

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090,
3 47.12.244, 70.95.521, 46.16.725, 46.68.060, 46.63.170, 47.68.090, and
4 46.68.220; creating new sections; making appropriations and authorizing
5 expenditures for capital improvements; and declaring an emergency.

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

7 **2009-11 FISCAL BIENNIUM**

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

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

- 1 (a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending
 2 June 30, 2010.
- 3 (b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending
 4 June 30, 2011.
- 5 (c) "FTE" means full-time equivalent.
- 6 (d) "Lapse" or "revert" means the amount shall return to an
 7 unappropriated status.
- 8 (e) "Provided solely" means the specified amount may be spent only
 9 for the specified purpose. Unless otherwise specifically authorized in
 10 this act, any portion of an amount provided solely for a specified
 11 purpose that is not expended subject to the specified conditions and
 12 limitations to fulfill the specified purpose shall lapse.
- 13 (f) "Reappropriation" means appropriation and, unless the context
 14 clearly provides otherwise, is subject to the relevant conditions and
 15 limitations applicable to appropriations.
- 16 (g) "LEAP" means the legislative evaluation and accountability
 17 program committee.

18 **GENERAL GOVERNMENT AGENCIES--OPERATING**

19 NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION**
 20 **COMMISSION**

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

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

23 Motor Vehicle Account--State Appropriation \$3,389,000
 24 Puget Sound Ferry Operations Account--State
 25 Appropriation \$100,000
 26 TOTAL APPROPRIATION \$3,489,000

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

- 29 (1) \$1,699,000 of the motor vehicle account--state appropriation is
 30 provided solely for the office of regulatory assistance integrated
 31 permitting project.
- 32 (2) Within existing resources, the office of financial management
 33 shall complete a salary survey to be used for collective bargaining and
 34 arbitration purposes related to the Washington state ferries.

1 (3) \$1,004,000 of the motor vehicle account--state appropriation is
2 provided solely for the continued maintenance and support of the
3 transportation executive information system. Of the amount provided in
4 this subsection, \$502,000 is for two existing FTEs at the department of
5 transportation to maintain and support the system.

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

7 Puget Sound Ferry Operations Account--State
8 Appropriation \$424,000

9 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
10 **COMMISSION**

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

12 The appropriation in this section is subject to the following
13 conditions and limitations: The entire appropriation in this section
14 is provided solely for road maintenance purposes.

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

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

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

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

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

26 NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
27 **HISTORIC PRESERVATION**

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

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

1 NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND**
2 **ACCOUNTABILITY PROGRAM COMMITTEE**

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

4 NEW SECTION. **Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**
5 **COMMITTEE**

6 (1) As part of its 2009-11 fiscal biennium work plan, the joint
7 legislative audit and review committee shall conduct an analysis of the
8 cost of credit card payment options at the department of
9 transportation. For programs where a credit card payment option is
10 offered, the review must include:

11 (a) An analysis of the direct and indirect cost per transaction to
12 process customer payments using credit cards;

13 (b) An analysis of the direct and indirect cost per transaction for
14 other methods of processing customer payments;

15 (c) An analysis of the historical and projected total aggregate
16 costs for processing all forms of customer payments;

17 (d) Identification of whether there are customer service,
18 administrative, and revenue collection benefits resulting from credit
19 card usage; and

20 (e) A review of the use of credit card payment options in other
21 state agencies and in similar transportation programs at other states.

22 The committee shall provide a report on its findings and any
23 related recommendations to the legislature by January 2010.

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

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

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

36 (c) Washington state ferries' implementation of the cost allocation
37 methodology evaluated under section 205, chapter 518, Laws of 2007,

1 assessing whether actual costs are allocated consistently with the
2 methodology, whether there are sufficient internal controls to ensure
3 proper allocation, and the adequacy of staff training.

4 **TRANSPORTATION AGENCIES--OPERATING**

5 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
6 **COMMISSION**

7 Highway Safety Account--State Appropriation \$2,542,000
8 Highway Safety Account--Federal Appropriation \$18,660,000
9 School Zone Safety Account--State Appropriation \$3,890,000
10 TOTAL APPROPRIATION \$25,092,000

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

13 (1) \$1,336,000 of the highway safety account--state appropriation
14 and \$550,000 of the school zone safety account--state appropriation are
15 provided solely for funding traffic safety task forces.

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

19 (a) The commission shall comply with RCW 46.63.170 in administering
20 the projects.

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

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

28 (3) \$2,670,000 of the highway safety account--federal appropriation
29 is provided solely for a target zero trooper pilot program, which the
30 commission shall develop and implement in collaboration with the
31 Washington state patrol. The pilot program must demonstrate the
32 effectiveness of intense, high visibility, driving under the influence
33 enforcement in Washington. The commission shall apply to the national
34 highway traffic safety administration for federal highway safety grants
35 to cover the cost of the pilot program. If the pilot program is
36 approved for funding by the national highway traffic safety

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

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

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

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

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

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

21	Motor Vehicle Account--State Appropriation	\$1,841,000
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22 The appropriation in this section is subject to the following
23 conditions and limitations:

24 (1) \$200,000 of the motor vehicle account--state appropriation is
25 for a comprehensive analysis, as stated in Senate Bill No. 5689, of
26 mid-term and long-term transportation funding mechanisms and methods.
27 Elements of the study will include existing data and trends, policy
28 objectives, performance and evaluation criteria, incremental transition
29 strategies, and possibly, scaled testing. Baseline data and methods
30 assessment must be concluded by December 31, 2009. Performance
31 criteria must be developed by June 30, 2010, and recommended planning
32 level alternative funding strategies must be completed by December 31,
33 2010.

34 (2) \$600,000 of the motor vehicle account--state appropriation is

1 for a continuation of the ferry study conducted during the 2007-09
2 fiscal biennium. The study must include the following:

3 (a) A work group convened by the committee, to include the office
4 of financial management's labor relations office, union
5 representatives, Washington state ferries representatives, and any
6 other applicable stakeholders approved by the cochairs, to study
7 employment issues regarding Washington state ferries. The work group
8 shall make recommendations to the 2010 legislature regarding the
9 following:

10 (i) The collective bargaining process, and terms of collective
11 bargaining agreements and other items regarding the relationship
12 between the department of transportation and ferry union employees;

13 (ii) Terms of collective bargaining agreements that will allow more
14 efficient operations of Washington state ferries; and

15 (iii) The role of the marine employees commission; and

16 (b) Recommendations to the legislature on the following items, to
17 be due by December 15, 2010, except that recommendations on the
18 reservation system under (b)(vi) of this subsection must be completed
19 by December 15, 2009:

20 (i) A ferry vessel procurement process;

21 (ii) A ferry vessel maintenance, preservation, and improvement
22 program;

23 (iii) Using a third party to manage the design and construction of
24 new vessels;

25 (iv) The establishment of a vessel replacement fund;

26 (v) Third-party project management of major terminal preservation
27 and improvement projects over fifty million dollars;

28 (vi) A reservation system and electronic fare system; and

29 (vii) Project budgeting for terminal projects.

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

31	Motor Vehicle Account--State Appropriation	\$2,237,000
32	Multimodal Transportation Account--State Appropriation	\$112,000
33	TOTAL APPROPRIATION	\$2,349,000

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

36 (1) \$350,000 of the motor vehicle account--state appropriation is

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

6 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**
7 **OPERATIONS BUREAU**

8	State Patrol Highway Account--State	
9	Appropriation	\$229,652,000
10	State Patrol Highway Account--Federal	
11	Appropriation	\$10,602,000
12	State Patrol Highway Account--Private/Local	
13	Appropriation	\$859,000
14	TOTAL APPROPRIATION	\$241,113,000

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

17 (1) Washington state patrol officers engaged in off-duty uniformed
18 employment providing traffic control services to the department of
19 transportation or other state agencies may use state patrol vehicles
20 for the purpose of that employment, subject to guidelines adopted by
21 the chief of the Washington state patrol. The Washington state patrol
22 shall be reimbursed for the use of the vehicle at the prevailing state
23 employee rate for mileage and hours of usage, subject to guidelines
24 developed by the chief of the Washington state patrol.

25 (2) The patrol shall not account for or record locally provided DUI
26 cost reimbursement payments as expenditure credits to the state patrol
27 highway account. The patrol shall report the amount of expected
28 locally provided DUI cost reimbursements to the office of financial
29 management and transportation committees of the legislature by
30 September 30th of each year.

