRIATION \$118,662,000

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

16 (1) \$26,000,000 of the multimodal transportation account--state
17 appropriation is provided solely for a grant program for special needs
18 transportation provided by transit agencies and nonprofit providers of
19 transportation.

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

26 (b) \$20,000,000 of the amount provided in this subsection is
27 provided solely for grants to transit agencies to transport persons
28 with special transportation needs. To receive a grant, the transit
29 agency must have a maintenance of effort for special needs
30 transportation that is no less than the previous year's maintenance of
31 effort for special needs transportation. Grants for transit agencies
32 shall be prorated based on the amount expended for demand response
33 service and route deviated service in calendar year 2007 as reported in
34 the "Summary of Public Transportation - 2007" published by the
35 department of transportation. No transit agency may receive more than
36 thirty percent of these distributions.

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

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

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

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

19 (3) \$11,600,000 of the multimodal transportation account--state
20 appropriation is provided solely for a statewide vanpool grant program
21 for public transit agencies to cover the capital costs of vans. At
22 least \$3,600,000 of this amount must be used for vanpool grants in
23 congested corridors in King, Pierce, Snohomish, Thurston, Clark, and
24 Spokane counties.

25 (4) \$500,000 of the multimodal transportation account--state
26 appropriation is provided solely to expand park and ride lot capacity
27 through short-term lease agreements and relocation incentives for
28 carpools and vanpools.

29 (5)(a) \$2,500,000 of the multimodal transportation account--state
30 appropriation is provided solely for grants to cities and counties to
31 expand the commute trip reduction program established in RCW 70.94.521
32 through 70.94.555 to: (i) Increase voluntary participation by medium-
33 sized employers (fifty to one hundred employees) in affected urban
34 growth areas; and (ii) provide state technical support for the expanded
35 program. The commute trip reduction board shall establish criteria for
36 grants and statewide trip reduction goals for medium-sized employers,
37 and report biennially on achievement of the goals as part of the
38 board's legislative report.

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

7 (6) \$400,000 of the multimodal transportation account--state
8 appropriation is provided solely for a grant for a flexible carpooling
9 pilot project program to be administered and monitored by the
10 department. Funds are appropriated for one time only. The pilot
11 project program must: Test and implement at least one flexible
12 carpooling system in a high-volume commuter area that enables
13 carpooling without prearrangement; utilize technologies that, among
14 other things, allow for transfer of ride credits between participants;
15 and be a membership system that involves prescreening to ensure safety
16 of the participants. The program must include a pilot project that
17 targets commuter traffic on the state route number 520 bridge. The
18 department shall submit to the legislature by December 2010 a report on
19 the program results and any recommendations for additional flexible
20 carpooling programs.

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

35 (8) \$14,959,600 of the regional mobility grant program account--
36 state appropriation is provided solely for the regional mobility grant
37 projects identified in LEAP Transportation Document 2009-B, as
38 developed March 30, 2009. The department shall review all projects

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

16 (9) \$80,000 of the multimodal transportation account--state
17 appropriation is provided solely to the department of transportation to
18 distribute for implementation of the work group related to federal
19 requirements in section 1, chapter . . . (Engrossed Substitute House
20 Bill No. 2072), Laws of 2009 (special needs transportation). If
21 Engrossed Substitute House Bill No. 2072 is not enacted by June 30,
22 2009, the amount provided in this section shall lapse.

23 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
24 **MARINE--PROGRAM X**

25 Puget Sound Ferry Operations Account--State
26 Appropriation \$404,720,000

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

29 (1) \$52,463,000 of the Puget Sound ferry operations account--state
30 appropriation is provided solely for auto ferry vessel operating fuel
31 in the 2009-11 fiscal biennium. Any expenditures for fuel hedging
32 payments may be considered vessel operating fuel payments.

33 (2) To protect the waters of Puget Sound, the Washington state
34 ferries shall investigate nontoxic alternatives to fuel additives and
35 other commercial products that are used to operate, maintain, and
36 preserve vessels.

1 (3) 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 (4) 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 (5) 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 \$280,000 CDN. The surcharge must be limited to
20 recovering amounts above \$280,000 CDN.

21 (6) 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 (7) The office of financial management budget instructions require
26 agencies to recast enacted budgets into activities. The Washington
27 state ferries shall include a greater level of detail in the recast of
28 the ferry budget, as determined jointly by the office of financial
29 management, the Washington state ferries, and the legislative
30 transportation committees.

31 (8) \$8,000,000 of the Puget Sound ferry operations account--state
32 appropriation is to be placed in unallotted status until the office of
33 financial management, after consultation with the house of
34 representatives and senate transportation committees, has approved the
35 rates and conditions of commercial insurance purchased for ferry
36 assets.

37 (9) As a priority task, the Washington state ferries is directed to
38 propose a comprehensive incident and accident investigation policy and

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

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

17 (b) The process for appointing an investigating officer or officers
18 and a description of the authorities and responsibilities of the
19 investigating officer or officers. The investigating officer or
20 officers must:

21 (i) Have the appropriate training and experience as determined by
22 the policy;

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

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

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

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

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

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

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

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

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

12 Multimodal Transportation Account--State
13 Appropriation \$34,933,000

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

16 (1) \$29,091,000 of the multimodal transportation account--state
17 appropriation is provided solely for the Amtrak service contract and
18 Talgo maintenance contract associated with providing and maintaining
19 the state-supported passenger rail service. Upon completion of the
20 rail platform project in the city of Stanwood, the department shall
21 provide daily Amtrak Cascades service to the city.

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

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

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

27 Motor Vehicle Account--State Appropriation \$8,739,000
28 Motor Vehicle Account--Federal Appropriation \$2,567,000
29 TOTAL APPROPRIATION \$11,306,000

30 **TRANSPORTATION AGENCIES--CAPITAL**

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

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

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

3 (1) \$1,626,000 of the state patrol highway account--state
4 appropriation is provided solely for the following minor works
5 projects: \$450,000 for Shelton training academy roofs; \$150,000 for
6 HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for
7 Bellevue electrical equipment upgrades; \$90,000 for South King
8 detachment window replacement; \$200,000 for the replacement of the
9 Naselle radio tower, generator shelter, and fence; \$200,000 for
10 unforeseen emergency repairs; and \$318,000 for the Shelton training
11 academy drive course/skid pan repair.

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

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

22	Rural Arterial Trust Account--State Appropriation	\$51,000,000
23	Motor Vehicle Account--State Appropriation	\$1,048,000
24	County Arterial Preservation Account--State	
25	Appropriation	\$31,400,000
26	TOTAL APPROPRIATION	\$83,448,000

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

29 (1) \$1,048,000 of the motor vehicle account--state appropriation
30 may be used for county ferry projects as developed pursuant to RCW
31 47.56.725(4).

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

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

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

5 Small City Pavement and Sidewalk Account--State

6 Appropriation \$5,779,000

7 Urban Arterial Trust Account--State Appropriation \$122,400,000

8 Transportation Improvement Account--State

9 Appropriation \$85,643,000

10 TOTAL APPROPRIATION \$213,822,000

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

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

16 (2) The urban arterial trust account--state appropriation includes
17 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
18 47.26.420.

