

ESSB 6381 - H AMD
By Representative

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

3 "2009-11 FISCAL BIENNIUM
4 ECONOMIC STIMULUS FUNDING

5 **Sec. 1.** 2009 c 8 s 2 (uncodified) is amended to read as follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND**
7 **REINVESTMENT ACT OF 2009.**

8 Motor Vehicle Account--Federal Appropriation \$341,400,000

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

11 (1) The entire appropriation in this section is (~~provided solely~~)
12 for the projects and amounts listed in ARRA Washington State Project
13 LEAP document 2009, as developed on February 24, 2009. Funds under
14 this section may be reallocated among projects shown in the document to
15 the extent that the department finds it necessary for the purposes of
16 facilitating completion of the projects with the highest priority or to
17 maintain maximum federal funds eligibility.

18 (2) To achieve the legislative objectives provided in section 1(2)
19 of this act with respect to highway projects, it is the intent of the
20 legislature that the appropriation in this section be used for:
21 Transportation 2003 account (nickel account) projects and
22 transportation partnership account (TPA) projects that would have
23 otherwise been delayed due to decreased revenues, so as to advance
24 project completion dates similar to those envisioned in the enacted
25 2008 legislative list of projects; projects that preserve or
26 rehabilitate Washington state highways and roads; and projects that
27 modify roadway alignments and conditions to create safer roads for the
28 traveling public.

1 (3)(a) The department of transportation shall obligate at least
2 fifty percent of the funds no later than one hundred twenty days after
3 surface transportation program funds under the American Recovery and
4 Reinvestment Act of 2009 have been apportioned to the states;

5 (b) The department shall obligate all funds no later than one year
6 after surface transportation program funds under the American Recovery
7 and Reinvestment Act of 2009 have been apportioned to the states;

8 (c) The department shall place the first priority for allocating
9 funds on those projects listed as "First Tier" projects on ARRA
10 Washington State Project LEAP document 2009, as developed on February
11 24, 2009. The department shall place the second priority on projects
12 listed as "Second Tier" projects on the document; and

13 (d) Within each tier of projects on ARRA Washington State Project
14 LEAP document 2009, as developed on February 24, 2009, the department
15 shall place the highest priority for allocating funds on the
16 transportation 2003 account (nickel account) projects and
17 transportation partnership account (TPA) projects listed to advance
18 their completion. The department shall prioritize funding for other
19 projects within the tier according to how soon the contract for the
20 project could be awarded.

21 (4) By June 30, 2009, the department of transportation shall report
22 to the legislative standing committees on transportation and the office
23 of financial management on the status of federal stimulus funds
24 including, but not limited to, identifying the projects shown in ARRA
25 Washington State Project LEAP document 2009, as developed on February
26 24, 2009, for which federal stimulus funding has already been
27 obligated, the amount of federal recovery funds estimated to be
28 obligated to the projects, and the completion status of each project.
29 Subsequent status reports are due to the legislative standing
30 committees on transportation and the office of financial management on
31 August 31, 2009, and December 1, 2009.

32 **GENERAL GOVERNMENT AGENCIES--OPERATING**

33 **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as
34 follows:

1 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2 Motor Vehicle Account--State Appropriation ((\$422,000))
3 \$413,000

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

9 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as
10 follows:

11 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

12 Grade Crossing Protective Account--State
13 Appropriation ((\$705,000))
14 \$702,000

15 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as
16 follows:

17 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

18 Motor Vehicle Account--State Appropriation ((\$3,389,000))
19 \$3,526,000

20 Puget Sound Ferry Operations Account--State
21 Appropriation ((\$100,000))
22 \$98,000

23 TOTAL APPROPRIATION ((\$3,489,000))
24 \$3,624,000

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

27 (1) \$1,699,000 of the motor vehicle account--state appropriation is
28 provided solely for the office of regulatory assistance integrated
29 permitting project.

30 (2) \$1,004,000 of the motor vehicle account--state appropriation is
31 provided solely for the continued maintenance and support of the
32 transportation executive information system. Of the amount provided in
33 this subsection, \$502,000 is for two existing FTEs at the department of
34 transportation to maintain and support the system.

35 (3) \$150,000 of the motor vehicle account--state appropriation is
36 provided solely for the office of financial management to contract with

1 the Washington state association of counties for a pilot program to
2 develop and implement a streamlined process for programmatic hydraulic
3 project approvals for multiple, recurring local transportation and
4 public works projects. The pilot program must include the following:
5 (a) Describing, defining, and documenting classes of local
6 transportation and public works projects appropriate for programmatic
7 hydraulic project approvals permits; (b) developing technical
8 permitting requirements and conditions; (c) administratively adopting
9 and implementing programmatic hydraulic project approvals statewide;
10 and (d) piloting, reviewing, updating, and training throughout all
11 Washington counties. For the purpose of this subsection, the contract
12 with the Washington state association of counties is deemed a revenue
13 generation and auditing activity as that term is construed in section
14 602(2), chapter 3, Laws of 2010.

15 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as
16 follows:

17 **FOR THE MARINE EMPLOYEES COMMISSION**
18 Puget Sound Ferry Operations Account--State
19 Appropriation ((~~\$446,000~~))
20 \$440,000

21 **Sec. 105.** 2009 c 470 s 105 (uncodified) is amended to read as
22 follows:

23 **FOR THE STATE PARKS AND RECREATION COMMISSION**
24 Motor Vehicle Account--State Appropriation ((~~\$986,000~~))
25 \$985,000

26 The appropriation in this section is subject to the following
27 conditions and limitations: The entire appropriation in this section
28 is provided solely for road maintenance purposes.

29 **Sec. 106.** 2009 c 470 s 106 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF AGRICULTURE**
32 Motor Vehicle Account--State Appropriation ((~~\$1,507,000~~))
33 \$1,493,000

34 The appropriation in this section is subject to the following
35 conditions and limitations:

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

4 (2) \$1,004,000 of the motor vehicle account--state appropriation is
5 provided solely to test the quality of biofuel. The department must
6 test fuel quality at the biofuel manufacturer, distributor, and
7 retailer.

8 **Sec. 107.** 2009 c 470 s 107 (uncodified) is amended to read as
9 follows:

10 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**
11 Motor Vehicle Account--State Appropriation (~~(\$502,000)~~)
12 \$491,000

13 **Sec. 108.** 2009 c 470 s 108 (uncodified) is amended to read as
14 follows:

15 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**
16 Multimodal Transportation Account--State Appropriation \$50,000

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

22 (a) Costs assigned to capital accounts to determine whether they
23 are capital costs that meet the statutory requirements for preservation
24 and improvement activities and whether they are within the scope of
25 legislative appropriations;

26 (b) Implementation of the life-cycle cost model required under RCW
27 47.60.345 to determine if it was developed as required and is
28 maintained and updated when asset inspections are made; and

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

34 (2) The joint legislative audit and review committee shall use
35 existing staff and resources to conduct a review of scoping and cost
36 estimates for transportation highway improvement and preservation

1 projects funded in whole, or in part, by transportation partnership
2 account--state and transportation 2003 account (nickel account)--state
3 funds, excluding mega-projects. The review will examine whether the
4 scoping and cost estimates guidelines used by the department of
5 transportation are consistent with general construction industry
6 practices and other appropriate standards. The review will include an
7 analysis of a sample of scope and cost estimates for future projects.
8 A report on the committee's findings and recommendations must be
9 submitted to the house of representatives and senate transportation
10 committees by December 2009.

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

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

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

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

22 (d) Identification of whether there are customer service,
23 administrative, and revenue collection benefits resulting from credit
24 card usage; and

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

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

29 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire
30 appropriation in this section is for the joint legislative audit and
31 review committee to conduct an analysis of the storm water permit
32 requirements issued by the department of ecology in February 2009 to
33 determine the costs and benefits of alternative options for the
34 department of transportation to meet the requirements. However, if the
35 committee does not include the analysis as part of its 2009-11 fiscal
36 biennium work plan by April 15, 2010, the amount provided in this
37 section lapses. The analysis must include, at a minimum, an analysis
38 of the following:

1 (i) The department of transportation performing the functions of
 2 the permit in house;
 3 (ii) The functions of the permit being consolidated within the
 4 department of ecology or otherwise centralizing efforts for all state
 5 agencies; and
 6 (iii) The use of an external firm or organization to meet the
 7 requirements.
 8 (b) The entire appropriation is for a consultant contract to assist
 9 the committee with its analysis. For the purpose of this subsection,
 10 the consultant contract is deemed an auditing activity as that term is
 11 construed in section 602(2), chapter 3, Laws of 2010.
 12 (c) The committee shall provide a report to the legislature by
 13 December 2010.

14 **TRANSPORTATION AGENCIES--OPERATING**

15 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as
 16 follows:

17 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

18 Highway Safety Account--State Appropriation	((\$2,542,000))
	<u>\$2,532,000</u>
20 Highway Safety Account--Federal Appropriation	((\$16,540,000))
	<u>\$34,630,000</u>
22 School Zone Safety Account--State Appropriation	\$3,340,000
23 Highway Safety Account--Local Appropriation	\$50,000
24 TOTAL APPROPRIATION	((\$22,472,000))
	<u>\$40,552,000</u>

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

28 (1) ((~~\$2,670,000~~)) \$2,826,000 of the highway safety account--
 29 federal appropriation is provided solely for a target zero trooper
 30 pilot program, which the commission shall develop and implement in
 31 collaboration with the Washington state patrol. The pilot program must
 32 demonstrate the effectiveness of intense, high visibility, driving
 33 under the influence enforcement in Washington. The commission shall
 34 apply to the national highway traffic safety administration for federal
 35 highway safety grants to cover the cost of the pilot program. If the

1 pilot program is approved for funding by the national highway traffic
2 safety administration, and sufficient federal grants are received, the
3 commission shall provide grants to the Washington state patrol for the
4 purchase of twenty-one fully equipped patrol vehicles in fiscal year
5 2010, and up to twenty-four months of salaries and benefits for
6 eighteen troopers and three sergeants beginning in fiscal year ((2011))
7 2010. The legislature anticipates that an additional ((\$1,830,000))
8 \$1,673,900 will be appropriated from the highway safety account--
9 federal in the 2011-13 fiscal biennium to conclude this pilot program.