31 (3) The Washington state patrol shall discuss the implementation of
32 the pilot program described under section 219(3) of this act with any
33 union representing the affected employees.

34 (4) The Washington state patrol shall assign necessary personnel
35 and equipment to implement and operate the pilot program described
36 under section 219(3) of this act using the portion of the automated
37 traffic safety camera fines deposited into the state patrol highway

1 account, but not to exceed \$370,000. If the fines deposited into the
2 state patrol highway account from automated traffic safety camera
3 infractions do not reach \$370,000, the department of transportation
4 shall remit funds necessary to the Washington state patrol to ensure
5 the completion of the pilot program.

6 (5) Within existing resources, the Washington state patrol shall
7 make every reasonable effort to increase the enrollment in each of the
8 academy classes to fifty-five cadets, beginning during the 2009-11
9 fiscal biennium.

10 (6) The Washington state patrol shall collaborate with the
11 Washington traffic safety commission to develop and implement the
12 target zero trooper pilot program referenced in section 201(3) of this
13 act.

14 NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--**
15 **INVESTIGATIVE SERVICES BUREAU**

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

17 The appropriation in this section is subject to the following
18 conditions and limitations: Traffic accident information compiled or
19 collected by the Washington state patrol under RCW 46.52.060 must be
20 compiled or collected solely for the purposes related to those
21 identified in 23 U.S.C. Sec. 152 and 23 U.S.C. Sec. 409. The traffic
22 accident information is subject to public disclosure in a manner
23 consistent with the state public records act, chapter 42.56 RCW, but
24 may be released only in conformance with 23 U.S.C. Sec. 409.

25 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**
26 **TECHNICAL SERVICES BUREAU**

27 State Patrol Highway Account--State Appropriation \$103,464,000

28 State Patrol Highway Account--Private/Local

29 Appropriation \$2,008,000

30 TOTAL APPROPRIATION \$105,472,000

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

33 (1) The Washington state patrol shall work with the risk management
34 division in the office of financial management in compiling the
35 Washington state patrol's data for establishing the agency's risk
36 management insurance premiums to the tort claims account. The office

1 of financial management and the Washington state patrol shall submit a
2 report to the legislative transportation committees by December 31st of
3 each year on the number of claims, estimated claims to be paid, method
4 of calculation, and the adjustment in the premium.

5 (2) \$12,547,000 of the total appropriation is provided solely for
6 automobile fuel in the 2009-11 fiscal biennium.

7 (3) \$8,678,000 of the total appropriation is provided solely for
8 the purchase of pursuit vehicles.

9 (4) \$5,254,000 of the total appropriation is provided solely for
10 vehicle repair and maintenance costs of vehicles used for highway
11 purposes.

12 (5) \$384,000 of the total appropriation is provided solely for the
13 purchase of mission vehicles used for highway purposes in the
14 commercial vehicle and traffic investigation sections of the Washington
15 state patrol.

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

20 NEW SECTION. **Sec. 210. FOR THE WASHINGTON STATE PATROL--CRIMINAL**
21 **HISTORY AND BACKGROUND CHECKS.** In accordance with RCW 10.97.100 and
22 chapter 43.43 RCW, the Washington state patrol is authorized to perform
23 criminal history and background checks for state and local agencies and
24 nonprofit and other private entities and disseminate the records
25 resulting from these activities. The Washington state patrol is
26 required to charge a fee for these activities, for which it is the
27 policy of the state of Washington that the fees cover the direct and
28 indirect costs of performing the criminal history and background checks
29 and disseminating the information. For each type of criminal history
30 and background check and dissemination of these records, the Washington
31 state patrol shall, as nearly as practicable, set fees at levels
32 sufficient to cover the direct and indirect costs. Pursuant to RCW
33 43.135.055, during the 2009-11 fiscal biennium, the Washington state
34 patrol may increase fees if the increases are necessary to fully fund
35 the cost of supervision and regulation.

1 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF LICENSING**

2	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation	\$4,373,000
5	Wildlife Account--State Appropriation	\$837,000
6	Highway Safety Account--State Appropriation	\$145,053,000
7	Highway Safety Account--Federal Appropriation	\$8,000
8	Highway Safety Account--Local Appropriation	\$91,000
9	Motor Vehicle Account--State Appropriation	\$78,805,000
10	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
11	Motor Vehicle Account--Federal Appropriation	\$242,000
12	Department of Licensing Services Account--State	
13	Appropriation	\$3,867,000
14	Washington State Patrol Highway Account--State	
15	Appropriation	\$738,000
16	Ignition Interlock Device Revolving Account--State	
17	Appropriation	\$2,490,000
18	TOTAL APPROPRIATION	\$237,908,000

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

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

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

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

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

37 (A) Taxpayer reporting and payment processes;

38 (B) The international fuel tax agreement;

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

3 (D) Computer systems;

4 (E) Best management practices and efficiencies;

5 (F) Costs; and

6 (G) Personnel matters;

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

9 (iv) An implementation plan and schedule.

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

14 (2) \$103,404,000 of the highway safety account--state appropriation
15 is provided solely for the driver services division. The department
16 shall not close any licensing service offices other than the following
17 anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East
18 Seattle; (e) Greenwood; (f) Othello; and (g) West Tacoma. The
19 department shall, on a quarterly basis, report to the transportation
20 committees of the legislature the following monthly data by licensing
21 service office locations: (a) Lease costs; (b) salary and benefit
22 costs; (c) other expenditures; (d) FTEs; (e) number of transactions
23 completed, by type of transaction; and (f) office hours. The
24 department may begin a pilot project of no more than five kiosks.

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

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

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

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

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

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

16 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

18 High-Occupancy Toll Lanes Account--State
19 Appropriation \$2,867,000
20 Motor Vehicle Account--State Appropriation \$585,000
21 Tacoma Narrows Toll Bridge Account--State
22 Appropriation \$27,358,000
23 TOTAL APPROPRIATION \$30,810,000

24 The appropriations in this section are subject to the following
25 conditions and limitations: The department shall make detailed
26 quarterly expenditure reports available to the transportation
27 commission and to the public on the department's web site using current
28 department resources. The reports must include a summary of revenue
29 generated by tolls on the Tacoma Narrows bridge and an itemized
30 depiction of the use of that revenue.

31 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **INFORMATION TECHNOLOGY--PROGRAM C**

33 Transportation Partnership Account--State
34 Appropriation \$2,675,000
35 Motor Vehicle Account--State Appropriation \$69,811,000
36 Motor Vehicle Account--Federal Appropriation \$240,000

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

5 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
6 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
7 Motor Vehicle Account--State Appropriation \$25,501,000

8 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
9 **AVIATION--PROGRAM F**
10 Aeronautics Account--State Appropriation \$6,009,000
11 Aeronautics Account--Federal Appropriation \$2,150,000
12 TOTAL APPROPRIATION \$8,159,000

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

15 (1) \$50,000 of the aeronautics account--state account is a
16 reappropriation provided solely to pay any outstanding obligations of
17 the aviation planning council, which expires July 1, 2009.

18 (2) \$150,000 of the aeronautics account--state account is a
19 reappropriation provided solely to complete runway preservation
20 projects.

21 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**
23 Transportation Partnership Account--State
24 Appropriation \$100,000
25 Motor Vehicle Account--State Appropriation \$48,032,000
26 Motor Vehicle Account--Federal Appropriation \$500,000
27 Multimodal Transportation Account--State
28 Appropriation \$250,000
29 Transportation 2003 Account (Nickel Account)--State
30 Appropriation \$100,000
31 TOTAL APPROPRIATION \$48,982,000

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

34 (1) \$750,000 of the motor vehicle account--state appropriation is

1 provided solely to begin compliance with new stormwater permit
2 requirements mandated by the department of ecology.

3 (2) \$100,000 of the transportation partnership account--state
4 appropriation and \$100,000 of the transportation 2003 account (nickel
5 account)--state appropriation are provided solely to the department to
6 transition the roles and responsibilities of the statewide project
7 management group consultants to the department. The department shall
8 provide an updated copy of the capital construction strategic plan to
9 the legislative transportation committees and to the office of
10 financial management on June 30, 2009, and each year thereafter. The
11 department shall coordinate its work with other budget and performance
12 efforts, including Roadmap, the findings of the critical applications
13 modernization and integration strategies study, including proposed next
14 steps, and the priorities of government process.

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

25 (4) The appropriations in this section reflect a reduction of
26 department administrative costs and the more efficient use of
27 department resources, resulting from the regional realignment
28 identified in Engrossed Substitute Senate Bill No. 5682.