19 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION.** As

20 part of its budget submittal for the 2011-13 fiscal biennium, the
21 department shall provide an update to the report provided to the
22 legislature in 2008 that:

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

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

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

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

34 (5) Identifies contingency amounts allocated to projects.

1 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
2 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

3 Motor Vehicle Account--State Appropriation \$3,757,000

4 The appropriation in this section is subject to the following
5 conditions and limitations: \$290,000 of the motor vehicle account--
6 state appropriation is provided solely for reconstruction of the
7 Wandermere facility that was destroyed in the 2008-09 winter storms.

8 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
9 **IMPROVEMENTS--PROGRAM I**

10 Multimodal Transportation Account--State
11 Appropriation \$1,000

12 Transportation Partnership Account--State
13 Appropriation \$1,599,350,000

14 Motor Vehicle Account--State Appropriation \$107,339,000

15 Motor Vehicle Account--Federal Appropriation \$404,530,000

16 Motor Vehicle Account--Private/Local
17 Appropriation \$65,494,000

18 Special Category C Account--State Appropriation \$24,549,000

19 Transportation 2003 Account (Nickel Account)--State
20 Appropriation \$750,085,000

21 Freight Mobility Multimodal Account--State
22 Appropriation \$4,422,000

23 Tacoma Narrows Toll Bridge Account--State Appropriation . . . \$788,000

24 State Route Number 520 Corridor Account--State
25 Appropriation \$270,000,000

26 TOTAL APPROPRIATION \$3,226,558,000

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

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

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

21 (3) \$62,874,000 of the transportation partnership account--state
22 appropriation and \$270,000,000 of the state route number 520 corridor
23 account--state appropriation are provided solely for replacement of the
24 state route number 520 bridge for projects for which the designs are
25 agreed upon. The department shall submit an application for the
26 eastside transit and HOV project to the supplemental discretionary
27 grant program for regionally significant projects as provided in the
28 American Recovery and Reinvestment Act of 2009. If federal stimulus
29 funds are received, an equivalent amount of the funds already
30 identified for this project must be earmarked for the construction of
31 the projects on the west side of the state route number 520 corridor.
32 Eastside state route number 520 improvements shall be designed and
33 constructed to accommodate a future full interchange at 124th Avenue
34 Northeast. Concurrent with the eastside transit and HOV project, the
35 department shall conduct engineering design of a full interchange at
36 124th Avenue Northeast.

37 (4) As required under section 305(6), chapter 518, Laws of 2007,

1 the department shall report by January 2010 to the transportation
2 committees of the legislature on the findings of the King county noise
3 reduction solutions pilot project.

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

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

13 (7) The department shall, on a quarterly basis beginning July 1,
14 2009, provide to the office of financial management and the legislature
15 reports providing the status on each active project funded in part or
16 whole by the transportation 2003 account (nickel account) or the
17 transportation partnership account. Funding provided at a programmatic
18 level for transportation partnership account and transportation 2003
19 account (nickel account) projects relating to bridge rail, guard rail,
20 fish passage barrier removal, and roadside safety projects should be
21 reported on a programmatic basis. Projects within this programmatic
22 level funding should be completed on a priority basis and scoped to be
23 completed within the current programmatic budget. The department shall
24 work with the office of financial management and the transportation
25 committees of the legislature to agree on report formatting and
26 elements. Elements must include, but not be limited to, project scope,
27 schedule, and costs. For new construction contracts valued at fifteen
28 million dollars or more, the department must also use an earned value
29 method of project monitoring. The department shall also provide the
30 information required under this subsection on a quarterly basis via the
31 transportation executive information systems (TEIS).

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

35 (9) The transportation partnership account--state appropriation
36 includes up to \$1,261,656,000 in proceeds from the sale of bonds
37 authorized in RCW 47.10.873.

1 (10) The special category C account--state appropriation includes
2 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW
3 47.10.812.

4 (11) The motor vehicle account--state appropriation includes up to
5 \$55,900,000 in proceeds from the sale of bonds authorized in RCW
6 47.10.843.

7 (12) The department must prepare a tolling study for the Columbia
8 river crossing project. While conducting the study, the department
9 must coordinate with the Oregon department of transportation to perform
10 the following activities:

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

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

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

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

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

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

30 (g) Conduct public work sessions and open houses to provide
31 information to citizens, including users of the bridge and business and
32 freight interests, regarding implementation of tolls on the Interstate
33 5 and to solicit citizen views on the following items:

34 (i) Funding a portion of the Columbia river crossing project with
35 tolls;

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

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

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

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

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

13 (i) Confer with the mayors and city councils of jurisdictions in
14 the vicinity of the project regarding the implementation of high
15 occupancy toll lanes and the impacts that the implementation of these
16 high occupancy toll lanes might have on the operation of the corridor
17 and adjacent local streets;

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

21 (iii) Provide a report to the governor and the legislature by
22 January 2010.

23 (14) \$9,199,985 of the motor vehicle account--state appropriation
24 is provided solely for project 100224I, as identified in the LEAP
25 transportation document in subsection (1) of this section: US 2 high
26 priority safety project. Expenditure of these funds is for safety
27 projects on state route number 2 between Skykomish and Gold Bar, which
28 may include median rumble strips, traffic cameras, and electronic
29 message signs.

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

33 (16) The department shall conduct a public outreach process to
34 identify and respond to community concerns regarding the Belfair
35 bypass. The process must include representatives from Mason county,
36 the legislature, area businesses, and community members. The
37 department shall use this process to consider and develop design
38 alternatives that alter the project's scope so that the community's

1 needs are met within the project budget. The department shall provide
2 a report on the process and outcomes to the legislature by June 30,
3 2010.

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

12 (18) \$6,000,000 of the motor vehicle account--state appropriation
13 is provided solely for the design and construction of a new interchange
14 between state route number 195 and Cheney-Spokane Road. It is the
15 intent of the legislature that an additional \$6,500,000 will be
16 provided in the 2011-13 omnibus transportation appropriations act to
17 complete this project. As a first priority, the department shall add
18 a right turn lane to improve visibility and traffic flow at the
19 intersection of state route number 195 and Cheney-Spokane Road.

20 (19) \$846,700 of the motor vehicle account--federal appropriation
21 and \$17,280 of the motor vehicle account--state appropriation are
22 provided solely for the Westview school noise wall.

23 (20) \$1,360 of the motor vehicle account--state appropriation and
24 \$35,786 of the motor vehicle account--federal appropriation are
25 provided solely for interchange design and planning work on US 12 at A
26 Street and Tank Farm Road.

27 (21) \$20,011,125 of the transportation partnership account--state
28 appropriation, \$2,550 of the motor vehicle account--state
29 appropriation, \$30,003,473 of the motor vehicle account--private/local
30 appropriation, and \$1,482,066 of the motor vehicle account--federal
31 appropriation is provided solely for the I-5/Columbia river
32 crossing/Vancouver project. The funding described in this subsection
33 includes a \$30,003,473 contribution from the state of Oregon.