10 (2) The commission may oversee pilot projects implementing the use
11 of automated traffic safety cameras to detect speed violations within
12 cities west of the Cascade mountains that have a population over two
13 hundred thousand. For the purposes of pilot projects in this
14 subsection, no more than one automated traffic safety camera may be
15 used to detect speed violations within any one jurisdiction.

16 (a) The commission shall comply with RCW 46.63.170 in administering
17 the projects.

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

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

25 (3) \$18,000,000 of the highway safety account--federal
26 appropriation is for federal funds that may be received during the
27 2009-11 fiscal biennium. Upon receipt of the funds, the commission
28 shall provide a report on the use of the funds to the transportation
29 committees of the legislature and the office of financial management.

30 **Sec. 202.** 2009 c 470 s 202 (uncodified) is amended to read as
31 follows:

32 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

33 Rural Arterial Trust Account--State Appropriation	((\$920,000))
	<u>\$896,000</u>
35 Motor Vehicle Account--State Appropriation	((\$2,129,000))
36	<u>\$2,084,000</u>
37 County Arterial Preservation Account--State	

1 Appropriation ((~~\$1,423,000~~))
 2 \$1,396,000
 3 TOTAL APPROPRIATION ((~~\$4,472,000~~))
 4 \$4,376,000

5 **Sec. 203.** 2009 c 470 s 203 (uncodified) is amended to read as
 6 follows:

7 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

8 Urban Arterial Trust Account--State Appropriation . . . ((~~\$1,824,000~~))
 9 \$1,793,000
 10 Transportation Improvement Account--State
 11 Appropriation ((~~\$1,827,000~~))
 12 \$1,796,000
 13 TOTAL APPROPRIATION ((~~\$3,651,000~~))
 14 \$3,589,000

15 **Sec. 204.** 2009 c 470 s 204 (uncodified) is amended to read as
 16 follows:

17 **FOR THE JOINT TRANSPORTATION COMMITTEE**

18 Motor Vehicle Account--State Appropriation ((~~\$1,901,000~~))
 19 \$2,163,000
 20 Multimodal Transportation Account--State Appropriation \$400,000
 21 TOTAL APPROPRIATION \$2,563,000

22 The appropriations in this section (~~is~~) are subject to the
 23 following conditions and limitations:

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

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

1 by the department to model financial plans for tolled facilities. The
2 joint transportation committee shall work with staff from the senate
3 and the house of representatives transportation committees to identify
4 the scope of the review and to assure that the work performed meets the
5 needs of the house of representatives and the senate. The joint
6 transportation committee shall provide a report to the house of
7 representatives and senate transportation committees by September 1,
8 2009.

9 (3) \$300,000 of the motor vehicle account--state appropriation is
10 for an independent analysis of methodologies to value the reversible
11 lanes on Interstate 90 to be used for high capacity transit pursuant to
12 sound transit proposition 1 approved by voters in November 2008. The
13 independent analysis shall be conducted by sound transit and the
14 department of transportation, using consultant resources deemed
15 appropriate by the secretary of the department, the chief executive
16 officer of sound transit, and the cochairs of the joint transportation
17 committee. It shall be conducted in consultation with the federal
18 transit and federal highway administrations and account for applicable
19 federal laws, regulations, and practices. It shall also account for
20 the 1976 Interstate 90 memorandum of agreement and subsequent 2004
21 amendment and the 1978 federal secretary of transportation's
22 environmental decision on Interstate 90. The department and sound
23 transit must provide periodic reports to the joint transportation
24 committee, the sound transit board of directors, and the governor, and
25 report final recommendations by November 1, 2009.

26 (4) The joint transportation committee shall perform a review of
27 the fuel tax refunds for nonhighway or off-road use of gasoline and
28 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.
29 The review must: Provide an overview of the off-road programs; analyze
30 historical funding and expenditures from the respective treasury
31 accounts; outline and provide process documentation on how the funds
32 are distributed to the treasury accounts; and document future
33 identified off-road, snowmobile, and marine funding needs. A report on
34 the joint transportation committee review must be presented to the
35 house of representatives and senate transportation committees by
36 December 31, 2010.

37 (5)(a) \$350,000 of the multimodal transportation account--state
38 appropriation is for the joint transportation committee to conduct a

1 study to establish a statewide blueprint for public transportation that
2 will serve to guide state investments in public transportation. At a
3 minimum, the study should include an assessment of unmet operating and
4 capital needs of public transportation agencies, the state role in
5 funding those unmet needs, and the priorities for state investments.
6 The report should include efficiency and accountability measures that
7 inform future state investment in public transportation to maximize
8 mobility, social, economic, and environmental benefits provided to the
9 state.

10 (b) The statewide blueprint for public transportation should serve
11 to guide state investments to support public transportation and address
12 unmet needs to improve service, access to public transportation, and
13 connectivity between public transportation providers across
14 jurisdictional boundaries. The blueprint must be consistent with the
15 state's transportation system policy goals provided in RCW 47.04.280
16 and the statewide transportation plan provided in RCW 47.01.071(4).

17 (c) To provide input to the study, the joint transportation
18 committee shall convene a public transit advisory panel. The cochairs
19 of the committee shall appoint and convene the advisory panel to be
20 comprised of members as provided in this subsection:

21 (i) One member from each of the two largest caucuses of the senate;

22 (ii) One member from each of the two largest caucuses of the house
23 of representatives;

24 (iii) One representative of the department of transportation's
25 public transportation division;

26 (iv) Two representatives of users of public transportation systems,
27 one of which must represent persons with special needs;

28 (v) Three representatives from transit agencies from a list
29 recommended by the Washington state transit association;

30 (vi) Two representatives from regional transportation planning
31 organizations, one representing eastern Washington and one representing
32 western Washington;

33 (vii) Three representatives of employers at or owners of major work
34 sites in Washington;

35 (viii) The chief executive officer, or the chief executive
36 officer's designee, of a regional transit authority;

37 (ix) Two representatives of organizations that address primarily
38 environmental issues;

1 (x) One member of a collective bargaining organization that
2 primarily represents the interests of transit agency employees; and
3 (xi) Other individuals deemed appropriate.

4 Nonlegislative members of the advisory panel must seek
5 reimbursement for travel and other membership expenses through their
6 respective agencies or organizations. The committee may make
7 exceptions and approve certain expenses for good cause on a case-by-
8 case basis.

9 (d) The joint transportation committee shall submit a report on the
10 study to the standing transportation committees of the legislature by
11 December 15, 2010.

12 (6) The joint transportation committee shall work with the
13 department of licensing, the office of the code reviser, staff to the
14 legislative transportation committees, and other stakeholders to
15 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
16 evaluation must identify the unintended impacts of Senate Bill No. 6379
17 on policy and revenue collection, if any. The joint transportation
18 committee shall issue its evaluation, including corrective draft
19 legislation if needed, by December 1, 2010.

20 (7) \$125,000 of the motor vehicle account--state appropriation is
21 for the joint transportation committee to evaluate the preparation of
22 state-level transportation plans. The evaluation must include a review
23 of federal planning requirements, the Washington transportation plan
24 and statewide modal plan requirements, and transportation plan
25 requirements for regional and local entities. The evaluation must make
26 recommendations concerning the appropriate responsibilities for
27 preparation of plans, methods to develop plans more efficiently, and
28 the utility of the state-level planning documents. The committee shall
29 issue a report of its evaluation, including draft legislation if
30 required, to the house of representatives and senate transportation
31 committees by December 15, 2010.

32 (8)(a) \$200,000 of the motor vehicle account--state appropriation
33 is for the joint transportation committee to evaluate funding
34 assistance and services provided by the county road administration
35 board, transportation improvement board, freight mobility strategic
36 investment board, and the department of transportation's highway and
37 local programs division. In 2010, the governor recommended
38 consolidating small transportation agencies as part of an overall

1 effort to streamline state government, provide economies of scale, and
2 improve customer service. The evaluation may include recommendations
3 on consolidating the agencies within the department of transportation,
4 within another existing agency, or within a newly created agency. The
5 study may also make recommendations on restructuring grant programs to
6 generate efficiencies or other more efficient ways to distribute
7 associated revenues.

8 (b) The joint transportation committee shall form a policy work
9 group to oversee the evaluation. The work group must consist of
10 legislators appointed by the joint transportation committee and a
11 member of the governor's staff appointed by the governor.

12 (c) Any evaluation recommendations must be accompanied by a
13 detailed implementation plan. The plan must include details on the
14 recommended governance structure, accounts and program structure, and
15 transition process and associated costs. The plan must include a
16 proposed organization chart and proposed legislation to enact the
17 recommended changes. A preliminary evaluation must be made to the
18 joint transportation committee by November 15, 2010, and a final
19 evaluation is due on December 15, 2010.