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

1 department of fish and wildlife for adequate consideration in the
2 amount of \$600,000, the proceeds of which must be deposited in the
3 motor vehicle fund.

4 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **ECONOMIC PARTNERSHIPS--PROGRAM K**

6	Motor Vehicle Account--State Appropriation	\$615,000
7	Multimodal Transportation Account--State Appropriation	\$200,000
8	TOTAL APPROPRIATION	\$815,000

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

11 (1) \$200,000 of the multimodal account--state appropriation is
12 provided solely for the department to develop and implement public
13 private partnerships at high priority terminals as identified in the
14 January 12, 2009, final report on joint development opportunities at
15 Washington state ferries terminals. The department shall first
16 consider a mutually beneficial agreement at the Edmonds terminal.

17 (2) \$50,000 of the motor vehicle account--state appropriation is
18 provided solely for the department to investigate the potential to
19 generate revenue from web site sponsorships and similar ventures and,
20 if feasible, pursue partnership opportunities.

21 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **HIGHWAY MAINTENANCE--PROGRAM M**

23	Motor Vehicle Account--State Appropriation	\$347,799,000
24	Motor Vehicle Account--Federal Appropriation	\$2,000,000
25	Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
26	TOTAL APPROPRIATION	\$355,596,000

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

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

34 (2) The department shall request an unanticipated receipt for any
35 federal moneys received for emergency snow and ice removal and shall

1 place an equal amount of the motor vehicle account--state into
2 unallotted status. This exchange shall not affect the amount of
3 funding available for snow and ice removal.

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

8 (4) \$2,000,000 of the motor vehicle account--federal appropriation
9 is for unanticipated federal funds that may be received during the
10 2009-11 fiscal biennium. Upon receipt of the funds, the department
11 shall provide a report on the use of the funds to the transportation
12 committees of the legislature and the office of financial management.

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

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

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

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

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

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

34 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
35 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

36 Motor Vehicle Account--State Appropriation \$51,699,000
37 Motor Vehicle Account--Federal Appropriation \$2,050,000

1 Motor Vehicle Account--Private/Local Appropriation \$127,000
2 TOTAL APPROPRIATION \$53,876,000

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

5 (1) \$346,000 of the motor vehicle account--state appropriation is
6 provided solely for the department to continue a pilot tow truck
7 incentive program and to expand the program to other areas of the
8 state. The department may provide incentive payments to towing
9 companies that meet clearance goals on accidents that involve heavy
10 trucks.

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

20 (3) The department, in consultation with the Washington state
21 patrol, may continue a pilot program for the patrol to issue
22 infractions based on information from automated traffic safety cameras
23 in roadway construction zones on state highways when workers are
24 present. The department shall use the following guidelines to
25 administer the program:

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

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

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

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

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

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

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

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

1 transportation committee by December 1, 2010, regarding the use of
2 recycled concrete and asphalt. The report must include, at a minimum,
3 how much recycled concrete and asphalt was used and the resulting cost
4 savings to the state.

5 (4) The appropriations in this section reflect a reduction of
6 department administrative costs and the more efficient use of
7 department resources, resulting from the regional realignment
8 identified in Engrossed Substitute Senate Bill No. 5682.

9 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
10 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

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

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

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

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

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

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

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

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

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

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

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

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

37 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE

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

7 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
 8 **PUBLIC TRANSPORTATION--PROGRAM V**

9 Regional Mobility Grant Program Account--State
 10 Appropriation \$67,268,000
 11 Multimodal Transportation Account--State
 12 Appropriation \$66,465,000
 13 Multimodal Transportation Account--Federal
 14 Appropriation \$2,582,000
 15 Multimodal Transportation Account--Private/Local
 16 Appropriation \$1,027,000
 17 TOTAL APPROPRIATION \$137,342,000

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

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

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

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

1 the "Summary of Public Transportation - 2007" published by the
2 department of transportation. No transit agency may receive more than
3 thirty percent of these distributions.

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

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

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

17 (3) \$7,000,000 of the multimodal transportation account--state
18 appropriation is provided solely for a vanpool grant program for: (a)
19 Public transit agencies to add vanpools or replace vans; and (b)
20 incentives for employers to increase employee vanpool use. The grant
21 program for public transit agencies will cover capital costs only; no
22 operating costs for public transit agencies are eligible for funding
23 under this grant program. No additional employees may be hired from
24 the funds provided in this section for the vanpool grant program, and
25 supplanting of transit funds currently funding vanpools is not allowed.
26 Additional criteria for selecting grants must include leveraging funds
27 other than state funds.

28 (4) \$40,000,000 of the regional mobility grant program account--
29 state appropriation is provided solely for the regional mobility grant
30 projects identified on the LEAP Transportation Document 2009-B, as
31 developed March 23, 2009. The department shall review all projects
32 receiving grant awards under this program at least semiannually to
33 determine whether the projects are making satisfactory progress. Any
34 project that has been awarded funds, but does not report activity on
35 the project within one year of the grant award, shall be reviewed by
36 the department to determine whether the grant should be terminated.
37 The department shall promptly close out grants when projects have been
38 completed, and any remaining funds available to the office of transit

1 mobility shall be used only to fund projects on the LEAP Transportation
2 Document 2009-B, as developed March 23, 2009. The department shall
3 provide annual status reports on December 15, 2009, and December 15,
4 2010, to the office of financial management and the transportation
5 committees of the legislature regarding the projects receiving the
6 grants. It is the intent of the legislature to appropriate funds
7 through the regional mobility grant program only for projects that will
8 be completed on schedule.

9 (5) \$5,018,000 of the multimodal transportation account--state
10 appropriation and \$27,268,000 of the regional mobility grant program
11 account--state appropriation are reappropriated and provided solely for
12 the regional mobility grant projects identified on the LEAP
13 Transportation Document 2007-B, as developed April 20, 2007. The
14 department shall continue to review all projects receiving grant awards
15 under this program at least semiannually to determine whether the
16 projects are making satisfactory progress. The department shall
17 promptly close out grants when projects have been completed, and any
18 remaining funds available to the office of transit mobility shall be
19 used only to fund projects on the LEAP Transportation Document 2007-B,
20 as developed April 20, 2007, or the LEAP Transportation Document
21 2009-B, as developed March 23, 2009. It is the intent of the
22 legislature to appropriate funds through the regional mobility grant
23 program only for projects that will be completed on schedule.

24 (6) \$2,309,000 of the multimodal transportation account--state
25 appropriation is provided solely for the tri-county connection service
26 for Island, Skagit, and Whatcom transit agencies.

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

32 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **MARINE--PROGRAM X**

34 Puget Sound Ferry Operations Account--State
35 Appropriation \$395,905,000

36 The appropriation in this section is subject to the following
37 conditions and limitations:

1 (1) \$52,463,000 of the Puget Sound ferry operations account--state
2 appropriation is provided solely for auto ferry vessel operating fuel
3 in the 2009-11 fiscal biennium.

4 (2) \$1,100,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for a marketing program. The
6 department shall present a marketing program proposal to the
7 transportation committees of the legislature during the 2010
8 legislative session before expending these funds.

9 (3) The Washington state ferries shall continue to provide service
10 to Sidney, British Columbia.

11 (4) The department shall significantly reduce the number of
12 injuries suffered by Washington state ferries employees. By December
13 15, 2009, the department shall submit to the office of financial
14 management and the transportation committees of the legislature its
15 implementation plan to reduce such injuries.

16 (5) When purchasing uniforms that are required by collective
17 bargaining agreements, the department shall contract with the lowest
18 cost provider.

19 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **RAIL--PROGRAM Y--OPERATING**

21 Multimodal Transportation Account--State
22 Appropriation \$34,933,000

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

25 (1) \$29,091,000 of the multimodal transportation account--state
26 appropriation is provided solely for the Amtrak service contract and
27 Talgo maintenance contract associated with providing and maintaining
28 the state-supported passenger rail service. Upon completion of the
29 rail platform project in the city of Stanwood, the department shall
30 provide daily Amtrak Cascades service to the city.

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

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

34 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--**
35 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

36 Motor Vehicle Account--State Appropriation \$8,739,000

1 Motor Vehicle Account--Federal Appropriation \$2,567,000
2 TOTAL APPROPRIATION \$11,306,000

3 **TRANSPORTATION AGENCIES--CAPITAL**

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

5 State Patrol Highway Account--State Appropriation \$2,808,000

6 The appropriation in this section is subject to the following
7 conditions and limitations:

8 (1) \$1,308,000 is provided solely for the following minor works
9 projects: \$450,000 for academy roofs; \$150,000 for HVAC controls
10 replacement; \$168,000 for upgrades to scales; \$50,000 for Bellevue
11 electrical equipment upgrades; \$90,000 for South King detachment window
12 replacement; \$200,000 for replacement of the Naselle tower, shelter,
13 and fence; and \$200,000 for unforeseen emergency repairs.