34 (22) It is important that the public and policymakers have accurate
35 and timely access to information related to the Alaskan Way viaduct
36 replacement project as it proceeds to, and during, the construction of
37 all aspects of the project including, but not limited to, information
38 regarding costs, schedules, contracts, project status, and neighborhood

1 impacts. Therefore, it is the intent of the legislature that the
2 state, city, and county departments of transportation establish a
3 single source of accountability for integration, coordination,
4 tracking, and information of all requisite components of the
5 replacement project, which must include, at a minimum:

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

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

10 (23) The state route number 520 corridor account--state
11 appropriation includes up to \$270,000,000 in proceeds from the sale of
12 bonds authorized in House Bill No. 2326. If House Bill No. 2326 is not
13 enacted by June 30, 2009, the amount provided in this subsection shall
14 lapse.

15 (24) The department shall evaluate a potential deep bore culvert
16 for the state route number 305/Bjorgen creek fish barrier project
17 identified as project 330514 A in LEAP Transportation Document ALL
18 PROJECTS 2009-2, as developed March 30, 2009. The department shall
19 evaluate whether a deep bore culvert will be a less costly alternative
20 than a traditional culvert since a traditional culvert would require
21 extensive road detours during construction.

22 (25) \$62,069,026 of the transportation partnership account--state
23 appropriation, \$113,044,224 of the transportation 2003 account (nickel
24 account)--state appropriation, \$1,411 of the freight mobility
25 multimodal account--state appropriation, \$181,524 of the motor vehicle
26 account--private/local appropriation, and \$62,318,460 of the motor
27 vehicle account--federal appropriation are provided solely for project
28 300504A, the I-5/Tacoma HOV Improvements project as indicated in the
29 LEAP transportation document referenced in subsection (1) of this
30 section.

31 (26) \$2,297,110 of the transportation partnership account--state
32 appropriation is provided solely for project 330215A, the SR
33 302/Creviston to Purdy Vicinity project as indicated in the LEAP
34 transportation document referenced in subsection (1) of this section.

35 (27) \$1,500,000 of the transportation 2003 account (nickel
36 account)--state appropriation and \$590,737 of the motor vehicle
37 account--federal appropriation are provided solely for project 370401A,

1 the state route number 704/cross base highway--new alignment project as
2 indicated in the LEAP transportation document referenced in subsection
3 (1) of this section.

4 (28) \$13,977,496 of the transportation partnership account--state
5 appropriation is a reappropriation provided solely for project 850901F,
6 as identified in the LEAP transportation document in subsection (1) of
7 this section: SR 509/I-5 to Sea-Tac Freight & Congestion Relief.
8 However, this appropriation shall be reduced to reflect expenditures
9 previously made during the 2007-09 fiscal biennium.

10 (29) \$10,600,000 of the transportation partnership account--state
11 appropriation is provided solely for the Interstate 90 Two Way Transit
12 and HOV Improvement--Stage 2 and 3 project. Funds shall be used solely
13 for preliminary engineering on stages 2 and 3 of this project.

14 (30) Eastside state route number 520 improvements shall be designed
15 and constructed to accommodate a future eastbound slip ramp in the
16 vicinity of state route number 520 and the 148th Avenue Northeast
17 interchange. Concurrent with the eastside transit and HOV project, the
18 department shall conduct engineering design and analysis of an
19 eastbound slip ramp in the vicinity of state route number 520 eastbound
20 and 148th Avenue Northeast.

21 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **PRESERVATION--PROGRAM P**

23	Transportation Partnership Account--State	
24	Appropriation	\$107,377,000
25	Motor Vehicle Account--State Appropriation	\$111,009,000
26	Motor Vehicle Account--Federal Appropriation	\$514,767,000
27	Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
28	Transportation 2003 Account (Nickel Account)--State	
29	Appropriation	\$7,237,000
30	Puyallup Tribal Settlement Account--State	
31	Appropriation	\$6,500,000
32	TOTAL APPROPRIATION	\$753,307,000

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

35 (1) The entire transportation 2003 account (nickel account)
36 appropriation and the entire transportation partnership account
37 appropriation are provided solely for the projects and activities as

1 listed by fund, project, and amount in LEAP Transportation Document
2 2009-1, Highway Preservation Program (P), as developed March 30, 2009.
3 However, limited transfers of specific line-item project appropriations
4 may occur between projects for those amounts listed subject to the
5 conditions and limitations in section 603 of this act.

6 (2) \$544,639 of the motor vehicle account--federal appropriation
7 and \$280,361 of the motor vehicle account--state appropriation are
8 provided solely for project 602110F, as identified in the LEAP
9 transportation document in subsection (1) of this section: SR
10 21/Keller ferry boat - replace ferry boat. The Keller ferry boat
11 replacement must consist of a tug and barge.

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

15 (4) \$6,500,000 of the Puyallup tribal settlement account--state
16 appropriation is provided solely for mitigation costs associated with
17 the Murray Morgan/11th Street bridge demolition. The department may
18 negotiate with the city of Tacoma for the purpose of transferring
19 ownership of the Murray Morgan/11th Street bridge to the city. If the
20 city agrees to accept ownership of the bridge, the department may use
21 the Puyallup tribal settlement account appropriation and other
22 appropriated funds for bridge rehabilitation, bridge replacement,
23 bridge demolition, and related mitigation. The department's
24 participation, including prior expenditures, may not exceed
25 \$39,953,000. Funds may not be expended unless the city of Tacoma
26 agrees to take ownership of the bridge in its entirety and provides
27 that the payment of these funds extinguishes any real or implied
28 agreements regarding future bridge expenditures.

29 (5) The department shall, on a quarterly basis beginning July 1,
30 2009, provide to the office of financial management and the legislature
31 reports providing the status on each active project funded in part or
32 whole by the transportation 2003 account (nickel account) or the
33 transportation partnership account. Funding provided at a programmatic
34 level for transportation partnership account projects relating to
35 seismic bridges should be reported on a programmatic basis. Projects
36 within this programmatic level funding should be completed on a
37 priority basis and scoped to be completed within the current
38 programmatic budget. The department shall work with the office of

1 financial management and the transportation committees of the
2 legislature to agree on report formatting and elements. Elements must
3 include, but not be limited to, project scope, schedule, and costs.
4 For new construction contracts valued at fifteen million dollars or
5 more, the department must also use an earned value method of project
6 monitoring. The department shall also provide the information required
7 under this subsection on a quarterly basis via the transportation
8 executive information systems (TEIS).

9 (6) The department of transportation shall continue to implement
10 the lowest life cycle cost planning approach to pavement management
11 throughout the state to encourage the most effective and efficient use
12 of pavement preservation funds. Emphasis should be placed on
13 increasing the number of roads addressed on time and reducing the
14 number of roads past due.

15 (7) Within existing funds and resources, the department shall
16 conduct an analysis and produce a report on state highway pavement
17 replacement needs, level of investment, timing, and strategies for the
18 next ten years. The department shall include the following in the
19 report:

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

26 (b) For concrete or "white" pavement: (i) Identification of
27 concrete rehabilitation and replacement needs in the next ten years;
28 and (ii) the level of investment, schedule, and strategies for
29 rehabilitation and replacement, including dowel-bar retrofit, selected
30 panel replacement, and full replacement; and

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

35 The department shall submit the report to the office of financial
36 management and the transportation committees of the legislature by
37 December 31, 2009, in order to inform the development of the 2011-13
38 omnibus transportation appropriations act.