20 (9) The joint transportation committee shall conduct the following
21 studies by December 15, 2010:

22 (a) A comparison of medical, time-loss, vocational and disability
23 benefits available to injured workers, and costs payable by the state
24 of Washington and employees, under the federal Jones act and
25 Washington's industrial insurance act. The report must include
26 information regarding the experience of the Alaska marine highway
27 system; and

28 (b) A comparison of the processing time of grievances and hearings
29 at the personnel relations employment commission and the marine
30 employee commission. The review must also investigate whether the
31 necessary expertise exists at the personnel relations employment
32 commission to administer the grievances and hearings currently
33 administered by the marine employee commission.

34 (10)(a) \$50,000 of the multimodal transportation account--state
35 appropriation is for the joint transportation committee to conduct an
36 analysis of the storm water permit requirements issued by the
37 department of ecology in February 2009 to determine the costs and
38 benefits of alternative options for the department of transportation to

1 meet the requirements. However, if the committee does not include the
2 analysis as part of its 2009-11 fiscal biennium work plan by April 15,
3 2010, the amount provided in this subsection lapses. The analysis must
4 include, at a minimum, an analysis of the following:

5 (i) The department of transportation performing the functions of
6 the permit in house;

7 (ii) The functions of the permit being consolidated within the
8 department of ecology or otherwise centralizing efforts for all state
9 agencies; and

10 (iii) The use of an external firm or organization to meet the
11 requirements.

12 (b) The committee shall provide a report to the legislature by
13 December 2010.

14 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as
15 follows:

16 **FOR THE TRANSPORTATION COMMISSION**

17 Motor Vehicle Account--State Appropriation	((\$2,237,000))
	<u>\$2,328,000</u>
19 Multimodal Transportation Account--State Appropriation	\$112,000
20 TOTAL APPROPRIATION	((\$2,349,000))
	<u>\$2,440,000</u>

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

24 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
25 the transportation commission shall periodically review and, if
26 necessary, modify the schedule of fares for the Washington state ferry
27 system. The transportation commission may increase ferry fares,
28 except no fare schedule modifications may be made prior to September 1,
29 2009. For purposes of this subsection, "modify" includes increases or
30 decreases to the schedule. (~~The commission may only approve ferry~~
31 ~~fare rate changes that have the same proportionate change for~~
32 ~~passengers as for vehicles.))~~

33 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
34 the transportation commission shall periodically review and, if
35 necessary, modify a schedule of toll charges applicable to the state
36 route number 167 high occupancy toll lane pilot project, as required

1 under RCW 47.56.403. For purposes of this subsection, "modify"
2 includes increases or decreases to the schedule.

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

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

15 (5) \$350,000 of the motor vehicle account--state appropriation is
16 provided solely for consultant support services to assist the
17 commission in updating the statewide transportation plan. The updated
18 plan must be submitted to the legislature by December 1, 2010.

19 (6) If the commission considers implementing a ferry fuel
20 surcharge, it must first submit an analysis and business plan to the
21 office of financial management and either the joint transportation
22 committee or the transportation committees of the legislature. The
23 commission may impose a ferry fuel surcharge effective July 1, 2011.
24 When implementing a ferry fuel surcharge, the commission must regard
25 ferry fuel surcharges as fare policy changes and thus, ferry fuel
26 surcharges should be included in all public procedures and processes
27 currently used for fare pricing per RCW 47.60.290.

28 (7) The commission shall work with the department of
29 transportation's economic partnerships (Program K) in conducting a best
30 practices review of nontoll, public-private partnerships. The purpose
31 of this review is to identify the policies and procedures that would be
32 appropriate for application in Washington state. The commission must
33 report its findings and recommendations, including draft legislation if
34 warranted, to the house of representatives and senate transportation
35 committees by January 2011.

36 (8) As part of its development of the statewide transportation
37 plan, the commission shall review prioritized projects, including
38 preservation and maintenance projects, from regional transportation and

1 metropolitan planning organizations to identify statewide
2 transportation needs. The review should include a brief description
3 and status of each project along with the funding required and
4 associated timeline from start to completion. The commission shall
5 submit the review, along with recommendations, to the house of
6 representatives and senate transportation committees by January 2011.

7 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as
8 follows:

9 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**
10 Motor Vehicle Account--State Appropriation ((\$695,000))
11 \$688,000

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

17 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as
18 follows:

19 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**
20 State Patrol Highway Account--State
21 Appropriation ((\$228,024,000))
22 \$227,958,000
23 State Patrol Highway Account--Federal
24 Appropriation ((\$10,602,000))
25 \$10,903,000
26 State Patrol Highway Account--Private/Local
27 Appropriation ((\$859,000))
28 \$867,000
29 TOTAL APPROPRIATION ((\$239,485,000))
30 \$239,728,000

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

33 (1) Washington state patrol officers engaged in off-duty uniformed
34 employment providing traffic control services to the department of
35 transportation or other state agencies may use state patrol vehicles
36 for the purpose of that employment, subject to guidelines adopted by

1 the chief of the Washington state patrol. The Washington state patrol
2 shall be reimbursed for the use of the vehicle at the prevailing state
3 employee rate for mileage and hours of usage, subject to guidelines
4 developed by the chief of the Washington state patrol, and Cessna
5 pilots funded from the state patrol highway account who are certified
6 to fly the King Airs may pilot those aircraft for general fund purposes
7 with the general fund reimbursing the state patrol highway account an
8 hourly rate to cover the costs incurred during the flights since the
9 aviation section will no longer be part of the Washington state patrol
10 cost allocation system as of July 1, 2009.

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

17 (3) During the 2009-11 fiscal biennium, the Washington state patrol
18 shall continue to perform traffic accident investigations on Thurston
19 county roads, and shall work with the county to transition the traffic
20 accident investigations on Thurston county roads to the county by July
21 1, 2011.

22 (4) Within existing resources, the Washington state patrol shall
23 make every reasonable effort to increase the enrollment in each academy
24 class that commences during the 2009-11 fiscal biennium to fifty-five
25 cadets.

26 (5) The Washington state patrol shall collaborate with the
27 Washington traffic safety commission to develop and implement the
28 target zero trooper pilot program referenced in section 201 of this
29 act.

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

33 ~~(7) The Washington state patrol shall assign necessary personnel~~
34 ~~and equipment to implement and operate the pilot program described~~
35 ~~under section 218(2) of this act using the portion of the automated~~
36 ~~traffic safety camera fines deposited into the state patrol highway~~
37 ~~account, but not to exceed \$370,000. If the fines deposited into the~~
38 ~~state patrol highway account from automated traffic safety camera~~

1 ~~infractions do not reach \$370,000, the department of transportation~~
2 ~~shall remit funds necessary to the Washington state patrol to ensure~~
3 ~~the completion of the pilot program.)) \$370,000 of the state patrol~~
4 highway account--state appropriation is provided solely for costs
5 associated with the pilot program described under section 218(2) of
6 this act. The Washington state patrol may incur costs related only to
7 the assignment of cadets and necessary computer equipment and to the
8 reimbursement of the Washington state department of transportation for
9 contract costs. The appropriation in this subsection must be funded
10 from the portion of the automated traffic safety camera fines deposited
11 into the state patrol highway account; however, if the fines deposited
12 into the state patrol highway account from automated traffic safety
13 camera infractions do not reach three hundred seventy thousand dollars,
14 the department of transportation shall remit funds necessary to the
15 Washington state patrol to ensure the completion of the pilot program.
16 The Washington state patrol may not incur overtime as a result of this
17 pilot program. The Washington state patrol shall not assign troopers
18 to operate or deploy the pilot program equipment used in the roadway
19 construction zones.

20 (7) If, as a result of lower than average rate of attrition among
21 troopers, the Washington state patrol postpones the year 2011 training
22 for trooper cadets beyond June 30, 2011, funding provided in section
23 207, chapter 470, Laws of 2009 for the class must be used to fund the
24 salaries and benefits associated with the existing commissioned
25 Washington state patrol troopers that are funded within the field
26 operations bureau.

27 (8) \$2,832,000 of the state patrol highway account--state
28 appropriation is provided solely for the aerial traffic enforcement
29 program. The Washington state patrol shall evaluate the costs
30 associated with aerial traffic highway enforcement to determine if the
31 costs are accurately apportioned between the state patrol highway
32 account and the general fund. It is the intent of the legislature that
33 the state patrol highway account incurs costs that result only from
34 highway enforcement activities and that the general fund incurs costs
35 associated with the King Airs. The Washington state patrol shall
36 report the results of the evaluation to the legislature by June 30,
37 2010.

1 (9) For the remainder of the 2009-11 fiscal biennium, the
2 Washington state patrol shall continue to work with Island county on
3 traffic accident investigations.

4 (10) \$3,601,000 of the state patrol highway account--state
5 appropriation is provided solely for the costs associated with a basic
6 trooper class.

7 **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as
8 follows:

9 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

10 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
11 \$1,648,000

12 **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as
13 follows:

14 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

15 State Patrol Highway Account--State Appropriation . . ((~~\$105,680,000~~))
16 \$108,560,000

17 State Patrol Highway Account--Private/Local
18 Appropriation ((~~\$2,008,000~~))
19 \$2,510,000

20 TOTAL APPROPRIATION ((~~\$107,688,000~~))
21 \$111,070,000

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

24 (1) The Washington state patrol shall work with the risk management
25 division in the office of financial management in compiling the
26 Washington state patrol's data for establishing the agency's risk
27 management insurance premiums to the tort claims account. The office
28 of financial management and the Washington state patrol shall submit a
29 report to the legislative transportation committees by December 31st of
30 each year on the number of claims, estimated claims to be paid, method
31 of calculation, and the adjustment in the premium.