14 (2) \$1,500,000 is provided solely for the construction of regional
15 waste water treatment systems for the Shelton academy of the Washington
16 state patrol.

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

18 Rural Arterial Trust Account--State Appropriation \$51,000,000

19 Motor Vehicle Account--State Appropriation \$1,048,000

20 County Arterial Preservation Account--State
21 Appropriation \$31,400,000

22 TOTAL APPROPRIATION \$83,448,000

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

25 (1) \$1,048,000 of the motor vehicle account--state appropriation
26 may be used for county ferry projects as developed pursuant to RCW
27 47.56.725(4).

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

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

2 Small City Pavement and Sidewalk Account--State

3 Appropriation \$4,600,000

4 Urban Arterial Trust Account--State Appropriation \$107,400,000

5 Transportation Improvement Account--State

6 Appropriation \$78,500,000

7 TOTAL APPROPRIATION \$190,500,000

8 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**

9 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

10 Motor Vehicle Account--State Appropriation \$6,581,000

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

13 (1) \$290,000 of the motor vehicle account--state appropriation is
14 provided solely for reconstruction of the Wandermere facility that was
15 destroyed in the 2008-09 winter storms.

16 (2) \$2,000,000 of the motor vehicle account--state appropriation is
17 for facilities maintenance backlog projects.

18 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**

19 **IMPROVEMENTS--PROGRAM I**

20 Multimodal Transportation Account--State

21 Appropriation \$1,000

22 Transportation Partnership Account--State

23 Appropriation \$1,702,252,000

24 Motor Vehicle Account--State Appropriation \$80,488,000

25 Motor Vehicle Account--Federal Appropriation \$487,506,000

26 Motor Vehicle Account--Private/Local

27 Appropriation \$65,496,000

28 Special Category C Account--State Appropriation \$15,000,000

29 Transportation 2003 Account (Nickel Account)--State

30 Appropriation \$780,257,000

31 Freight Multimodal Account--State Appropriation \$4,422,000

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

33 TOTAL APPROPRIATION \$3,136,210,000

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

1 (1) Except as provided otherwise in this section, the entire
2 transportation 2003 account (nickel account) appropriation and the
3 entire transportation partnership account appropriation are provided
4 solely for the projects and activities as listed by fund, project, and
5 amount in LEAP Transportation Document 2009-1, Highway Improvement
6 Program (I), as developed March 23, 2009. However, limited transfers
7 of specific line-item project appropriations may occur between projects
8 for those amounts listed subject to the conditions and limitations in
9 section 603 of this act.

10 (2) The department shall not commence construction on any part of
11 the state route number 520 bridge replacement and HOV project until a
12 record of decision has been reached providing reasonable assurance that
13 project impacts will be avoided, minimized, or mitigated as much as
14 practicable to protect against further adverse impacts on neighborhood
15 environmental quality as a result of repairs and improvements made to
16 the state route 520 bridge and its connecting roadways, and that any
17 such impacts will be addressed through engineering design choices,
18 mitigation measures, or a combination of both. The requirements of
19 this section shall not apply to off-site pontoon construction
20 supporting the state route number 520 bridge replacement and HOV
21 project.

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

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

30 (5) For highway construction projects where the department
31 considers agricultural lands of long-term commercial significance, as
32 defined in RCW 36.70A.030, in reviewing and selecting sites to meet
33 environmental mitigation requirements under the national environmental
34 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental
35 policy act (chapter 43.21C RCW), the department shall, to the greatest
36 extent possible, consider using public land first. If public lands are
37 not available that meet the required environmental mitigation needs,

1 the department may use other sites while making every effort to avoid
2 any net loss of agricultural lands that have a designation of long-term
3 commercial significance.

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

9 (7) The department shall, on a quarterly basis beginning July 1,
10 2009, provide to the office of financial management and the legislature
11 reports providing the status on each active project funded in part or
12 whole by the transportation 2003 account (nickel account) or the
13 transportation partnership account. Funding provided at a programmatic
14 level for transportation partnership account and transportation 2003
15 account (nickel account) projects relating to bridge rail, guard rail,
16 fish passage barrier removal, and roadside safety projects should be
17 reported on a programmatic basis. Projects within this programmatic
18 level funding should be completed on a priority basis and scoped to be
19 completed within the current programmatic budget. Other projects may
20 be reported on a programmatic basis. The department shall work with
21 the office of financial management and the transportation committees of
22 the legislature to agree on report formatting and elements. Elements
23 must include, but not be limited to, project scope, schedule, and
24 costs, and must be developed according to an earned value method of
25 project monitoring. The department shall also provide the information
26 required under this subsection on a quarterly basis via the
27 transportation executive information systems (TEIS).

28 (8) Within the amounts provided in this section, \$1,500,000 of the
29 motor vehicle account--state appropriation is provided solely for
30 necessary work along the south side of SR 532, identified as project
31 number 053255C in the LEAP transportation document described in
32 subsection (1) of this section.

33 (9) The department shall apply for the competitive portion of
34 federal transit administration funds for eligible transit-related costs
35 of the SR 520 bridge replacement and HOV project and the Columbia river
36 crossing project. The federal funds described in this subsection shall
37 not include those federal transit administration funds distributed by
38 formula.

1 (10) The transportation 2003 account (nickel account)--state
2 appropriation includes up to \$718,949,000 in proceeds from the sale of
3 bonds authorized by RCW 47.10.861.

4 (11) The transportation partnership account--state appropriation
5 includes up to \$1,350,695,000 in proceeds from the sale of bonds
6 authorized in RCW 47.10.873.

7 (12) The special category C account--state appropriation includes
8 up to \$11,558,000 in proceeds from the sale of bonds authorized in RCW
9 47.10.812.

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

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

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

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

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

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

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

33 (g) Conduct public work sessions and open houses to provide
34 information to citizens, including users of the bridge and business and
35 freight interests, regarding implementation of tolls on the Interstate
36 5 and to solicit citizen views on the following items:

37 (i) Funding a portion of the Columbia river crossing project with
38 tolls;

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

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

5 (h) Provide a report to the governor and the legislature by January
6 2010.

7 (14) \$400,000 of the motor vehicle account--state appropriation is
8 provided solely for the department to conduct a state route number 2
9 route development plan that will identify essential improvements needed
10 between the port of Everett/Naval station and approaching the state
11 route number 9 interchange near the city of Snohomish.

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

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

20 (i) Confer with the mayors and city councils of jurisdictions in
21 the vicinity of the project regarding the implementation of high
22 occupancy toll lanes and the impacts that the implementation of these
23 high occupancy toll lanes might have on the operation of the corridor
24 and adjacent local streets;

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

28 (iii) Provide a report to the governor and the legislature by
29 January 2010.

30 (16) Within the amounts provided in this section, \$38,000,000 of
31 the transportation partnership account--state appropriation is for
32 project 600010A, as identified in the LEAP transportation document in
33 subsection (1) of this section: NSC-North Spokane corridor design and
34 right-of-way - new alignment. Expenditure of these funds is for
35 preliminary engineering and right-of-way purchasing to prepare for four
36 lanes to be built from where existing construction ends at Francis
37 Avenue for three miles to the Spokane river.

1 (17) \$2,000,000 of the motor vehicle account--federal appropriation
2 is provided solely for project 100224I, as identified in the LEAP
3 transportation document in subsection (1) of this section: US 2 high
4 priority safety project. Expenditure of these funds is for safety
5 projects on state route number 2 between Skykomish and Gold Bar, which
6 may include median rumble strips, traffic cameras, and electronic
7 message signs.

8 (18) \$2,000,000 of the motor vehicle account--federal appropriation
9 is provided solely for improvements on SR 516 from Wax Road to 185th
10 Avenue.

11 (19) \$250,000 of the motor vehicle account--federal appropriation
12 is provided solely for the addition of a right turn lane to improve
13 visibility and traffic flow on US 195 at Cheney-Spokane Road.