1 (8) \$1,722 of the motor vehicle account--state appropriation,
2 \$9,608,115 of the motor vehicle account--federal appropriation, and
3 \$272,141 of the transportation partnership account--state appropriation
4 are provided solely for the Hood Canal bridge project.

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

7 Motor Vehicle Account--State Appropriation \$6,394,000
8 Motor Vehicle Account--Federal Appropriation \$9,262,000
9 TOTAL APPROPRIATION \$15,656,000

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

12 Puget Sound Capital Construction Account--State
13 Appropriation \$125,775,000
14 Puget Sound Capital Construction Account--Federal
15 Appropriation \$38,675,000
16 Puget Sound Capital Construction Account--Local
17 Appropriation \$8,492,000
18 Transportation 2003 Account (Nickel Account)--State
19 Appropriation \$57,336,350
20 Transportation Partnership Account--State
21 Appropriation \$64,784,000
22 Multimodal Transportation Account--State Appropriation \$170,000
23 TOTAL APPROPRIATION \$297,232,350

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

26 (1) \$129,566,000 of the Puget Sound capital construction account--
27 state appropriation, \$38,675,000 of the Puget Sound capital
28 construction account--federal appropriation, \$64,784,000 of the
29 transportation partnership account--state appropriation, \$67,931,000 of
30 the transportation 2003 account (nickel account)--state appropriation,
31 and \$170,000 of the multimodal transportation account--state
32 appropriation are provided solely for ferry capital projects, project
33 support, and administration as listed in LEAP Transportation Document
34 ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed
35 March 30, 2009.

1 (2) \$46,436,350 of the transportation 2003 account (nickel
2 account)--state appropriation and \$63,100,000 of the transportation
3 partnership account--state appropriation are provided solely for the
4 acquisition of three new Island Homes class ferry vessels subject to
5 the conditions and limitations in RCW 47.56.780, the first two of which
6 shall be used to restore service on the Port Townsend-Keystone route.
7 The department may add additional passenger capacity to one of these
8 vessels to make it more flexible within the system in the future, if
9 doing so does not require additional staffing on the vessel.

10 (3) \$12,900,000 of the transportation 2003 account (nickel
11 account)--state appropriation is provided solely for the acquisition of
12 two new 144-auto capacity ferry vessels. Cost savings from the
13 following initiatives are included in the funding of these vessels:
14 Washington state ferries' review and update of their vessel life-cycle
15 cost model as required by this section, and the department of
16 transportation's implementation of technology efficiencies as required
17 by section 602 of this act.

18 (4) It is the intent of the legislature that the ferry vessel
19 construction and future preservation costs associated with the newly
20 constructed vessels and according to the procurement schedule as
21 outlined in this subsection be funded with a total of \$537,255,595 over
22 sixteen years, beginning with the 2009-11 fiscal biennium.

23 (5) \$6,300,000 of the Puget Sound capital construction account--
24 state appropriation is provided solely for emergency capital costs.

25 (6) The Anacortes terminal may be replaced if additional federal
26 funds are sought and received by the department. If federal funds
27 received are not sufficient to replace the terminal, only usable,
28 discrete phases of the project, up to the amount of federal funds
29 received, may be constructed with the funds.

30 (7) \$247,000 of the Puget Sound capital construction account--state
31 appropriation is provided solely for the department to update the
32 vessel life-cycle cost model by December 31, 2009.

33 (8) \$3,965,000 of the Puget Sound capital construction account--
34 state appropriation is provided solely for the following vessel
35 projects: Waste heat recovery pilot project; steering gear ventilation
36 pilot project; and a new propulsion system for the MV Yakima. Before
37 beginning these projects, the Washington state ferries must ensure the

1 vessels' out-of-service time does not negatively impact service to the
2 system.

3 (9) The Washington state ferries shall pursue purchasing a
4 foreign-flagged vessel for service on the Anacortes, Washington to
5 Sidney, British Columbia ferry route.

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

18 (11) The Washington state ferries shall review and adjust their
19 capital program staffing levels to ensure staffing is at the most
20 efficient level necessary to implement the capital program in the
21 omnibus transportation appropriations act. The Washington state
22 ferries shall report this review and adjustment to the office of
23 financial management and the house and senate transportation committees
24 of the legislature by July 2009.

25 (12) \$3,763,000 of this appropriation is provided solely for the
26 Washington state ferries to develop a reservation system. Of this
27 amount, \$3,118,000 shall be placed in unallotted status until the
28 Washington state ferries develops a plan for a reservation system pilot
29 program and the plan is reviewed by the office of financial management
30 and either the joint transportation committee or the transportation
31 committees of the legislature. This analysis must include an
32 evaluation of the compatibility of the Washington state ferries'
33 electronic fare system, proposed reservation system, and the
34 implementation of smart card.

35 (13) The Washington state ferries shall review and update their
36 vessel life-cycle cost model and report the results to the house of
37 representatives and senate transportation committees of the legislature
38 by December 1, 2009.

1 (14) The Washington state ferries shall review and update their
2 vessel life-cycle cost model and report the results to the house of
3 representatives and senate transportation committees of the legislature
4 by December 1, 2009. This review will evaluate the impact of the
5 planned out-of-service periods scheduled for each vessel on the ability
6 of the overall system to deliver uninterrupted service and will assess
7 the risk of service disruption from unscheduled maintenance or longer
8 than planned maintenance periods.

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

11	Essential Rail Assistance Account--State Appropriation	\$675,000
12	Transportation Infrastructure Account--State	
13	Appropriation	\$13,100,000
14	Multimodal Transportation Account--State	
15	Appropriation	\$97,610,000
16	Multimodal Transportation Account--Federal	
17	Appropriation	\$16,054,000
18	Multimodal Transportation Account--Private/Local	
19	Appropriation	\$81,000
20	TOTAL APPROPRIATION	\$127,520,000

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

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

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

35 (ii) Within the amounts provided in this section, \$1,200,000 of the
36 transportation infrastructure account--state appropriation is for a

1 low-interest loan through the freight rail investment bank program to
2 the Port of Everett for a new rail track to connect a cement loading
3 facility to the mainline.

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

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

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

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

37 (d) \$8,100,000 of the transportation infrastructure account--state
38 appropriation is provided solely for grants to any intergovernmental

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

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

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

1 appropriate construction schedule and total project costs, to the
2 office of financial management and the transportation committees of the
3 legislature.

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

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

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

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

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

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

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

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

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

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

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

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

23 (7) When the balance of that portion of the miscellaneous program
 24 account apportioned to the department for the grain train program
 25 reaches \$1,180,000, the department shall acquire twenty-nine additional
 26 grain train railcars.