32 (2) ((~~\$8,673,000~~)) \$10,425,000 of the total appropriation is
33 provided solely for automobile fuel in the 2009-11 fiscal biennium.

34 (3) \$7,421,000 of the total appropriation is provided solely for
35 the purchase of pursuit vehicles.

1 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is
2 provided solely for vehicle repair and maintenance costs of vehicles
3 used for highway purposes.

4 (5) (~~(\$384,000)~~) \$1,724,000 of the total appropriation is provided
5 solely for the purchase of mission vehicles used for highway purposes
6 in the commercial vehicle and traffic investigation sections of the
7 Washington state patrol.

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

12 (7) \$345,000 of the state patrol highway account--state
13 appropriation is provided solely for the implementation of Engrossed
14 Substitute House Bill No. 1445 (domestic partners/Washington state
15 patrol retirement system). If Engrossed Substitute House Bill No. 1445
16 is not enacted by June 30, 2009, the amount provided in this subsection
17 shall lapse.

18 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF LICENSING**

21	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
22	Motorcycle Safety Education Account--State	
23	Appropriation	((\$4,373,000))
24		<u>\$4,356,000</u>
25	Wildlife Account--State Appropriation	((\$837,000))
26		<u>\$821,000</u>
27	Highway Safety Account--State Appropriation	((\$145,085,000))
28		<u>\$143,660,000</u>
29	Highway Safety Account--Federal Appropriation	((\$8,000))
30		<u>\$944,000</u>
31	Motor Vehicle Account--State Appropriation	((\$78,805,000))
32		<u>\$77,898,000</u>
33	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
34	Motor Vehicle Account--Federal Appropriation	\$242,000
35	Department of Licensing Services Account--State	
36	Appropriation	((\$3,867,000))
37		<u>\$4,705,000</u>

1	Washington State Patrol Highway Account--State	
2	Appropriation	((\$738,000))
3		<u>\$737,000</u>
4	Ignition Interlock Device Revolving Account--State	
5	Appropriation	((\$2,490,000))
6		<u>\$1,315,000</u>
7	TOTAL APPROPRIATION	((\$237,849,000))
8		<u>\$236,082,000</u>

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

11 (1)(a) By November 1, 2009, the department of licensing, working
12 with the department of revenue, shall analyze and plan for the transfer
13 by July 1, 2010, of the administration of fuel taxes imposed under
14 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law
15 from the department of licensing to the department of revenue. By
16 November 1, 2009, the departments shall report findings and
17 recommendations to the governor and the transportation and fiscal
18 committees of the legislature.

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

21 (i) Outreach to and solicitation of comment from parties affected
22 by the fuel taxes, including taxpayers, industry associations, state
23 and federal agencies, and Indian tribes, and from the transportation
24 and fiscal committees of the legislature; and

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

- 27 (A) Taxpayer reporting and payment processes;
- 28 (B) The international fuel tax agreement;
- 29 (C) Proportional registration under the provisions of the
- 30 international registration plan and chapter 46.87 RCW;
- 31 (D) Computer systems;
- 32 (E) Best management practices and efficiencies;
- 33 (F) Costs; and
- 34 (G) Personnel matters((+

35 ~~(iii) Development of recommended actions to accomplish the~~
36 ~~transfer; and~~

37 ~~(iv) An implementation plan and schedule.~~

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

5 (2) \$55,845,000 of the highway safety account--state appropriation
6 is provided solely for the driver examining program. In order to
7 reduce costs and make the most efficient use of existing resources, the
8 department may consolidate licensing service offices by closing the
9 vehicle services counter at the highways licensing building in Olympia
10 and up to twenty-five licensing service offices.

11 (a) When closing offices, the department may redistribute staff
12 from consolidated offices to neighboring offices and local community
13 supercenters.

14 (b) In order to mitigate the effects of office consolidations on
15 customers, the department shall, within existing resources, provide the
16 following enhanced services:

17 (i) Extended daily and weekend hours in regional supercenter
18 offices;

19 (ii) Staffed greeter stations to improve office work flow; and

20 (iii) Self-service stations for online transaction access,
21 including vehicle renewal transactions.

22 (c) In areas that are not consolidated, the department will work to
23 reduce costs by identifying opportunities to share facilities with
24 subagent offices and state, county, or local government offices and by
25 analyzing hours and days of operation to meet demand.

26 (d) The department shall work with vehicle licensing subagents
27 regarding potential placement of self-service driver licensing kiosks
28 in communities that will be affected by licensing services offices
29 closures. The department may place kiosks in those subagent offices
30 where both parties agree, and may pay the subagents the fair market
31 value for any space used for kiosks.

32 (e) The department shall report to the joint transportation
33 committee by November 30, 2009, on the department's consolidation
34 implementation to date and its plan for continued implementation.

35 (3) \$11,688,000 of the highway safety account--state appropriation
36 is provided solely for costs associated with: Issuing enhanced
37 drivers' licenses and identicards at the enhanced licensing services

1 offices; extended hours at those licensing services offices; cross-
2 border tourism education; and other education campaigns. This is the
3 maximum amount the department may expend for this purpose.

4 (4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device
5 revolving account--state appropriation is provided solely for the
6 department to assist indigent persons with the costs of installing,
7 removing, and leasing the device, and applicable licensing pursuant to
8 RCW 46.68.340.

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

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

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

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

28 (9) Consistent with the authority delegated to the director of
29 licensing under RCW 46.01.100, the department may adopt a new
30 organizational structure that includes the following programs: (a)
31 Driver and vehicle services, which must encompass services relating to
32 driver licensing customers, vehicle industry and fuel tax licensees,
33 and vehicle and vessel licensing and registration; and (b) driver
34 policy and programs, which must encompass policy development for all
35 driver-related programs, including driver examining, driver records,
36 commercial driver's license testing and auditing, driver training
37 schools, motorcycle safety, technical services, hearings, driver

1 special investigations, drivers' data management, central issuance
2 contract management, and state and federal initiatives.

3 (10) The legislature finds that measuring the performance of the
4 department requires the measurement of quality, timeliness, and unit
5 cost of services delivered to customers. Consequently:

6 (a) The department shall develop a set of metrics that measure that
7 performance and report to the transportation committees of the house of
8 representatives and the senate and to the office of financial
9 management on the development of these measurements along with
10 recommendations to the 2010 legislature on which measurements must
11 become a part of the next omnibus transportation appropriations act;

12 (b) The department shall study the process in place at the
13 licensing services office and present to the 2010 legislature
14 recommendations for process changes to improve efficiencies for both
15 the department and the customer; and

16 (c) The department shall, on a quarterly basis, report to the
17 transportation committees of the legislature the following monthly data
18 by licensing service office locations: (i) Lease costs; (ii) salary
19 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of
20 transactions completed, by type of transaction; and (vi) office hours.

21 (11) \$25,000 of the motor vehicle account--state appropriation is
22 provided solely for the department to provide to at least five hundred
23 limousine chauffeurs an overview of the laws and rules governing
24 limousine carriers.

25 (12) \$938,000 of the highway safety account--federal appropriation
26 is for federal funds that may be received during the 2009-11 fiscal
27 biennium. Upon receipt of the funds, the department shall provide a
28 report on the use of the funds to the transportation committees of the
29 legislature and the office of financial management.

30 (13) \$869,000 of the department of licensing services account--
31 state appropriation is provided solely for purchasing equipment for the
32 field licensing service offices and subagent offices.

33 **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
36 **MAINTENANCE--PROGRAM B**

37 High Occupancy Toll Lanes Operations Account--State

1	Appropriation	((\$2,867,000))
2		<u>\$2,852,000</u>
3	Motor Vehicle Account--State Appropriation	((\$585,000))
4		<u>\$575,000</u>
5	Tacoma Narrows Toll Bridge Account--State	
6	Appropriation	((\$27,358,000))
7		<u>\$26,543,000</u>
8	State Route Number 520 Corridor Account--State	
9	Appropriation	((\$58,088,000))
10		<u>\$28,000,000</u>
11	<u>State Route Number 520 Civil Penalties</u>	
12	<u>Account--State Appropriation</u>	<u>\$2,130,000</u>
13	TOTAL APPROPRIATION	((\$88,898,000))
14		<u>\$60,100,000</u>

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

17 (1) The department shall make detailed quarterly expenditure
18 reports available to the transportation commission and to the public on
19 the department's web site using current department resources. The
20 reports must include a summary of revenue generated by tolls on the
21 Tacoma Narrows bridge and an itemized depiction of the use of that
22 revenue.

23 (2) The department shall work with the office of financial
24 management to review insurance coverage, deductibles, and limitations
25 on tolled facilities to assure that the assets are well protected at a
26 reasonable cost. Results from this review must be used to negotiate
27 any future new or extended insurance agreements.

28 (3) ((\$58,088,000)) \$28,000,000 of the state route number 520
29 corridor account--state appropriation is provided solely for the costs
30 directly related to tolling the state route number 520 floating bridge.
31 Of this amount, ((\$175,000 is for the immediate costs necessary to
32 pursue a request for proposal to implement variable, open road tolling
33 on the state route number 520 floating bridge. The request for
34 proposal must include tolling infrastructure and signage, customer
35 service centers, collection and billing procedures, and, to the extent
36 practicable, the maintenance and dispensing of transponders by the
37 vendor. The remaining \$57,913,000)) \$8,000,000 must be retained in
38 unallotted status, and may only be released by the office of financial

1 management after consultation with the joint transportation committee
2 (~~following the committee's examination of toll operations costs~~
3 ~~referenced in section 204(2) of this act. The amount provided in this~~
4 ~~subsection is contingent on the enactment of (a) Engrossed Substitute~~
5 ~~House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.~~
6 ~~2326 or other legislation authorizing bonds for the state route number~~
7 ~~520 corridor projects. If the conditions of this subsection are not~~
8 ~~satisfied, the amount provided in this subsection shall lapse)).~~

9 (4) The department shall consider transitioning to all electronic
10 tolling on the Tacoma Narrows bridge toll facility and discontinuing a
11 cash toll option.