14 (20) Project number 330215A in the LEAP transportation document
15 described in subsection (1) of this section is expanded to include
16 safety and congestion improvements from Key Peninsula Highway to Purdy
17 Vicinity. The department shall consult with the Washington traffic
18 safety commission to ensure that this project includes improvement at
19 intersections and along the roadway to reduce the frequency and
20 severity of collisions related to roadway conditions and traffic
21 congestion.

22 (21) The appropriations in this section reflect a reduction of
23 department administrative costs and the more efficient use of
24 department resources, resulting from the regional realignment
25 identified in Engrossed Substitute Senate Bill No. 5682.

26 (22) Expenditures for the state route number 99 Alaskan Way viaduct
27 replacement project must be made in conformance with Engrossed
28 Substitute Senate Bill No. 5768.

29 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **PRESERVATION--PROGRAM P**

31 Transportation Partnership Account--State

32	Appropriation	\$91,888,000
33	Motor Vehicle Account--State Appropriation	\$94,531,000
34	Motor Vehicle Account--Federal Appropriation	\$515,396,000
35	Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
36	Transportation 2003 Account (Nickel Account)--State	
37	Appropriation	\$7,237,000

1 (5) The department shall, on a quarterly basis beginning July 1,
2 2009, provide to the office of financial management and the legislature
3 reports providing the status on each active project funded in part or
4 whole by the transportation 2003 account (nickel account) or the
5 transportation partnership account. Funding provided at a programmatic
6 level for transportation partnership account projects relating to
7 seismic bridges should be reported on a programmatic basis. Projects
8 within this programmatic level funding should be completed on a
9 priority basis and scoped to be completed within the current
10 programmatic budget. Other projects may be reported on a programmatic
11 basis. The department shall work with the office of financial
12 management and the transportation committees of the legislature to
13 agree on report formatting and elements. Elements must include, but
14 not be limited to, project scope, schedule, and costs, and must be
15 developed according to an earned value method of project monitoring.
16 The department shall also provide the information required under this
17 subsection on a quarterly basis via the transportation executive
18 information systems (TEIS).

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

25 (7) Within the amounts provided in this section, \$1,510,000 of the
26 motor vehicle account--state appropriation is provided solely to
27 complete the rehabilitation of the SR 532/84th Ave NW bridge deck.

28 (8) \$1,500,000 of the motor vehicle account--federal appropriation
29 is provided solely for the environmental impact statement and
30 preliminary planning for the replacement of the SR 9 Snohomish river
31 bridge.

32 (9) The appropriations in this section reflect a reduction of
33 department administrative costs and the more efficient use of
34 department resources, resulting from the regional realignment
35 identified in Engrossed Substitute Senate Bill No. 5682.

36 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**

1 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

2	Motor Vehicle Account--State Appropriation	\$6,396,000
3	Motor Vehicle Account--Federal Appropriation	\$9,262,000
4	TOTAL APPROPRIATION	\$15,658,000

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

7	Puget Sound Capital Construction Account--State	
8	Appropriation	\$104,498,000
9	Puget Sound Capital Construction Account--Federal	
10	Appropriation	\$37,330,000
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation	\$67,044,000
13	Transportation Partnership Account--State	
14	Appropriation	\$80,731,000
15	TOTAL APPROPRIATION	\$289,603,000

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

18 (1) \$104,498,000 of the Puget Sound capital construction account--
19 state appropriation, \$37,330,000 of the Puget Sound capital
20 construction account--federal appropriation, \$80,731,000 of the
21 transportation partnership account--state appropriation, and
22 \$67,044,000 of the transportation 2003 account (nickel account)--state
23 appropriation are provided solely for ferry capital projects, project
24 support, and administration as listed in LEAP Transportation Document
25 ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed
26 March 23, 2009. Of the total appropriation, a maximum of \$10,627,000
27 may be used for administrative support, a maximum of \$8,683,000 may be
28 used for terminal project support, and a maximum of \$3,998,000 may be
29 used for vessel project support. These appropriations may not be used
30 for 144-auto ferry vessels.

31 (2) \$67,044,000 of the transportation 2003 account (nickel
32 account)--state appropriation and \$53,137,000 of the transportation
33 partnership account--state appropriation are provided solely for the
34 acquisition of four new Island Homes class ferry vessels subject to the
35 conditions and limitations in RCW 47.56.780, the first two of which
36 shall be placed on the Port Townsend-Keystone route. The department
37 shall add additional passenger capacity to two of these vessels to make

1 them more flexible within the system in the future, if doing so does
2 not require additional staffing on the vessels. This appropriation may
3 not be used for 144-auto ferry vessels.

4 (3) \$6,300,000 of the Puget Sound capital construction account--
5 state appropriation is provided solely for emergency capital costs.

6 (4) Once enough data is available to incorporate operational
7 strategies into the ridership forecast, the department may submit to
8 the legislature, for its review, an updated vessel rebuild and
9 replacement schedule that accelerates the building of 144-auto ferry
10 vessels, if the updated ridership forecast warrants the added capacity.

11 (5) The Anacortes terminal may be replaced if additional federal
12 funds are sought and received by the department. If federal funds
13 received are not sufficient to replace the terminal, only usable,
14 discrete phases of the project, up to the amount of federal funds
15 received, may be constructed with the funds.

16 (6) \$247,000 of the Puget Sound capital construction account--state
17 appropriation is provided solely for the department to update the
18 vessel life-cycle cost model by December 31, 2009.

19 (7) The department shall provide to the office of financial
20 management and the legislature quarterly reports providing the status
21 on each project listed in this section and in the project lists
22 submitted pursuant to this act and on any additional projects for which
23 the department has expended funds during the 2009-11 fiscal biennium.
24 Elements must include, but not be limited to, project scope, schedule,
25 and costs. The department shall also provide the information required
26 under this subsection via the transportation executive information
27 systems (TEIS). The quarterly report regarding the status of projects
28 identified on the list referenced in subsection (1) of this section
29 must be developed according to an earned value method of project
30 monitoring.

31 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **RAIL--PROGRAM Y--CAPITAL**

33	Essential Rail Assistance Account--State Appropriation	\$675,000
34	Transportation Infrastructure Account--State	
35	Appropriation	\$9,416,000
36	Multimodal Transportation Account--State	
37	Appropriation	\$49,997,000

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

11 (iii) Within the amounts provided in this section, \$337,978 of the
12 multimodal transportation account--state appropriation is for a
13 statewide - emergent freight rail assistance project grant for the
14 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
15 provided that the grantee first documents to the satisfaction of the
16 department sufficient commitments from the new shipper or shippers to
17 locate in the publicly owned industrial park west of Creston to ensure
18 that the net present value of the public benefits of the project is
19 greater than the grant amount.

20 (d) \$8,100,000 of the transportation infrastructure account--state
21 appropriation is provided solely for grants to any intergovernmental
22 entity or local rail district to which the department of transportation
23 assigns the management and oversight responsibility for the business
24 and economic development elements of existing operating leases on the
25 Palouse River and Coulee City (PCC) rail lines. The PCC rail line
26 system is made up of the CW, P&L, and PV Hooper rail lines. Business
27 and economic development elements include such items as levels of
28 service and business operating plans, but must not include the state's
29 oversight of railroad regulatory compliance, rail infrastructure
30 condition, or real property management issues. The PCC rail system
31 must be managed in a self-sustaining manner and best efforts must be
32 used to ensure that it does not require state capital or operating
33 subsidy beyond the level of state funding expended on it to date. The
34 assignment of the stated responsibilities to an intergovernmental
35 entity or rail district must be on terms and conditions as the
36 department of transportation and the intergovernmental entity or rail
37 district mutually agree. The grant funds may be used only to refurbish
38 the rail lines. It is the intent of the legislature to make the funds

1 appropriated in this section available as grants to an
2 intergovernmental entity or local rail district for the purposes stated
3 in this section at least until June 30, 2012, and to reappropriate as
4 necessary any portion of the appropriation in this section that is not
5 used by June 30, 2011.

6 (2)(a) The department shall issue a call for projects for the
7 freight rail investment bank program and the emergent freight rail
8 assistance program, and shall evaluate the applications according to
9 the cost benefit methodology developed during the 2008 interim using
10 the legislative priorities specified in (c) of this subsection. By
11 November 1, 2010, the department shall submit a prioritized list of
12 recommended projects to the office of financial management and the
13 transportation committees of the legislature.