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

29	Highway Infrastructure Account--State Appropriation	\$207,000
30	Highway Infrastructure Account--Federal	
31	Appropriation	\$1,602,000
32	Freight Mobility Investment Account--State	
33	Appropriation	\$13,048,000
34	Transportation Partnership Account--State	
35	Appropriation	\$8,363,000
36	Motor Vehicle Account--State Appropriation	\$11,745,000
37	Motor Vehicle Account--Federal Appropriation	\$37,569,000

1	Freight Mobility Multimodal Account--State	
2	Appropriation	\$13,918,000
3	Freight Mobility Multimodal Account--Local	
4	Appropriation	\$3,135,000
5	Multimodal Transportation Account--Federal	
6	Appropriation	\$2,098,000
7	Multimodal Transportation Account--State	
8	Appropriation	\$23,340,000
9	Transportation 2003 Account (Nickel Account)--State	
10	Appropriation	\$709,000
11	Passenger Ferry Account--State Appropriation	\$2,879,000
12	TOTAL APPROPRIATION	\$118,613,000

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

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

24 (2) \$2,729,000 of the passenger ferry account--state appropriation
25 is provided solely for near and long-term costs of capital improvements
26 in a business plan approved by the governor for passenger ferry
27 service.

28 (3) \$150,000 of the passenger ferry account--state appropriation is
29 provided solely for the Port of Kingston for a one-time operating
30 subsidy needed to retain a federal grant.

31 (4) \$3,000,000 of the motor vehicle account--federal appropriation
32 is provided solely for the Coal Creek parkway project (L1000025).

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

36 (6) The department shall apply for surface transportation program
37 (STP) enhancement funds to be expended in lieu of or in addition to

1 state funds for eligible costs of projects in local programs, program
2 Z capital.

3 (7) Federal funds may be transferred from program Z to programs I
4 and P and state funds shall be transferred from programs I and P to
5 program Z to replace those federal funds in a dollar-for-dollar match.
6 Fund transfers authorized under this subsection shall not affect
7 project prioritization status. Appropriations shall initially be
8 allotted as appropriated in this act. The department may not transfer
9 funds as authorized under this subsection without approval of the
10 office of financial management. The department shall submit a report
11 on those projects receiving fund transfers to the office of financial
12 management and the transportation committees of the legislature by
13 December 1, 2009, and December 1, 2010.

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

20 (9) \$14,182,113 of the multimodal transportation account--state
21 appropriation, \$8,753,895 of the motor vehicle account--federal
22 appropriation, and \$4,000,000 of the transportation partnership
23 account--state appropriation are provided solely for the pedestrian and
24 bicycle safety program projects and safe routes to schools program
25 projects identified in LEAP Transportation Document 2009-A, pedestrian
26 and bicycle safety program projects and safe routes to schools program
27 projects, as developed March 30, 2009, LEAP Transportation Document
28 2007-A, pedestrian and bicycle safety program projects and safe routes
29 to schools program projects, as developed April 20, 2007, and LEAP
30 Transportation Document 2006-B, pedestrian and bicycle safety program
31 projects and safe routes to schools program projects, as developed
32 March 8, 2006. Projects must be allocated funding based on order of
33 priority. The department shall review all projects receiving grant
34 awards under this program at least semiannually to determine whether
35 the projects are making satisfactory progress. Any project that has
36 been awarded funds, but does not report activity on the project within
37 one year of the grant award must be reviewed by the department to
38 determine whether the grant should be terminated. The department shall

1 promptly close out grants when projects have been completed, and
2 identify where unused grant funds remain because actual project costs
3 were lower than estimated in the grant award.

4 (10) Except as provided otherwise in this section, the entire
5 appropriations in this section are provided solely for the projects and
6 activities as listed by fund, project, and amount in LEAP
7 Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as
8 developed March 30, 2009.

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

15 (12) \$913,386 of the motor vehicle account--state appropriation and
16 \$2,858,216 of the motor vehicle account--federal appropriation are
17 provided solely for completion of the US 101 northeast peninsula safety
18 rest area and associated roadway improvements east of Port Angeles at
19 the Deer Park scenic view point. The department must surplus any
20 right-of-way previously purchased for this project near Sequim.
21 Approval to proceed with construction is contingent on surplus of
22 previously purchased right-of-way. \$865,000 of the motor vehicle
23 account--state appropriation is to be placed into unallotted status
24 until such time as the right-of-way sale is completed.

25 **TRANSFERS AND DISTRIBUTIONS**

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

30	Highway Bond Retirement Account Appropriation	\$693,602,000
31	Ferry Bond Retirement Account Appropriation	\$33,770,000
32	Transportation Improvement Board Bond Retirement	
33	Account--State Appropriation	\$23,205,000
34	Nondebt-Limit Reimbursable Account Appropriation	\$17,282,000
35	Transportation Partnership Account--State	

1	Appropriation	\$4,656,000
2	Motor Vehicle Account--State Appropriation	\$658,000
3	Transportation 2003 Account (Nickel Account)--State	
4	Appropriation	\$2,605,000
5	Special Category C Account--State Appropriation	\$82,000
6	Urban Arterial Trust Account--State Appropriation	\$56,000
7	Transportation Improvement Account--State Appropriation	\$26,000
8	Multimodal Transportation Account--State Appropriation	\$161,000
9	TOTAL APPROPRIATION	\$776,103,000

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

13	Transportation Partnership Account--State Appropriation	\$629,000
14	Motor Vehicle Account--State Appropriation	\$89,000
15	Transportation 2003 Account (Nickel Account)--State	
16	Appropriation	\$352,000
17	Special Category C Account--State Appropriation	\$11,000
18	Urban Arterial Trust Account--State Appropriation	\$8,000
19	Transportation Improvement Account--State Appropriation	\$4,000
20	Multimodal Transportation Account--State Appropriation	\$22,000
21	TOTAL APPROPRIATION	\$1,115,000

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

25 Motor Vehicle Account--State Appropriation:
26 For transfer to the Puget Sound Capital Construction
27 Account \$122,000,000

28 The department of transportation is authorized to sell up to
29 \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and
30 terminal acquisition, major and minor improvements, and long lead-time
31 materials acquisition for the Washington state ferries.

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

34 Motor Vehicle Account Appropriation for
35 motor vehicle fuel tax distributions to cities

1 and counties \$488,843,000

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

3 Motor Vehicle Account--State

4 Appropriation: For motor vehicle fuel tax

5 refunds and statutory transfers \$1,310,279,000

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

7 **TRANSFERS**

8 Motor Vehicle Account--State

9 Appropriation: For motor vehicle fuel tax

10 refunds and transfers \$129,178,000

11 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**

12 **TRANSFERS**

13 (1) Tacoma Narrows Toll Bridge Account--State

14 Appropriation: For transfer to the Motor Vehicle

15 Account--State \$5,288,000

16 (2) Motor Vehicle Account--State Appropriation:

17 For transfer to the Puget Sound Ferry Operations

18 Account--State \$12,000,000

19 (3) Recreational Vehicle Account--State

20 Appropriation: For transfer to the Motor Vehicle

21 Account--State \$1,645,000

22 (4) License Plate Technology Account--State

23 Appropriation: For transfer to the Motor Vehicle

24 Account--State \$2,750,000

25 (5) Multimodal Transportation Account--State

26 Appropriation: For transfer to the Puget Sound

27 Ferry Operations Account--State \$20,000,000

28 (6) Waste Tire Removal Account--State Appropriation:

29 For transfer to the Motor Vehicle Account--State \$5,000,000

30 (7) Highway Safety Account--State Appropriation:

31 For transfer to the Multimodal Transportation

32 Account--State \$15,000,000

33 (8) Department of Licensing Services Account--State

34 Appropriation: For transfer to the Motor Vehicle

35 Account--State \$1,500,000

1 (9) State Patrol Highway Account--State Appropriation:
 2 For transfer to the Motor Vehicle Account--State \$10,000,000
 3 (10) Motor Vehicle Account--State Appropriation:
 4 For transfer to the High Occupancy Toll Lanes Operations
 5 Account \$1,000,000
 6 (11) Advanced Right-of-Way Account: For transfer
 7 to the Motor Vehicle Account--State \$14,000,000
 8 (12) Regional Mobility Grant Program Account--State
 9 Appropriation: For transfer to the Multimodal
 10 Transportation Account--State \$30,000,000
 11 (13) Multimodal Transportation Account--State
 12 Appropriation: For transfer to the Puget Sound Capital
 13 Construction Account--State \$1,500,000

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

19 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS.** In addition to
 20 the amounts appropriated in this act for revenue for distribution,
 21 state contributions to the law enforcement officers' and firefighters'
 22 retirement system, and bond retirement and interest including ongoing
 23 bond registration and transfer charges, transfers, interest on
 24 registered warrants, and certificates of indebtedness, there is also
 25 appropriated such further amounts as may be required or available for
 26 these purposes under any statutory formula or under any proper bond
 27 covenant made under law.

28 NEW SECTION. **Sec. 409.** The department of transportation is
 29 authorized to undertake federal advance construction projects under the
 30 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
 31 meeting approved highway construction and preservation objectives. The
 32 legislature recognizes that the use of state funds may be required to
 33 temporarily fund expenditures of the federal appropriations for the
 34 highway construction and preservation programs for federal advance
 35 construction projects prior to conversion to federal funding.

1	Motor Vehicle Account--State	\$7,783,000
2	Puget Sound Ferry Operations Account--State	\$2,054,000
3	Urban Arterial Trust Account--State	\$8,000
4	Transportation Improvement Account--State	\$8,000
5	County Arterial Preservation Account--State	\$6,000
6	Department of Licensing Services Account--State	\$12,000
7	Multimodal Transportation Account--State	\$68,000
8	Tacoma Narrows Toll Bridge Account--State	\$12,000

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

14 **IMPLEMENTING PROVISIONS**

15 NEW SECTION. **Sec. 601. INFORMATION SYSTEMS PROJECTS.** Agencies
16 shall comply with the following requirements regarding information
17 systems projects when specifically directed to do so by this act.

18 (1) Agency planning and decisions concerning information technology
19 shall be made in the context of its information technology portfolio.
20 "Information technology portfolio" means a strategic management
21 approach in which the relationships between agency missions and
22 information technology investments can be seen and understood, such
23 that: Technology efforts are linked to agency objectives and business
24 plans; the impact of new investments on existing infrastructure and
25 business functions are assessed and understood before implementation;
26 and agency activities are consistent with the development of an
27 integrated, nonduplicative statewide infrastructure.

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

- 30 (a) System refurbishment, acquisitions, and development efforts;
- 31 (b) Setting goals and objectives for using information technology
32 in meeting legislatively-mandated missions and business needs;
- 33 (c) Assessment of overall information processing performance,
34 resources, and capabilities;

1 (d) Ensuring appropriate transfer of technological expertise for
2 the operation of any new systems developed using external resources;
3 and

4 (e) Progress toward enabling electronic access to public
5 information.

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

11 (4) The agency shall produce a feasibility study for information
12 technology projects at the direction of the information services board
13 and in accordance with published department of information services
14 policies and guidelines. At a minimum, such studies shall include a
15 statement of: (a) The purpose or impetus for change; (b) the business
16 value to the agency, including an examination and evaluation of
17 benefits, advantages, and cost; (c) a comprehensive risk assessment
18 based on the proposed project's impact on both citizens and state
19 operations, its visibility, and the consequences of doing nothing; (d)
20 the impact on agency and statewide information infrastructure; and (e)
21 the impact of the proposed enhancements to an agency's information
22 technology capabilities on meeting service delivery demands.

23 (5) The agency shall produce a comprehensive management plan for
24 each project. The plan or plans shall address all factors critical to
25 successful completion of each project. The plan(s) shall include, but
26 is not limited to, the following elements: A description of the
27 problem or opportunity that the information technology project is
28 intended to address; a statement of project objectives and assumptions;
29 a definition and schedule of phases, tasks, and activities to be
30 accomplished; and the estimated cost of each phase. The planning for
31 the phased approach shall be such that the business case justification
32 for a project needs to demonstrate how the project recovers cost or
33 adds measurable value or positive cost benefit to the agency's business
34 functions within each development cycle.

35 (6) The agency shall produce quality assurance plans for
36 information technology projects. Consistent with the direction of the
37 information services board and the published policies and guidelines of
38 the department of information services, the quality assurance plan

1 shall address all factors critical to successful completion of the
2 project and successful integration with the agency and state
3 information technology infrastructure. At a minimum, quality assurance
4 plans shall provide time and budget benchmarks against which project
5 progress can be measured, a specification of quality assurance
6 responsibilities, and a statement of reporting requirements. The
7 quality assurance plans shall set out the functionality requirements
8 for each phase of a project.

9 (7) A copy of each feasibility study, project management plan, and
10 quality assurance plan shall be provided to the department of
11 information services, the office of financial management, and
12 legislative fiscal committees. The plans and studies shall demonstrate
13 a sound business case that justifies the investment of taxpayer funds
14 on any new project, an assessment of the impact of the proposed system
15 on the existing information technology infrastructure, the disciplined
16 use of preventative measures to mitigate risk, and the leveraging of
17 private-sector expertise as needed. Authority to expend any funds for
18 individual information systems projects is conditioned on the approval
19 of the relevant feasibility study, project management plan, and quality
20 assurance plan by the department of information services and the office
21 of financial management.

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

26 NEW SECTION. **Sec. 602.** Due to the state of the economy affecting
27 state budgets, the state is reviewing agency spending plans to identify
28 areas in which new technologies can be applied to achieve greater
29 efficiencies, economies of scale, and save the state money.
30 Information technology and communications is an area where the state
31 can save millions of dollars, if managed well. If information
32 technology and communications are managed poorly, by not planning
33 effectively and taking advantage of new capabilities, this can also
34 cost the state millions of dollars.

35 By July 1, 2009, each transportation agency is required to begin
36 implementing a holistic virtualization strategy to take advantage of
37 information technology infrastructure savings in the areas of capital

1 and operating costs at the server, desktop, network, data storage,
2 business continuance, and disaster recovery levels. This includes a
3 disaster recovery strategy and roadmap, a unified storage strategy, a
4 network infrastructure plan, and a centralized management plan for
5 servers and applications. The business needs, business strategy, and
6 mission of each agency must be tied to the technical strategy,
7 including the completion of an impact analysis showing a quantifiable
8 return on investment analysis for cost savings/avoidance.