12 (5) \$2,130,000 of the state route number 520 civil penalties
13 account--state appropriation and \$140,000 of the Tacoma Narrows toll
14 bridge account--state appropriation are provided solely for
15 expenditures related to the toll adjudication process. The amount
16 provided in this subsection is contingent on the enactment by June 30,
17 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
18 House Bill No. 2897; however, if the enacted bill does not specify the
19 department as the toll penalty adjudicating agency, the amounts
20 provided in this subsection lapse.

21 (6) The department shall review, and revise where appropriate,
22 current signage and ingress/egress locations on the state route number
23 167 high occupancy toll lanes pilot project. The department shall
24 continue to work with the Washington state patrol on educating the
25 public on the rules of the road related to crossing a double white
26 line. The department shall continue to monitor the performance of the
27 high occupancy toll lanes to ensure that driving conditions for high
28 occupancy vehicles that share these lanes are not significantly
29 changed.

30 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
33 **C**

34 Transportation Partnership Account--State	
35 Appropriation	\$2,675,000
36 Motor Vehicle Account--State Appropriation	((\$67,811,000))
37	<u>\$68,650,000</u>

1	Motor Vehicle Account--Federal Appropriation	\$240,000
2	Multimodal Transportation Account--State	
3	Appropriation	\$363,000
4	Transportation 2003 Account (Nickel Account)--State	
5	Appropriation	\$2,676,000
6	TOTAL APPROPRIATION	((\$73,765,000))
7		<u>\$74,604,000</u>

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

10 (1) The department shall consult with the office of financial
11 management and the department of information services to: (a) Ensure
12 that the department's current and future system development is
13 consistent with the overall direction of other key state systems; and
14 (b) when possible, use or develop common statewide information systems
15 to encourage coordination and integration of information used by the
16 department and other state agencies and to avoid duplication.

17 (2) \$1,216,000 of the transportation partnership account--state
18 appropriation and \$1,216,000 of the transportation 2003 account (nickel
19 account)--state appropriation are provided solely for the department to
20 develop a project management and reporting system which is a collection
21 of integrated tools for capital construction project managers to use to
22 perform all the necessary tasks associated with project management.
23 The department shall integrate commercial off-the-shelf software with
24 existing department systems and enhanced approaches to data management
25 to provide web-based access for multi-level reporting and improved
26 business work flows and reporting. On a quarterly basis, the
27 department shall report to the office of financial management and the
28 transportation committees of the legislature on the status of the
29 development and integration of the system. At a minimum, the reports
30 shall indicate the status of the work as it compares to the work plan,
31 any discrepancies, and proposed adjustments necessary to bring the
32 project back on schedule or budget if necessary.

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

37 (4) \$573,000 of the motor vehicle account--state appropriation is
38 provided solely for the department to maintain the investment in the

1 electronic fare system at Washington's ferry terminals. Investment in
2 the electronic fare system must include the following: Replacement of
3 critical hardware components that are at risk of failure;
4 implementation of software to allow ORCA cards to be used for vehicles;
5 repair of the turnstiles to ensure that the turnstiles properly record
6 ORCA credit and debit card charges; and dedication of a communication
7 line for transmission of ORCA data to the clearinghouse.

8 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
11 **AND CONSTRUCTION--PROGRAM D--OPERATING**

12 Motor Vehicle Account--State Appropriation	((\$25,501,000))
13	<u>\$25,292,000</u>

14 **Sec. 214.** 2009 c 470 s 214 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

17 Aeronautics Account--State Appropriation	((\$6,009,000))
18	<u>\$5,960,000</u>
19 Aeronautics Account--Federal Appropriation	\$2,150,000
20 TOTAL APPROPRIATION	((\$8,159,000))
21	<u>\$8,110,000</u>

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

24 (1) \$50,000 of the aeronautics account--state appropriation is a
25 reappropriation provided solely to pay any outstanding obligations of
26 the aviation planning council, which expires July 1, 2009.

27 (2) \$150,000 of the aeronautics account--state appropriation is a
28 reappropriation provided solely to complete runway preservation
29 projects.

30 (3) Within the amounts provided in this section, the department
31 shall develop guidelines setting forth consultation procedures and a
32 process to assist counties and cities to identify land uses that may be
33 incompatible with airports and aircraft operations, and to encourage
34 and facilitate the adoption and implementation of comprehensive plan
35 policies and development regulations consistent with RCW 36.70.547 and
36 36.70A.510.

1 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
4 **SUPPORT--PROGRAM H**

5	Motor Vehicle Account--State Appropriation	((\$48,032,000))
6		<u>\$49,331,000</u>
7	Motor Vehicle Account--Federal Appropriation	\$500,000
8	Multimodal Transportation Account--State	
9	Appropriation	\$250,000
10	((Water Pollution Account--State Appropriation	\$2,000,000))
11	TOTAL APPROPRIATION	((\$50,782,000))
12		<u>\$50,081,000</u>

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

15 (1) 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. By December 1, 2010, the department shall report to
25 the legislative transportation committees on the individuals and
26 entities eligible to receive surplus property provided in RCW 47.12.063
27 to determine the frequency with which the department transfers property
28 to those individuals and entities and the implications to the
29 department. It is the intent of the legislature that the list of
30 individuals and entities eligible to receive surplus property be
31 periodically evaluated to determine whether the list is appropriate and
32 provides utility to the department.

33 ~~((3))~~ (2) The legislature recognizes that the Dryden pit site
34 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
35 real property under the jurisdiction of the department of
36 transportation, and that the public would benefit significantly from
37 the complete enjoyment of the natural scenic beauty and recreational
38 opportunities available at the site. Therefore, pursuant to RCW

1 47.12.080, the legislature declares that transferring the property to
2 the department of fish and wildlife for recreational use and fish and
3 wildlife restoration efforts is consistent with the public interest in
4 order to preserve the area for the use of the public and the betterment
5 of the natural environment. The department of transportation shall(~~(~~
6 ~~as soon as is practicable,~~) work with the department of fish and
7 wildlife, and shall transfer and convey the Dryden pit site to the
8 department of fish and wildlife as is for (~~adequate consideration in~~
9 ~~the amount of no less than \$600,000~~) an adjusted fair market value
10 reflecting site conditions, the proceeds of which must be deposited in
11 the motor vehicle fund. (~~By July 1, 2009~~) The department of
12 transportation is not responsible for any costs associated with the
13 cleanup or transfer of this property. By July 1, 2010, and annually
14 thereafter until the entire Dryden pit property has been transferred,
15 the department shall submit a status report regarding the transaction
16 to the chairs of the legislative transportation committees.

17 (~~(+5) \$750,000~~) (3) \$3,175,000 of the motor vehicle account--state
18 appropriation is provided solely for the department's compliance with
19 its national pollution discharge elimination system permit. The
20 department's work may include the completion of system development,
21 reporting, and planning to meet deadlines in the current biennium. The
22 appropriation provided in this subsection is contingent on either the
23 joint legislative audit and review committee or the joint
24 transportation committee including the analysis identified in sections
25 108(4) and 204 of this act in its respective 2009-11 fiscal biennium
26 work plan by April 15, 2010.

27 (~~(+6)~~) (4) The department shall provide updated information on six
28 project milestones for all active projects, funded in part or in whole
29 with 2005 transportation partnership account funds or 2003 nickel
30 account funds, on a quarterly basis in the transportation executive
31 information system (TEIS). The department shall also provide updated
32 information on six project milestones for projects, funded with
33 preexisting funds and that are agreed to by the legislature, office of
34 financial management, and the department, on a quarterly basis in TEIS.

35 (5) It is the intent of the legislature that the real estate
36 services division of the department will recover the cost of its
37 efforts from future sale proceeds. By January 31, 2011, the department
38 must report to the office of financial management and the legislative

1 transportation committees on the status of surplus property. The
2 report must include: (a) The department's plan for continued disposal
3 of surplus property; (b) a detail of changes from the previous report;
4 and (c) a current list of surplus property by region that includes the
5 acquisition date and price of the property, the status of the surplus
6 property, and estimated value of the property. Except as provided
7 otherwise in this subsection, by June 30, 2010, the department must
8 finalize all pending equal value exchange activity for the construction
9 or improvement of facilities, after which time the department may not
10 pursue any other equal value exchanges for the construction or
11 improvement of facilities. However, the northwest region may pursue an
12 equal value exchange to replace the Mount Baker headquarters office.
13 The exchange may include an exchange for the old Puget Sound energy
14 site, the old Arco site, or any combination of the two.

15 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as
16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
18 **K**

19 Motor Vehicle Account--State Appropriation	((\$615,000))
	<u>\$673,000</u>
21 Multimodal Transportation Account--State Appropriation	\$200,000
22 TOTAL APPROPRIATION	((\$815,000))
23	<u>\$873,000</u>

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

26 (1) \$200,000 of the multimodal transportation account--state
27 appropriation is provided solely for the department to develop and
28 implement public private partnerships at high priority terminals as
29 identified in the January 12, 2009, final report on joint development
30 opportunities at Washington state ferries terminals. The department
31 shall first consider a mutually beneficial agreement at the Edmonds
32 terminal.