14 (b) When the department identifies a prospective rail project that
15 may have strategic significance for the state, or at the request of a
16 proponent of a prospective rail project or a member of the legislature,
17 the department shall evaluate the prospective project according to the
18 cost benefit methodology developed during the 2008 interim using the
19 legislative priorities specified in (c) of this subsection. The
20 department shall report its cost benefit evaluation of the prospective
21 rail project, as well as the department's best estimate of an
22 appropriate construction schedule and total project costs, to the
23 office of financial management and the transportation committees of the
24 legislature.

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

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

29 (ii) Self-sustaining economic development that creates family-wage
30 jobs;

31 (iii) Preservation of transportation corridors that would otherwise
32 be lost;

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

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

37 (vi) Mitigation of impacts of increased rail traffic on
38 communities.

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

4 (4) At the earliest possible date, the department shall apply, and
5 assist ports and local jurisdictions in applying, for any federal
6 funding that may be available for any projects that may qualify for
7 such federal funding and either (a) are currently identified on the
8 project list referenced in subsection (1)(a) of this section or (b) for
9 which no state funding is needed in order to complete the project. If
10 the department receives any federal funding, the department is
11 authorized to obligate and spend the federal funds in accordance with
12 federal law. If the project is currently identified on the project
13 list referenced in subsection (1)(a) of this section, the department
14 shall reduce the state funding, beginning with state funding programmed
15 in the 2009-11 fiscal biennium, for the project by the amount of the
16 federal funding received if permissible under federal law. If federal
17 law does not permit the reduction of state funding by the amount of
18 federal funding, the department shall spend the federal funds before
19 the state funds, and shall consult the office of financial management
20 and the transportation committees of the legislature regarding project
21 scope.

22 (5) The department shall provide quarterly reports to the office of
23 financial management and the transportation committees of the
24 legislature regarding applications that the department submits for
25 federal funds, the status of such applications, and the status of
26 projects identified on the list referenced in subsection (1)(a) of this
27 section. The quarterly report regarding the status of projects
28 identified on the list referenced in subsection (1)(a) of this section
29 must be developed according to an earned value method of project
30 monitoring.

31 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

33	Highway Infrastructure Account--State Appropriation	\$207,000
34	Highway Infrastructure Account--Federal	
35	Appropriation	\$1,602,000
36	Freight Mobility Investment Account--State	
37	Appropriation	\$12,548,000

1	Transportation Partnership Account--State	
2	Appropriation	\$8,363,000
3	Motor Vehicle Account--State Appropriation	\$7,999,000
4	Motor Vehicle Account--Federal Appropriation	\$34,069,000
5	Freight Mobility Multimodal Account--State	
6	Appropriation	\$13,918,000
7	Freight Mobility Multimodal Account--Local	
8	Appropriation	\$3,135,000
9	Multimodal Transportation Account--Federal	
10	Appropriation	\$2,098,000
11	Multimodal Transportation Account--State	
12	Appropriation	\$22,390,000
13	Transportation 2003 Account (Nickel Account)--State	
14	Appropriation	\$709,000
15	Passenger Ferry Account--State Appropriation	\$2,879,000
16	TOTAL APPROPRIATION	\$109,917,000

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

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

28 (2) \$2,879,000 of the passenger ferry account--state appropriation
29 is provided solely for near and long-term costs of capital improvements
30 in a business plan approved by the governor for passenger ferry
31 service.

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

35 (4) The department shall apply for surface transportation program
36 (STP) enhancement funds to be expended in lieu of or in addition to
37 state funds for eligible costs of projects in local programs, program
38 Z capital.

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

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

18 (7) \$14,182,113 of the multimodal transportation account--state
19 appropriation, \$8,753,895 of the motor vehicle account--federal
20 appropriation, and \$4,000,000 of the transportation partnership
21 account--state appropriation are provided solely for the pedestrian and
22 bicycle safety program projects and safe routes to schools program
23 projects identified in LEAP Transportation Document 2009-A, pedestrian
24 and bicycle safety program projects and safe routes to schools program
25 projects, as developed March 23, 2009, LEAP Transportation Document
26 2007-A, pedestrian and bicycle safety program projects and safe routes
27 to schools program projects, as developed April 20, 2007, and LEAP
28 Transportation Document 2006-B, pedestrian and bicycle safety program
29 projects and safe routes to schools program projects, as developed
30 March 8, 2006. Projects must be allocated funding based on order of
31 priority. The department shall review all projects receiving grant
32 awards under this program at least semiannually to determine whether
33 the projects are making satisfactory progress. Any project that has
34 been awarded funds, but does not report activity on the project within
35 one year of the grant award must be reviewed by the department to
36 determine whether the grant should be terminated. The department shall
37 promptly close out grants when projects have been completed, and

1 identify where unused grant funds remain because actual project costs
2 were lower than estimated in the grant award.

3 (8) Except as provided otherwise in this section, the entire
4 appropriations in this section are provided solely for the projects and
5 activities as listed by fund, project, and amount in LEAP
6 Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as
7 developed March 23, 2009.

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

14 **TRANSFERS AND DISTRIBUTIONS**

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

19	Highway Bond Retirement Account Appropriation	\$689,938,000
20	Ferry Bond Retirement Account Appropriation	\$33,770,000
21	Transportation Improvement Board Bond Retirement	
22	Account--State Appropriation	\$20,779,000
23	Nondebt-Limit Reimbursable Account Appropriation	\$15,790,000
24	Transportation Partnership Account--State	
25	Appropriation	\$6,821,000
26	Motor Vehicle Account--State Appropriation	\$938,000
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	\$4,663,000
29	Special Category C Account Appropriation	\$142,000
30	TOTAL APPROPRIATION	\$772,841,000

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

34	Transportation Partnership Account--State Appropriation	\$918,000
35	Motor Vehicle Account--State Appropriation	\$126,000

1 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
2 meeting approved highway construction and preservation objectives. The
3 legislature recognizes that the use of state funds may be required to
4 temporarily fund expenditures of the federal appropriations for the
5 highway construction and preservation programs for federal advance
6 construction projects prior to conversion to federal funding.

7 **COMPENSATION**

8 NEW SECTION. **Sec. 501. COMPENSATION.** The appropriations for
9 state agencies are subject to the following conditions and limitations:
10 State employee compensation adjustments will be provided in accordance
11 with funding adjustments provided in the 2009-2011 omnibus
12 appropriations act.

13 **IMPLEMENTING PROVISIONS**

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

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

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

- 29 (a) System refurbishment, acquisitions, and development efforts;
- 30 (b) Setting goals and objectives for using information technology
31 in meeting legislatively-mandated missions and business needs;
- 32 (c) Assessment of overall information processing performance,
33 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. MEGA-PROJECT REPORTING.** Mega-projects are
27 defined as individual or groups of related projects that cost
28 \$1,000,000,000 or more. These projects include, but are not limited
29 to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane
30 corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office
31 of financial management shall track mega-projects and report the
32 financial status and schedule of these projects at least once a year to
33 the transportation committees of the legislature. The design of mega-
34 projects must be evaluated considering cost, capacity, safety, mobility
35 needs, and how well the design of the facility fits within its urban
36 environment.

1 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation
2 2003 projects or improvements and the 2005 transportation partnership
3 projects or improvements are listed in LEAP Transportation Document
4 2009-1, which consists of a list of specific projects by fund source
5 and amount over a sixteen year period. Current fiscal biennium funding
6 for each project is a line item appropriation, while the outer year
7 funding allocations represent a sixteen year plan. The department is
8 expected to use the flexibility provided in this section to assist in
9 the delivery and completion of all transportation partnership account
10 and transportation 2003 (nickel) account projects on the LEAP lists
11 referenced in this act. For the 2009-11 project appropriations, unless
12 otherwise provided in this act, the director of financial management
13 may authorize a transfer of appropriation authority between projects
14 funded with transportation 2003 account (nickel account)
15 appropriations, transportation partnership account appropriations, or
16 multimodal transportation account appropriations, in order to manage
17 project spending and efficiently deliver all projects in the respective
18 program under the following conditions and limitations:

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

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

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

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

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

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

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

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

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

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

13 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

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

16 There is hereby created in the motor vehicle fund the RV account.
17 All moneys hereafter deposited in said account shall be used by the
18 department of transportation for the construction, maintenance, and
19 operation of recreational vehicle sanitary disposal systems at safety
20 rest areas in accordance with the department's highway system plan as
21 prescribed in chapter 47.06 RCW. During the ((2005-2007 and 2007-
22 2009)) 2009-2011 fiscal ((biennia)) biennium, the legislature may
23 transfer from the RV account to the motor vehicle fund such amounts as
24 reflect the excess fund balance of the RV account.