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

14 By January 1, 2010, each transportation agency shall have a plan
15 and begin its implementation for moving from legacy communication
16 systems that are outdated and costly and implement new voice over
17 internet protocol communications systems. Each agency is required to
18 begin implementing a holistic communications and collaboration strategy
19 to take advantage of information technology infrastructure savings in
20 the areas of capital and operating costs, decrease statewide
21 communication costs, and increase communications and collaboration
22 capabilities.

23 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation
24 2003 projects or improvements and the 2005 transportation partnership
25 projects or improvements are listed in LEAP Transportation Document
26 2009-1, which consists of a list of specific projects by fund source
27 and amount over a sixteen year period. Current fiscal biennium funding
28 for each project is a line item appropriation, while the outer year
29 funding allocations represent a sixteen year plan. The department is
30 expected to use the flexibility provided in this section to assist in
31 the delivery and completion of all transportation partnership account
32 and transportation 2003 (nickel) account projects on the LEAP lists
33 referenced in this act. For the 2009-11 project appropriations, unless
34 otherwise provided in this act, the director of financial management
35 may authorize a transfer of appropriation authority between projects
36 funded with transportation 2003 account (nickel account)
37 appropriations, transportation partnership account appropriations, or

1 multimodal transportation account appropriations, in order to manage
2 project spending and efficiently deliver all projects in the respective
3 program under the following conditions and limitations:

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

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

9 (c) Each transfer between projects may only occur if the director
10 of financial management finds that any resulting change will not hinder
11 the completion of the projects as approved by the legislature. Until
12 the legislature reconvenes to consider the 2010 supplemental budget,
13 any unexpended 2007-09 appropriation balance as approved by the office
14 of financial management, in consultation with the legislative staff of
15 the house of representatives and senate transportation committees, may
16 be considered when transferring funds between projects;

17 (d) Transfers from a project may be made if the funds appropriated
18 to the project are in excess of the amount needed to complete the
19 project;

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

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

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

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

30 (4) The office of financial management shall document approved
31 transfers and/or schedule changes in the transportation executive
32 information system (TEIS), compare changes to the legislative baseline
33 funding and schedules identified by project identification number
34 identified in the LEAP lists adopted in this act, and transmit revised
35 project lists to chairs of the transportation committees of the
36 legislature on a quarterly basis.

1 selection of unsolicited project proposals. These rules must include
2 the following:

3 (1) Provisions that specify unsolicited proposals must meet
4 predetermined criteria;

5 (2) Provisions governing procedures for the cessation of
6 negotiations and consideration;

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

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

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

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

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

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

27 The commission may adopt other rules as necessary to avoid
28 conflicts with existing laws, statutes, or contractual obligations of
29 the state.

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

32 NEW SECTION. **Sec. 703.** To the extent that any appropriation
33 authorizes expenditures of state funds from the motor vehicle account,
34 special category C account, Tacoma Narrows toll bridge account,
35 transportation 2003 account (nickel account), transportation
36 partnership account, transportation improvement account, Puget Sound
37 capital construction account, multimodal transportation account, or

1 other transportation capital project account in the state treasury for
2 a state transportation program that is specified to be funded with
3 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the
4 legislature declares that any such expenditures made prior to the issue
5 date of the applicable transportation bonds for that state
6 transportation program are intended to be reimbursed from proceeds of
7 those transportation bonds in a maximum amount equal to the amount of
8 such appropriation.

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

11 The license plate technology account is created in the state
12 treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be
13 deposited into this account. Expenditures from this account must
14 support current and future license plate technology and systems
15 integration upgrades for both the department and correctional
16 industries. Moneys in the account may be spent only after
17 appropriation. Additionally, the moneys in this account may be used to
18 reimburse the motor vehicle account for any appropriation made to
19 implement the digital license plate system. During the 2007-2009 and
20 2009-2011 fiscal (~~(biennium)~~) biennia, the legislature may transfer
21 from the license plate technology account to the multimodal
22 transportation account such amounts as reflect the excess fund balance
23 of the license plate technology account.

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

26 The department shall not commence construction on any part of the
27 state route number 520 bridge replacement and HOV project until a
28 record of decision has been reached providing reasonable assurance that
29 project impacts will be avoided, minimized, or mitigated as much as
30 practicable to protect against further adverse impacts on neighborhood
31 environmental quality as a result of repairs and improvements made to
32 the state route number 520 bridge and its connecting roadways, and that
33 any such impacts will be addressed through engineering design choices,
34 mitigation measures, or a combination of both. The requirements of
35 this section shall not apply to off-site pontoon construction

1 supporting the state route number 520 bridge replacement and HOV
2 project. The requirements of this section shall not apply during the
3 2009-2011 fiscal biennium.

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

6 (1) Prior to commencing construction on either project, the
7 department of transportation must complete all of the following
8 requirements for both the Alaskan Way viaduct and Seattle Seawall
9 replacement project, and the state route number 520 bridge replacement
10 and HOV project: (a) In accordance with the national environmental
11 policy act, the department must designate the preferred alternative,
12 prepare a substantial project mitigation plan, and complete a
13 comprehensive cost estimate review using the department's cost estimate
14 validation process, for each project; (b) in accordance with all
15 applicable federal highway administration planning and project
16 management requirements, the department must prepare a project finance
17 plan for each project that clearly identifies secured and anticipated
18 fund sources, cash flow timing requirements, and project staging and
19 phasing plans if applicable; and (c) the department must report these
20 results for each project to the joint transportation committee.

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

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

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

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

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

34 (a) Audit the implementation of the cost allocation methodology
35 evaluated under [section 205,] chapter 518, Laws of 2007, as it exists
36 on July 22, 2007, assessing whether actual costs are allocated

1 consistently with the methodology, whether there are sufficient
2 internal controls to ensure proper allocation, and the adequacy of
3 staff training; and

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

6 (i) The costs are capital costs;

7 (ii) The costs meet the statutory requirements for preservation
8 activities and for improvement activities; and

9 (iii) Improvement costs are within the scope of legislative
10 appropriations.

11 (2) The report on the evaluations in this section is due by January
12 31, 2010.

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

14 (4) The requirements of this section shall not apply during the
15 2009-11 fiscal biennium.

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

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

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

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

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

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

33 (B) Holds at the time of licensure as a pilot, after successful
34 completion of the board-required training program, a first class United
35 States endorsement without restrictions on the United States government
36 license for the pilotage district in which the pilot applicant desires

1 to be licensed; however, all applicants for a pilot examination
2 scheduled to be given before July 1, 2008, must have the United States
3 pilotage endorsement at the time of application; and

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

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

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

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

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

17 (4) Pilot applicants shall be evaluated and may be ranked for entry
18 into a board-specified training program in a manner specified by the
19 board based on their performance on a written examination or
20 examinations established by the board, performance on other evaluation
21 exercises as may be required by the board, and other criteria or
22 qualifications as may be set by the board.

23 When the board determines that the demand for pilots requires entry
24 of an applicant into the training program it shall issue a training
25 license to that applicant, but under no circumstances may an applicant
26 be issued a training license more than four years after taking the
27 written entry examination. The training license authorizes the trainee
28 to do such actions as are specified in the training program.