33 (2) \$50,000 of the motor vehicle account--state appropriation is
34 provided solely for the department to investigate the potential to
35 generate revenue from web site sponsorships and similar ventures and,
36 if feasible, pursue partnership opportunities.

1 (3) \$75,000 of the motor vehicle account--state appropriation is
2 provided solely for the implementation of a pilot project allowing
3 advertisements and sponsorships on select web pages. The pilot project
4 must be organized under the partnership model described in the
5 department's web site monetizing feasibility study, which was prepared
6 under subsection (2) of this section. Once operational, the pilot
7 project must operate for at least twelve consecutive months. After
8 twelve months of continuous operation, the department shall provide a
9 report with recommendations on whether to continue project operations
10 to the office of financial management and the chairs of the
11 transportation committees. The department may end the pilot project
12 after less than twelve consecutive months of operation if insufficient
13 bids or proposals are received from potential sponsors or advertisers.
14 For the purpose of this subsection, if a consultant contract is
15 warranted, the consultant contract is deemed a revenue generation
16 activity as that term is construed in section 602(2), chapter 3, Laws
17 of 2010.

18 **Sec. 217.** 2009 c 470 s 217 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

21 Motor Vehicle Account--State Appropriation	((\$347,637,000))
	<u>\$347,645,000</u>
23 Motor Vehicle Account--Federal Appropriation	((\$2,000,000))
	<u>\$7,000,000</u>
25 Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
26 (Water Pollution Account--State Appropriation)	(\$12,500,000)
27 TOTAL APPROPRIATION	((\$367,934,000))
	<u>\$360,442,000</u>

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

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

36 (2) The department shall request an unanticipated receipt for any
37 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)~~) \$7,000,000 of the motor vehicle account--federal
9 appropriation is for unanticipated federal funds that may be received
10 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
11 department shall provide a report on the use of the funds to the
12 transportation committees of the legislature and the office of
13 financial management.

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

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

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

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

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

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

36 (~~(+10)~~) (9) \$750,000 of the motor vehicle account--state
37 appropriation is provided solely for the department's compliance with
38 its national pollution discharge elimination system permit.

1 (10) \$317,000 of the motor vehicle account--state appropriation is
2 provided solely for maintaining a new active traffic management system
3 on Interstate 5, Interstate 90, and SR 520. The department shall track
4 the costs associated with these systems on a corridor basis and report
5 to the legislative transportation committees on the cost and benefits
6 of the system.

7 (11) \$286,000 of the motor vehicle account--state appropriation is
8 provided solely for storm water assessment fees charged by local
9 governments.

10 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
13 **OPERATING**

14 Motor Vehicle Account--State Appropriation	((\$51,526,000))
	<u>\$51,128,000</u>
16 Motor Vehicle Account--Federal Appropriation	\$2,050,000
17 Motor Vehicle Account--Private/Local Appropriation	\$127,000
18 TOTAL APPROPRIATION	((\$53,703,000))
19	<u>\$53,305,000</u>

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

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

31 (2) The department, in consultation with the Washington state
32 patrol, may continue a pilot program for the patrol to issue
33 infractions based on information from automated traffic safety cameras
34 in roadway construction zones on state highways. For the purpose of
35 this pilot program, during the 2009-11 fiscal biennium, a roadway
36 construction zone includes areas where public employees or private
37 contractors are not present but where a driving condition exists that

1 would make it unsafe to drive at higher speeds, such as, when the
2 department is redirecting or realigning lanes on any public roadway
3 pursuant to ongoing construction. The department shall use the
4 following guidelines to administer the program:

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

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

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

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

22 (e) For purposes of the 2009-11 fiscal biennium pilot program,
23 infractions detected through the use of automated traffic safety
24 cameras are not part of the registered owner's driving record under RCW
25 46.52.101 and 46.52.120. Additionally, infractions generated by the
26 use of automated traffic safety cameras must be processed in the same
27 manner as parking infractions for the purposes of RCW 3.50.100,
28 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
29 fine issued under this subsection (2) for an infraction generated
30 through the use of an automated traffic safety camera is one hundred
31 thirty-seven dollars. The court shall remit thirty-two dollars of the
32 fine to the state treasurer for deposit into the state patrol highway
33 account; and

34 (f) If a notice of infraction is sent to the registered owner and
35 the registered owner is a rental car business, the infraction must be
36 dismissed against the business if it mails to the patrol, within
37 fourteen days of receiving the notice, a declaration under penalty of
38 perjury of the name and known mailing address of the individual driving

1 or renting the vehicle when the infraction occurred. If the business
2 is unable to determine who was driving or renting the vehicle at the
3 time the infraction occurred, the business must sign a declaration
4 under penalty of perjury to this effect. The declaration must be
5 mailed to the patrol within fourteen days of receiving the notice of
6 traffic infraction. Timely mailing of this declaration to the issuing
7 agency relieves a rental car business of any liability under this
8 section for the notice of infraction. A declaration form suitable for
9 this purpose must be included with each automated traffic infraction
10 notice issued, along with instructions for its completion and use.

11 (3) The department shall implement a pilot project to evaluate the
12 benefits of using electronic traffic flagging devices. Electronic
13 traffic flagging devices must be tested by the department at multiple
14 sites and reviewed for efficiency and safety. The department shall
15 report to the transportation committees of the legislature on the best
16 use and practices involving electronic traffic flagging devices,
17 including recommendations for future use, by June 30, 2010.

18 (4) \$173,000 of the motor vehicle account--state appropriation is
19 provided solely for the department to continue a pilot tow truck
20 incentive program and to expand the program to other areas of the
21 state. The department may provide incentive payments to towing
22 companies that meet clearance goals on accidents that involve heavy
23 trucks. The department shall report to the office of financial
24 management and the transportation committees of the legislature on the
25 effectiveness of the clearance goals and submit recommendations to
26 improve the pilot program with the department's 2010 supplemental
27 omnibus transportation appropriations act submittal. The tow truck
28 incentive program may continue to provide incentives for quick
29 clearance of traffic incidents involving large vehicles. The
30 department shall make recommendations as part of its biennial budget
31 proposal for expanding the use of the incentive program.

32 (5) \$92,000 of the motor vehicle account--state appropriation is
33 provided solely for operating a new active traffic management system on
34 Interstate 5, Interstate 90, and SR 520. The department shall track
35 the costs associated with these systems on a corridor basis and report
36 to the legislative transportation committees on the cost and benefits
37 of the system.

1 (6) To the extent practicable, the department shall synchronize
2 traffic lights on state route number 161 in the vicinity of Puyallup.

3 (7) During the 2009-11 biennium, the department shall implement a
4 pilot program that expands private transportation providers' access to
5 high occupancy vehicle lanes. Under the pilot program, when the
6 department reserves a portion of a highway based on the number of
7 passengers in a vehicle, the following vehicles must be authorized to
8 use the reserved portion of the highway if the vehicle has the capacity
9 to carry eight or more passengers, regardless of the number of
10 passengers in the vehicle: (a) Auto transportation company vehicles
11 regulated under chapter 81.68 RCW; (b) passenger charter carrier
12 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
13 stretch limousines and stretch sport utility vehicles as defined under
14 department rules; (c) private nonprofit transportation provider
15 vehicles regulated under chapter 81.66 RCW; and (d) private employer
16 transportation service vehicles. For purposes of this subsection,
17 "private employer transportation service" means regularly scheduled,
18 fixed-route transportation service that is offered by an employer for
19 the benefit of its employees. By June 30, 2011, the department shall
20 report to the transportation committees of the legislature on whether
21 private transportation provider use of high occupancy vehicle lanes
22 under the pilot program reduces the speeds of high occupancy vehicle
23 lanes.

24 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
27 **SUPPORT--PROGRAM S**

28	Motor Vehicle Account--State Appropriation	((\$29,153,000))
29		<u>\$28,468,000</u>
30	Motor Vehicle Account--Federal Appropriation	\$30,000
31	Multimodal Transportation Account--State	
32	Appropriation	((\$973,000))
33		<u>\$971,000</u>
34	State Route Number 520 Corridor Account--State	
35	Appropriation	\$264,000
36	TOTAL APPROPRIATION	((\$30,420,000))
37		<u>\$29,733,000</u>

1 The appropriations in this section are subject to the following
 2 conditions and limitations: \$264,000 of the state route number 520
 3 corridor account--state appropriation is provided solely for the costs
 4 directly related to tolling the state route number 520 floating bridge.
 5 This amount must be retained in unallotted status, and may only be
 6 released by the office of financial management after consultation with
 7 the joint transportation committee (~~following the committee's~~
 8 ~~examination of toll operations costs referenced in section 204(2) of~~
 9 ~~this act. The amount provided in this section is contingent on the~~
 10 ~~enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)~~
 11 ~~either Engrossed Substitute House Bill No. 2326 or other legislation~~
 12 ~~authorizing bonds for the state route number 520 corridor projects. If~~
 13 ~~the conditions of this section are not satisfied, the amount provided~~
 14 ~~in this section shall lapse)).~~

15 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as
 16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
 18 **AND RESEARCH--PROGRAM T**

19	Motor Vehicle Account--State Appropriation	((\$24,724,000))
20		<u>\$25,955,000</u>
21	Motor Vehicle Account--Federal Appropriation	((\$19,116,000))
22		<u>\$22,002,000</u>
23	Multimodal Transportation Account--State	
24	Appropriation	((\$696,000))
25		<u>\$1,090,000</u>
26	Multimodal Transportation Account--Federal	
27	Appropriation	((\$2,809,000))
28		<u>\$3,287,000</u>
29	Multimodal Transportation Account--Private/Local	
30	Appropriation	((\$100,000))
31		<u>\$99,000</u>
32	TOTAL APPROPRIATION	((\$47,445,000))
33		<u>\$52,433,000</u>

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

36 (1) \$150,000 of the motor vehicle account--federal appropriation is
 37 provided solely for the costs to develop an electronic map-based

1 computer application that will enable law enforcement officers and
2 others to more easily locate collisions and other incidents in the
3 field.