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

27 Before accepting any unsolicited project proposals, the commission
28 must adopt rules to facilitate the acceptance, review, evaluation, and
29 selection of unsolicited project proposals. These rules must include
30 the following:

31 (1) Provisions that specify unsolicited proposals must meet
32 predetermined criteria;

33 (2) Provisions governing procedures for the cessation of
34 negotiations and consideration;

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

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

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

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

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

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

21 The commission may adopt other rules as necessary to avoid
22 conflicts with existing laws, statutes, or contractual obligations of
23 the state.

24 The commission may not accept or consider any unsolicited proposals
25 before July 1, ((2009)) 2011.

26 NEW SECTION. **Sec. 703.** To the extent that any appropriation
27 authorizes expenditures of state funds from the motor vehicle account,
28 special category C account, Tacoma Narrows toll bridge account,
29 transportation 2003 account (nickel account), transportation
30 partnership account, transportation improvement account, Puget Sound
31 capital construction account, multimodal transportation account, or
32 other transportation capital project account in the state treasury for
33 a state transportation program that is specified to be funded with
34 proceeds from the sale of bonds authorized in chapter 47.10 RCW, the
35 legislature declares that any such expenditures made prior to the issue
36 date of the applicable transportation bonds for that state

1 transportation program are intended to be reimbursed from proceeds of
2 those transportation bonds in a maximum amount equal to the amount of
3 such appropriation.

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

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

19 **Sec. 705.** RCW 47.01.390 and 2007 c 518 s 705 are each amended to
20 read as follows:

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

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

6 (3) The requirements of subsection (1) of this section shall not
7 apply during the ((2007-2009)) 2009-2011 fiscal biennium.

8 **Sec. 706.** RCW 88.16.090 and 2008 c 128 s 4 are each amended to
9 read as follows:

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

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

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

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

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

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

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

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

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

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

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

8 (4) Pilot applicants shall be evaluated and may be ranked for entry
9 into a board-specified training program in a manner specified by the
10 board based on their performance on a written examination or
11 examinations established by the board, performance on other evaluation
12 exercises as may be required by the board, and other criteria or
13 qualifications as may be set by the board.

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

20 After the completion of the training program the board shall
21 evaluate the trainee's performance and knowledge. The board, as it
22 deems appropriate, may then issue a pilot license, delay the issuance
23 of the pilot license, deny the issuance of the pilot license, or
24 require further training and evaluation.

25 (5) The board may (a) appoint a special independent committee or
26 (b) contract with private or governmental entities knowledgeable and
27 experienced in the development, administration, and grading of
28 licensing examinations or simulator evaluations for marine pilots, or
29 (c) do both. Active, licensed pilots designated by the board may
30 participate in the development, administration, and grading of
31 examinations and other evaluation exercises. If the board does appoint
32 a special examination or evaluation development committee, it is
33 authorized to pay the members of the committee the same compensation
34 and travel expenses as received by members of the board. Any person
35 who willfully gives advance knowledge of information contained on a
36 pilot examination or other evaluation exercise is guilty of a gross
37 misdemeanor.

1 (6) This subsection applies to the review of a pilot applicant's
2 written examinations and evaluation exercises to qualify to be placed
3 on a waiting list to become a pilot trainee. Failure to comply with
4 the process set forth in this subsection renders the results of the
5 pilot applicant's written examinations and evaluation exercises final.
6 A pilot applicant may seek board review, administrative review, and
7 judicial review of the results of the written examinations and
8 evaluation exercises in the following manner:

9 (a) A pilot applicant who seeks a review of the results of his or
10 her written examinations or evaluation exercises must request from the
11 board-appointed or board-designated examination committee an
12 administrative review of the results of his or her written examinations
13 or evaluation exercises as set forth by board rule.

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

20 (c) When a full adjudicative hearing has been requested by the
21 pilot applicant, the board shall request the appointment of an
22 administrative law judge under chapter 34.12 RCW who has sufficient
23 experience and familiarity with pilotage matters to be able to conduct
24 a fair and impartial hearing. The hearing shall be governed by chapter
25 34.05 RCW. The administrative law judge shall issue an initial order.

26 (d) The initial order of the administrative law judge is final
27 unless within thirty days of the date of service of the initial order
28 the board or pilot applicant requests review of the initial order under
29 chapter 34.05 RCW.

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

34 (7) Pilots are licensed under this section for a term of five years
35 from and after the date of the issuance of their respective state
36 licenses. Licenses must thereafter be renewed as a matter of course,
37 unless the board withholds the license for good cause. Each pilot
38 shall pay to the state treasurer an annual license fee in an amount set

1 by the board by rule. Pursuant to RCW 43.135.055, the fees established
2 under this subsection may be increased (~~((in excess of the fiscal growth~~
3 ~~factor as provided in RCW 43.135.055))~~) through the fiscal year ending
4 June 30, (~~(2009)~~) 2011. The fees must be deposited in the pilotage
5 account. The board may assess partially active or inactive pilots a
6 reduced fee.

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

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

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

33 **Sec. 707.** RCW 47.12.244 and 2007 c 518 s 707 are each amended to
34 read as follows:

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

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

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

8 (3) Any federal moneys available for acquisition of right-of-way
9 for future construction under the provisions of section 108 of Title
10 23, United States Code.

11 (~~(4)~~) During the (~~(2007-09)~~) 2009-2011 fiscal biennium, the
12 legislature may transfer from the advance right-of-way revolving fund
13 to the motor vehicle account amounts as reflect the excess fund balance
14 of the advance right-of-way revolving fund.

15 **Sec. 708.** RCW 70.95.521 and 2007 c 518 s 708 are each amended to
16 read as follows:

17 The waste tire removal account is created in the state treasury.
18 All receipts from tire fees imposed under RCW 70.95.510 must be
19 deposited in the account. Moneys in the account may be spent only
20 after appropriation. Expenditures from the account may be used for the
21 cleanup of unauthorized waste tire piles and measures that prevent
22 future accumulation of unauthorized waste tire piles. During the
23 (~~(2007-2009)~~) 2009-2011 fiscal biennium, the legislature may transfer
24 from the waste tire removal account to the motor vehicle fund such
25 amounts as reflect the excess fund balance of the waste tire removal
26 account.

27 **Sec. 709.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read
28 as follows:

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

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

34 (3) Duties of the board include but are not limited to the
35 following:

1 (a) Review and approve the annual financial reports submitted by
2 sponsoring organizations with active special license plate series and
3 present those annual financial reports to the senate and house
4 transportation committees;

5 (b) Report annually to the senate and house transportation
6 committees on the special license plate applications that were
7 considered by the board;

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

13 (d) Review annually the number of plates sold for each special
14 license plate series created after January 1, 2003. The board may
15 submit a recommendation to discontinue a special plate series to the
16 chairs of the senate and house of representatives transportation
17 committees;

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

22 (4) Except as provided in chapter 72, Laws of 2008, in order to
23 assess the effects and impact of the proliferation of special license
24 plates, the legislature declares a temporary moratorium on the issuance
25 of any additional plates until July 1, ((2009)) 2011. During this
26 period of time, the special license plate review board created in RCW
27 46.16.705 and the department of licensing are prohibited from
28 accepting, reviewing, processing, or approving any applications.
29 Additionally, no special license plate may be enacted by the
30 legislature during the moratorium, unless the proposed license plate
31 has been approved by the board before February 15, 2005.

32 **Sec. 710.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to
33 read as follows:

34 There is hereby created in the state treasury a fund to be known as
35 the highway safety fund to the credit of which shall be deposited all
36 moneys directed by law to be deposited therein. This fund shall be
37 used for carrying out the provisions of law relating to driver

1 licensing, driver improvement, financial responsibility, cost of
2 furnishing abstracts of driving records and maintaining such case
3 records, and to carry out the purposes set forth in RCW 43.59.010.
4 During the (~~2005-2007 and 2007-2009~~) 2009-2011 fiscal (~~biennia~~)
5 biennium, the legislature may transfer from the highway safety fund to
6 the motor vehicle fund and the multimodal transportation account such
7 amounts as reflect the excess fund balance of the highway safety fund.

8 **Sec. 711.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to
9 read as follows:

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

12 (a) The appropriate local legislative authority must first enact an
13 ordinance allowing for their use to detect one or more of the
14 following: Stoplight, railroad crossing, or school speed zone
15 violations. At a minimum, the local ordinance must contain the
16 restrictions described in this section and provisions for public notice
17 and signage. Cities and counties using automated traffic safety
18 cameras before July 24, 2005, are subject to the restrictions described
19 in this section, but are not required to enact an authorizing
20 ordinance.