29 After the completion of the training program the board shall
30 evaluate the trainee's performance and knowledge. The board, as it
31 deems appropriate, may then issue a pilot license, delay the issuance
32 of the pilot license, deny the issuance of the pilot license, or
33 require further training and evaluation.

34 (5) The board may (a) appoint a special independent committee or
35 (b) contract with private or governmental entities knowledgeable and
36 experienced in the development, administration, and grading of
37 licensing examinations or simulator evaluations for marine pilots, or
38 (c) do both. Active, licensed pilots designated by the board may

1 participate in the development, administration, and grading of
2 examinations and other evaluation exercises. If the board does appoint
3 a special examination or evaluation development committee, it is
4 authorized to pay the members of the committee the same compensation
5 and travel expenses as received by members of the board. Any person
6 who willfully gives advance knowledge of information contained on a
7 pilot examination or other evaluation exercise is guilty of a gross
8 misdemeanor.

9 (6) This subsection applies to the review of a pilot applicant's
10 written examinations and evaluation exercises to qualify to be placed
11 on a waiting list to become a pilot trainee. Failure to comply with
12 the process set forth in this subsection renders the results of the
13 pilot applicant's written examinations and evaluation exercises final.
14 A pilot applicant may seek board review, administrative review, and
15 judicial review of the results of the written examinations and
16 evaluation exercises in the following manner:

17 (a) A pilot applicant who seeks a review of the results of his or
18 her written examinations or evaluation exercises must request from the
19 board-appointed or board-designated examination committee an
20 administrative review of the results of his or her written examinations
21 or evaluation exercises as set forth by board rule.

22 (b) The determination of the examination committee's review of a
23 pilot applicant's examination results becomes final after thirty days
24 from the date of service of written notification of the committee's
25 determination unless a full adjudicative hearing before an
26 administrative law judge has been requested by the pilot applicant
27 before the thirty-day period has expired, as set forth by board rule.

28 (c) When a full adjudicative hearing has been requested by the
29 pilot applicant, the board shall request the appointment of an
30 administrative law judge under chapter 34.12 RCW who has sufficient
31 experience and familiarity with pilotage matters to be able to conduct
32 a fair and impartial hearing. The hearing shall be governed by chapter
33 34.05 RCW. The administrative law judge shall issue an initial order.

34 (d) The initial order of the administrative law judge is final
35 unless within thirty days of the date of service of the initial order
36 the board or pilot applicant requests review of the initial order under
37 chapter 34.05 RCW.

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

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

16 (8) All pilots and pilot trainees are subject to an annual physical
17 examination by a physician chosen by the board. The physician shall
18 examine the pilot's or pilot trainee's heart, blood pressure,
19 circulatory system, lungs and respiratory system, eyesight, hearing,
20 and such other items as may be prescribed by the board. After
21 consultation with a physician and the United States coast guard, the
22 board shall establish minimum health standards to ensure that pilots
23 and pilot trainees licensed by the state are able to perform their
24 duties. Within ninety days of the date of each annual physical
25 examination, and after review of the physician's report, the board
26 shall make a determination of whether the pilot or pilot trainee is
27 fully able to carry out the duties of a pilot or pilot trainee under
28 this chapter. The board may in its discretion check with the
29 appropriate authority for any convictions of or information regarding
30 offenses by a licensed pilot or pilot trainee involving drugs or the
31 personal consumption of alcohol in the prior twelve months.

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

37 (10) The board shall prescribe, pursuant to chapter 34.05 RCW, such
38 reporting requirements and review procedures as may be necessary to

1 assure the accuracy and validity of license and service claims.
2 Willful misrepresentation of such required information by a pilot
3 applicant shall result in disqualification of the pilot applicant.

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

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

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

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

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

19 (~~((4))~~) During the (~~((2007-09))~~) 2007-2009 and 2009-2011 fiscal
20 (~~((biennium))~~) biennia, the legislature may transfer from the advance
21 right-of-way revolving fund to the motor vehicle account amounts as
22 reflect the excess fund balance of the advance right-of-way revolving
23 fund.

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

26 The waste tire removal account is created in the state treasury.
27 All receipts from tire fees imposed under RCW 70.95.510 must be
28 deposited in the account. Moneys in the account may be spent only
29 after appropriation. Expenditures from the account may be used for the
30 cleanup of unauthorized waste tire piles and measures that prevent
31 future accumulation of unauthorized waste tire piles. During the 2007-
32 2009 and 2009-2011 fiscal (~~((biennium))~~) biennia, the legislature may
33 transfer from the waste tire removal account to the motor vehicle fund
34 such amounts as reflect the excess fund balance of the waste tire
35 removal account.

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

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

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

8 (3) Duties of the board include but are not limited to the
9 following:

10 (a) Review and approve the annual financial reports submitted by
11 sponsoring organizations with active special license plate series and
12 present those annual financial reports to the senate and house
13 transportation committees;

14 (b) Report annually to the senate and house transportation
15 committees on the special license plate applications that were
16 considered by the board;

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

22 (d) Review annually the number of plates sold for each special
23 license plate series created after January 1, 2003. The board may
24 submit a recommendation to discontinue a special plate series to the
25 chairs of the senate and house of representatives transportation
26 committees;

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

31 (4) Except as provided in chapter 72, Laws of 2008, in order to
32 assess the effects and impact of the proliferation of special license
33 plates, the legislature declares a temporary moratorium on the issuance
34 of any additional plates until July 1, (~~2009~~) 2011. During this
35 period of time, the special license plate review board created in RCW
36 46.16.705 and the department of licensing are prohibited from
37 accepting, reviewing, processing, or approving any applications.

1 Additionally, no special license plate may be enacted by the
2 legislature during the moratorium, unless the proposed license plate
3 has been approved by the board before February 15, 2005.

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

6 There is hereby created in the state treasury a fund to be known as
7 the highway safety fund to the credit of which shall be deposited all
8 moneys directed by law to be deposited therein. This fund shall be
9 used for carrying out the provisions of law relating to driver
10 licensing, driver improvement, financial responsibility, cost of
11 furnishing abstracts of driving records and maintaining such case
12 records, and to carry out the purposes set forth in RCW 43.59.010.
13 During the ((2005-2007-and)) 2007-2009 and 2009-2011 fiscal biennia,
14 the legislature may transfer from the highway safety fund to the motor
15 vehicle fund and the multimodal transportation account such amounts as
16 reflect the excess fund balance of the highway safety fund.

17 **Sec. 713.** RCW 46.68.220 and 2009 c 8 s 503 are each amended to
18 read as follows:

19 The department of licensing services account is created in the
20 motor vehicle fund. All receipts from service fees received under RCW
21 46.01.140(4)(b) shall be deposited into the account. Moneys in the
22 account may be spent only after appropriation. Expenditures from the
23 account may be used only for information and service delivery systems
24 for the department, and for reimbursement of county licensing
25 activities. During the 2007-2009 and 2009-2011 fiscal ((biennium))
26 biennia, the legislature may transfer from the department of licensing
27 services account such amounts as reflect the excess fund balance of the
28 account.

29 MISCELLANEOUS

30 NEW SECTION. **Sec. 801.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 802.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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1 Correct the title.

--- END ---