4 (2) \$400,000 of the (~~motor vehicle account~~) multimodal
5 transportation account--state appropriation is provided solely for a
6 diesel multiple unit feasibility and initial planning study. The study
7 must evaluate potential service on the Stampede Pass line from Maple
8 Valley to Auburn via Covington. The study must evaluate the potential
9 demand for service, the business model and capital needs for launching
10 and running the line, and the need for improvements in switching,
11 signaling, and tracking. The study must also consider the
12 interconnectivity benefits of, and potential for, future Amtrak
13 Cascades stops in south King county and north Pierce county. As part
14 of its consideration, the department shall conduct a thorough market
15 analysis of the potential for adding or changing stops on the Amtrak
16 Cascades route. The department shall amend the scope, schedule, and
17 budget of the current study process to accommodate the market analysis.
18 A report on the study must be submitted to the legislature by (~~June~~)
19 September 30, 2010.

20 (3) (~~\$243,000~~) \$365,000 of the motor vehicle account--state
21 appropriation and \$81,000 of the motor vehicle account--federal
22 appropriation are provided solely for the development of a freight
23 database to help guide freight investment decisions and track project
24 effectiveness. The database must be based on truck movement tracked
25 through geographic information system technology. For the remainder of
26 the biennium, the department may expand data collection to any highways
27 that have high truck volumes. TransNow shall contribute additional
28 federal funds that are not appropriated in this act. The department
29 shall work with the freight mobility strategic investment board to
30 implement this database.

31 (4) \$2,000,000 of the motor vehicle account--state appropriation is
32 provided solely for scoping unfunded state highway projects to ensure
33 that a well-vetted project list is available for future program funding
34 discussions.

35 (a) It is the intent of the legislature that the funding provided
36 in this subsection support the development of transportation solutions
37 that benefit all state residents, including addressing the impacts of

1 traffic diversion from tolled facilities. It is further the intent of
2 the legislature that the buying power of future revenue packages is
3 maximized.

4 (b) Scoping work must be consistent with achieving transportation
5 system policy goals as stated in RCW 47.04.280.

6 (c) The department shall provide cost-effective design solutions
7 that achieve the desired functional outcomes. This may be achieved by
8 providing one or more design alternatives for legislative
9 consideration, based on a reasonable range of assumptions about traffic
10 volume and speeds.

11 (d) Prior to the commencement of the 2011 legislative session, the
12 department shall provide a report to the legislative transportation
13 committees and the office of financial management that includes
14 estimated costs and construction time frames.

15 (5) \$150,000 of the motor vehicle account--state appropriation is
16 provided solely for a corridor study of state route number 516 from the
17 eastern border of Maple Valley to state route number 167 to determine
18 whether improvements are needed and the costs of any needed
19 improvements.

20 (6) \$500,000 of the multimodal transportation account--federal
21 appropriation is provided solely for continued support of the
22 International Mobility and Trade Corridor project and for the
23 department to work with the Whatcom council of governments to examine
24 potential improvements to international border freight and passenger
25 rail movement and the use of diesel multiple units.

26 (7) \$80,000 of the motor vehicle account--state appropriation is
27 provided solely to continue existing work regarding feasibility of a
28 new interchange between Rochester and Harrison Avenue on Interstate 5.

29 **Sec. 221.** 2009 c 470 s 222 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
32 **V**

33	Regional Mobility Grant Program Account--State	
34	Appropriation	((\$54,677,000))
35		<u>\$65,274,000</u>
36	Multimodal Transportation Account--State	
37	Appropriation	((\$65,795,000))

1		<u>\$65,667,000</u>
2	Multimodal Transportation Account--Federal	
3	Appropriation	((\$2,582,000))
4		<u>\$2,573,000</u>
5	Multimodal Transportation Account--Private/Local	
6	Appropriation	((\$1,027,000))
7		<u>\$1,025,000</u>
8	TOTAL APPROPRIATION	((\$124,081,000))
9		<u>\$134,539,000</u>

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

12 (1) \$25,000,000 of the multimodal transportation account--state
13 appropriation is provided solely for a grant program for special needs
14 transportation provided by transit agencies and nonprofit providers of
15 transportation.

16 (a) \$5,500,000 of the amount provided in this subsection is
17 provided solely for grants to nonprofit providers of special needs
18 transportation. Grants for nonprofit providers shall be based on need,
19 including the availability of other providers of service in the area,
20 efforts to coordinate trips among providers and riders, and the cost
21 effectiveness of trips provided.

22 (b) \$19,500,000 of the amount provided in this subsection is
23 provided solely for grants to transit agencies to transport persons
24 with special transportation needs. To receive a grant, the transit
25 agency must have a maintenance of effort for special needs
26 transportation that is no less than the previous year's maintenance of
27 effort for special needs transportation. Grants for transit agencies
28 shall be prorated based on the amount expended for demand response
29 service and route deviated service in calendar year 2007 as reported in
30 the "Summary of Public Transportation - 2007" published by the
31 department of transportation. No transit agency may receive more than
32 thirty percent of these distributions.

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

35 (a) \$8,500,000 of the multimodal transportation account--state
36 appropriation is provided solely for grants for those transit systems
37 serving small cities and rural areas as identified in the "Summary of
38 Public Transportation - 2007" published by the department of

1 transportation. Noncompetitive grants must be distributed to the
2 transit systems serving small cities and rural areas in a manner
3 similar to past disparity equalization programs.

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

8 (3) \$7,000,000 of the multimodal transportation account--state
9 appropriation is provided solely for a vanpool grant program for: (a)
10 Public transit agencies to add vanpools or replace vans; and (b)
11 incentives for employers to increase employee vanpool use. The grant
12 program for public transit agencies will cover capital costs only;
13 operating costs for public transit agencies are not eligible for
14 funding under this grant program. Additional employees may not be
15 hired from the funds provided in this section for the vanpool grant
16 program, and supplanting of transit funds currently funding vanpools is
17 not allowed. The department shall encourage grant applicants and
18 recipients to leverage funds other than state funds. At least
19 \$1,600,000 of this amount must be used for vanpool grants in congested
20 corridors.

21 (4) \$400,000 of the multimodal transportation account--state
22 appropriation is provided solely for a grant for a flexible carpooling
23 pilot project program to be administered and monitored by the
24 department. Funds are appropriated for one time only. The pilot
25 project program must: Test and implement at least one flexible
26 carpooling system in a high-volume commuter area that enables
27 carpooling without prearrangement; utilize technologies that, among
28 other things, allow for transfer of ride credits between participants;
29 and be a membership system that involves prescreening to ensure safety
30 of the participants. The program must include a pilot project that
31 targets commuter traffic on the state route number 520 bridge. The
32 department shall submit to the legislature by December 2010 a report on
33 the program results and any recommendations for additional flexible
34 carpooling programs.

35 (5) \$3,318,000 of the multimodal transportation account--state
36 appropriation and \$21,248,000 of the regional mobility grant program
37 account--state appropriation are reappropriated and provided solely for
38 the regional mobility grant projects identified on the LEAP

1 Transportation Document 2007-B, as developed April 20, 2007, or the
2 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
3 department shall continue to review all projects receiving grant awards
4 under this program at least semiannually to determine whether the
5 projects are making satisfactory progress. The department shall
6 promptly close out grants when projects have been completed, and any
7 remaining funds available to the office of transit mobility must be
8 used only to fund projects on the LEAP Transportation Document 2006-D,
9 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
10 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
11 as developed April 24, 2009. It is the intent of the legislature to
12 appropriate funds through the regional mobility grant program only for
13 projects that will be completed on schedule. However, the Chuckanut
14 park and ride project (101100G) is recognized as a crucial investment
15 in the transportation system. For this reason, the department shall
16 not close out the grant for the Chuckanut park and ride project until
17 Skagit transit has exhausted all other pending opportunities for
18 federal and local funds. If additional funds cannot be secured, the
19 department shall consider this project a priority in the 2011-13 grant
20 process. The department shall make every effort to advance the
21 Chuckanut park and ride project within existing resources.

22 (6) \$33,429,000 of the regional mobility grant program account--
23 state appropriation is provided solely for the regional mobility grant
24 projects identified in LEAP Transportation Document 2009-B, as
25 developed April 24, 2009. The department shall review all projects
26 receiving grant awards under this program at least semiannually to
27 determine whether the projects are making satisfactory progress. Any
28 project that has been awarded funds, but does not report activity on
29 the project within one year of the grant award, must be reviewed by the
30 department to determine whether the grant should be terminated. The
31 department shall promptly close out grants when projects have been
32 completed, and any remaining funds available to the office of transit
33 mobility must be used only to fund projects identified in LEAP
34 Transportation Document 2009-B, as developed April 24, 2009. The
35 department shall provide annual status reports on December 15, 2009,
36 and December 15, 2010, to the office of financial management and the
37 transportation committees of the legislature regarding the projects

1 receiving the grants. It is the intent of the legislature to
2 appropriate funds through the regional mobility grant program only for
3 projects that will be completed on schedule.