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

24 (c) During the 2009-2011 fiscal biennium, automated traffic safety
25 cameras may be used to detect speed violations for the purposes of
26 section 201(2) of this act if the local legislative authority first
27 enacts an ordinance authorizing the use of cameras to detect speed
28 violations.

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

33 (~~(d)~~) (e) A notice of infraction must be mailed to the registered
34 owner of the vehicle within fourteen days of the violation, or to the
35 renter of a vehicle within fourteen days of establishing the renter's
36 name and address under subsection (3)(a) of this section. The law
37 enforcement officer issuing the notice of infraction shall include with

1 it a certificate or facsimile thereof, based upon inspection of
2 photographs, microphotographs, or electronic images produced by an
3 automated traffic safety camera, stating the facts supporting the
4 notice of infraction. This certificate or facsimile is prima facie
5 evidence of the facts contained in it and is admissible in a proceeding
6 charging a violation under this chapter. The photographs,
7 microphotographs, or electronic images evidencing the violation must be
8 available for inspection and admission into evidence in a proceeding to
9 adjudicate the liability for the infraction. A person receiving a
10 notice of infraction based on evidence detected by an automated traffic
11 safety camera may respond to the notice by mail.

12 ~~((e))~~ (f) The registered owner of a vehicle is responsible for an
13 infraction under RCW 46.63.030(1)(e) unless the registered owner
14 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
15 car business, satisfies the conditions under subsection (3) of this
16 section. If appropriate under the circumstances, a renter identified
17 under subsection (3)(a) of this section is responsible for an
18 infraction.

19 ~~((f))~~ (g) Notwithstanding any other provision of law, all
20 photographs, microphotographs, or electronic images prepared under this
21 section are for the exclusive use of law enforcement in the discharge
22 of duties under this section and are not open to the public and may not
23 be used in a court in a pending action or proceeding unless the action
24 or proceeding relates to a violation under this section. No
25 photograph, microphotograph, or electronic image may be used for any
26 purpose other than enforcement of violations under this section nor
27 retained longer than necessary to enforce this section.

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

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

1 (2) Infractions detected through the use of automated traffic
2 safety cameras are not part of the registered owner's driving record
3 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
4 by the use of automated traffic safety cameras under this section shall
5 be processed in the same manner as parking infractions, including for
6 the purposes of RCW (~~(3.46.120,)~~) 3.50.100, 35.20.220, 46.16.216, and
7 46.20.270(3). However, the amount of the fine issued for an infraction
8 generated through the use of an automated traffic safety camera shall
9 not exceed the amount of a fine issued for other parking infractions
10 within the jurisdiction.

11 (3) If the registered owner of the vehicle is a rental car
12 business, the law enforcement agency shall, before a notice of
13 infraction being issued under this section, provide a written notice to
14 the rental car business that a notice of infraction may be issued to
15 the rental car business if the rental car business does not, within
16 eighteen days of receiving the written notice, provide to the issuing
17 agency by return mail:

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

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

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

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

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

35 (5) For the purposes of this section, "automated traffic safety
36 camera" means a device that uses a vehicle sensor installed to work in
37 conjunction with an intersection traffic control system, a railroad
38 grade crossing control system, or a speed measuring device, and a

1 camera synchronized to automatically record one or more sequenced
2 photographs, microphotographs, or electronic images of the rear of a
3 motor vehicle at the time the vehicle fails to stop when facing a
4 steady red traffic control signal or an activated railroad grade
5 crossing control signal, or exceeds a speed limit in a school speed
6 zone as detected by a speed measuring device. During the 2009-2011
7 fiscal biennium, an automated traffic safety camera includes a camera
8 used to detect speed violations for the purposes of section 201(2) of
9 this act.

10 **Sec. 712.** RCW 47.68.090 and 1980 c 67 s 1 are each amended to read
11 as follows:

12 The department of transportation may make available its engineering
13 and other technical services, with or without charge, to any
14 municipality or person desiring them in connection with the planning,
15 acquisition, construction, improvement, maintenance or operation of
16 airports or air navigation facilities.

17 The department may render financial assistance by grant or loan or
18 both to any municipality or municipalities acting jointly in the
19 planning, acquisition, construction, improvement, maintenance, or
20 operation of an airport owned or controlled, or to be owned or
21 controlled by such municipality or municipalities, or to any Indian
22 tribe recognized as such by the federal government or such tribes
23 acting jointly in the planning, acquisition, construction, improvement,
24 maintenance or operation of an airport, owned or controlled, or to be
25 owned or controlled by such tribe or tribes and to be held available
26 for the general use of the public, out of appropriations made by the
27 legislature for such purposes. Such financial assistance may be
28 furnished in connection with federal or other financial aid for the
29 same purposes: PROVIDED, That no grant or loan or both shall be in
30 excess of two hundred fifty thousand dollars, or five hundred thousand
31 dollars during the 2009-2011 fiscal biennium, for any one project:
32 PROVIDED FURTHER, That no grant or loan or both shall be granted unless
33 the municipality or municipalities acting jointly, or the tribe or
34 tribes acting jointly shall from their own funds match any funds made
35 available by the department upon such ratio as the department may
36 prescribe.

1 The department is authorized to act as agent of any municipality or
2 municipalities acting jointly or any tribe or tribes acting jointly,
3 upon the request of such municipality or municipalities, or such tribe
4 or tribes in accepting, receiving, receipting for and disbursing
5 federal moneys, and other moneys public or private, made available to
6 finance, in whole or in part, the planning, acquisition, construction,
7 improvement, maintenance or operation of an airport or air navigation
8 facility; and if requested by such municipality or municipalities, or
9 tribe or tribes, may act as its or their agent in contracting for and
10 supervising such planning, acquisition, construction, improvement,
11 maintenance, or operation; and all municipalities and tribes are
12 authorized to designate the department as their agent for the foregoing
13 purposes. The department, as principal on behalf of the state, and any
14 municipality on its own behalf, may enter into any contracts, with each
15 other or with the United States or with any person, which may be
16 required in connection with a grant or loan of federal moneys for
17 airport or air navigation facility purposes. All federal moneys
18 accepted under this section shall be accepted and transferred or
19 expended by the department upon such terms and conditions as are
20 prescribed by the United States. All moneys received by the department
21 pursuant to this section shall be deposited in the state treasury, and,
22 unless otherwise prescribed by the authority from which such moneys
23 were received, shall be kept in separate funds designated according to
24 the purposes for which the moneys were made available, and held by the
25 state in trust for such purposes. All such moneys are hereby
26 appropriated for the purposes for which the same were made available,
27 to be disbursed or expended in accordance with the terms and conditions
28 upon which they were made available: PROVIDED, That any landing fee or
29 charge imposed by any Indian tribe or tribes for the privilege of use
30 of an airport facility planned, acquired, constructed, improved,
31 maintained, or operated with financial assistance from the department
32 pursuant to this section must apply equally to tribal and nontribal
33 members: PROVIDED FURTHER, That in the event any municipality or
34 municipalities or Indian tribe or tribes, or any distributor of
35 aircraft fuel as defined by RCW 82.42.020 which operates in any airport
36 facility which has received financial assistance pursuant to this

1 section, fails to collect the aircraft fuel excise tax as specified in
2 chapter 82.42 RCW, all funds or value of technical assistance given or
3 paid to such municipality or municipalities or Indian tribe or tribes
4 under the provisions of this section shall revert to the department,
5 and shall be due and payable to the department immediately.

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

8 The department of licensing services account is created in the
9 motor vehicle fund. All receipts from service fees received under RCW
10 46.01.140(4)(b) shall be deposited into the account. Moneys in the
11 account may be spent only after appropriation. Expenditures from the
12 account may be used only for information and service delivery systems
13 for the department, and for reimbursement of county licensing
14 activities. During the 2007-2009 and 2009-2011 fiscal (~~(biennium)~~)
15 biennia, the legislature may transfer from the department of licensing
16 services account such amounts as reflect the excess fund balance of the
17 account.

18 NEW SECTION. **Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**
19 **GENERAL ADMINISTRATION BUILDING TENANT RELOCATION**

20 State Patrol Highway Account--State Appropriation \$1,450,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: The appropriation is provided solely for
23 allocation to the Washington state patrol for move planning costs,
24 relocation costs, and increased ongoing lease costs.

25 **MISCELLANEOUS**

26 NEW SECTION. **Sec. 801.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 802.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

(End of bill)

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