4 (7) \$10,596,768 of the regional mobility grant program account--
5 state appropriation must be obligated no later than December 31, 2010,
6 and is provided solely for the following recommended contingency
7 regional mobility grant projects identified in the 2009-11 omnibus
8 transportation appropriations act, LEAP Transportation Document 2009-B,
9 as developed April 24, 2009, as follows:

10 (a) \$4,000,000 is provided solely for the Rainier/Jackson transit
11 priority corridor improvements;

12 (b) \$2,100,000 is provided solely for the state route number 522
13 west city limits to Northeast 180th stage 2A (91st Ave NE to west of
14 96th Ave NE) project; and

15 (c) \$4,496,768 is provided solely for the sound transit express bus
16 expansion - Snohomish to King county project.

17 (8) \$300,000 of the multimodal transportation account--state
18 appropriation is provided solely for a transportation demand management
19 program, developed by the Whatcom council of governments, to further
20 reduce drive-alone trips and maximize the use of sustainable
21 transportation choices. The community-based program must focus on all
22 trips, not only commute trips, by providing education, assistance, and
23 incentives to four target audiences: (a) Large work sites; (b)
24 employees of businesses in downtown areas; (c) school children; and (d)
25 residents of Bellingham.

26 ~~((+8))~~ (9) \$130,000 of the multimodal transportation account--
27 state appropriation is provided solely to the department to distribute
28 to support Engrossed Substitute House Bill No. 2072 (special needs
29 transportation).

30 (a) \$80,000 of the amount provided in this subsection is provided
31 solely for implementation of the work group related to federal
32 requirements in section 1, chapter . . . (Engrossed Substitute House
33 Bill No. 2072), Laws of 2009.

34 (b) \$50,000 of the amount provided in this subsection is provided
35 solely to support the pilot project to be developed or implemented by
36 the local coordinating coalition comprised of a single county,
37 described in sections 9, 10, and 11, chapter . . . (Engrossed
38 Substitute House Bill No. 2072), Laws of 2009. The department shall

1 assist the local coordinating coalition to seek funding sufficient to
2 fully fund the pilot project from a variety of sources including, but
3 not limited to, the regional transit authority serving the county, the
4 regional transportation planning organization serving the county, and
5 other appropriate state and federal agencies and grants. Development
6 or implementation of the pilot project is contingent on securing
7 funding sufficient to fully fund the pilot project.

8 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
9 June 30, 2009, the amount provided in this subsection (~~((8))~~) (9)
10 lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June
11 30, 2009, but a commitment from other sources to fully fund the pilot
12 project described in (b) of this subsection has not been obtained by
13 September 30, 2009, the amount provided in (b) of this subsection
14 lapses.

15 (~~((9))~~) (10) Funds provided for the commute trip reduction program
16 may also be used for the growth and transportation efficiency center
17 program.

18 (~~((10))~~) (11) An affected urban growth area that has not previously
19 implemented a commute trip reduction program is exempt from the
20 requirements in RCW 70.94.527 if a solution to address the state
21 highway deficiency that exceeds the person hours of delay threshold has
22 been funded and is in progress during the 2009-11 fiscal biennium.

23 (~~((11))~~) (12) \$2,309,000 of the multimodal transportation account--
24 state appropriation is provided solely for the tri-county connection
25 service for Island, Skagit, and Whatcom transit agencies.

26 (13) During the 2009-11 biennium, the department shall implement a
27 pilot project that expands opportunities for private transportation
28 providers' use of high occupancy vehicle lanes, transit-only lanes, and
29 certain park and ride facilities. The pilot project must establish
30 that to receive grant funding from a program administered by the public
31 transportation office of the department during the 2009-11 biennium,
32 the local jurisdiction in which the applicant is located must be able
33 to show that it has in place an application process for the reasonable
34 use by private transportation providers of high occupancy vehicle
35 lanes, transit-only lanes, and certain park and ride facilities that
36 are regulated by the local jurisdiction. If a private transportation
37 provider clearly demonstrates that the local jurisdiction failed to
38 consider an application in good faith, the department may not award the

1 jurisdiction any grant funding. Reasonable use exists if the private
2 transportation provider has applied for the use of: (a) High occupancy
3 vehicle or transit-only lanes, and such use will not interfere with the
4 safety of public transportation operations and not reduce the speed of
5 the lanes more than five percent during peak hours; and (b) a park and
6 ride lot (i) during peak hours at a lot that is below ninety percent
7 capacity during peak hours or (ii) during off-peak hours only. A
8 transit agency may require that a private transportation provider enter
9 into an agreement for use of the park and ride lot, and may include
10 provisions to recover actual costs for the use of the lot and its
11 related facilities. For purposes of this subsection: A "private
12 transportation provider" means an auto transportation company regulated
13 under chapter 81.68 RCW; a passenger charter carrier regulated under
14 chapter 81.70 RCW; a private nonprofit transportation provider
15 regulated under chapter 81.66 RCW; or a private employer transportation
16 service provider; and "private employer transportation service" means
17 regularly scheduled, fixed-route transportation service that is offered
18 by an employer for the benefit of its employees.

19 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as
20 follows:

21 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**
22 Puget Sound Ferry Operations Account--State
23 Appropriation ((\$400,592,000))
24 \$425,922,000

25 The appropriation in this section is subject to the following
26 conditions and limitations:

27 (1) ((\$53,110,560)) \$78,754,952 of the Puget Sound ferry operations
28 account--state appropriation is provided solely for auto ferry vessel
29 operating fuel in the 2009-11 fiscal biennium. This appropriation is
30 contingent upon the enactment of sections 716 and 701 of this act. All
31 fuel purchased by the Washington state ferries at Harbor Island truck
32 terminal for the operation of the Washington state ferries diesel
33 powered vessels must be a minimum of five percent biodiesel blend so
34 long as the per gallon price of diesel containing a five percent
35 biodiesel blend level does not exceed the per gallon price of diesel by
36 more than five percent.

1 (2) To protect the waters of Puget Sound, the department shall
2 investigate nontoxic alternatives to fuel additives and other
3 commercial products that are used to operate, maintain, and preserve
4 vessels.

5 (3) If, after the department's review of fares and pricing
6 policies, the department proposes a fuel surcharge, the department must
7 evaluate other cost savings and fuel price stabilization strategies
8 that would be implemented before the imposition of a fuel surcharge.
9 The department shall report to the legislature and transportation
10 commission on its progress of implementing new fuel forecasting and
11 budgeting practices, price hedging contracts for fuel purchases, and
12 fuel conservation strategies by November 30, 2010.

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

18 (5) The department shall continue to provide service to Sidney,
19 British Columbia. The department may place a Sidney terminal departure
20 surcharge on fares for out of state residents riding the Washington
21 state ferry route that runs between Anacortes, Washington and Sidney,
22 British Columbia, if the cost for landing/license fee, taxes, and
23 additional amounts charged for docking are in excess of \$280,000 CDN.
24 The surcharge must be limited to recovering amounts above \$280,000 CDN.

25 (6) The department shall analyze operational solutions to enhance
26 service on the Bremerton to Seattle ferry run. The Washington state
27 ferries shall report its analysis to the transportation committees of
28 the legislature by December 1, 2009.

29 (7) The office of financial management budget instructions require
30 agencies to recast enacted budgets into activities. The Washington
31 state ferries shall include a greater level of detail in its 2011-13
32 omnibus transportation appropriations act request, as determined
33 jointly by the office of financial management, the Washington state
34 ferries, and the legislative transportation committees.

35 (8) (~~(\$3,000,000)~~) \$4,794,000 of the Puget Sound ferry operations
36 account--state appropriation is provided solely for commercial
37 insurance for ferry assets. The office of financial management, after
38 consultation with the transportation committees of the legislature,

1 must present a business plan for the Washington state ferry system's
2 insurance coverage to the 2010 legislature. The business plan must
3 include a cost-benefit analysis of Washington state ferries' current
4 commercial insurance purchased for ferry assets and a review of self-
5 insurance for noncatastrophic events.

6 (9) \$1,100,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for a marketing program. The
8 department shall present a marketing program proposal to the
9 transportation committees of the legislature during the 2010
10 legislative session before implementing this program. Of this amount,
11 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
12 Coupeville for mitigation expenses related to only one vessel operating
13 on the Port Townsend/Keystone ferry route. The moneys provided to the
14 city of Port Townsend and town of Coupeville are not contingent upon
15 the required marketing proposal.

16 (10) \$350,000 of the Puget Sound ferry operations account--state
17 appropriation is provided solely for two extra trips per day during the
18 summer of 2009 season, beyond the current schedule, on the Port
19 Townsend/Keystone route.

20 (11) When purchasing uniforms that are required by collective
21 bargaining agreements, the department shall contract with the lowest
22 cost provider.

23 (12) The legislature finds that measuring the performance of
24 Washington state ferries requires the measurement of quality,
25 timeliness, and unit cost of services delivered to customers.
26 Consequently, the department must develop a set of metrics that measure
27 that performance and report to the transportation committees of the
28 legislature and to the office of financial management on the
29 development of these measurements along with recommendations to the
30 2010 legislature on which measurements must become a part of the next
31 omnibus transportation appropriations act.

32 (13) As a priority task, the department is directed to propose a
33 comprehensive incident and accident investigation policy and
34 appropriate procedures, and to provide the proposal to the legislature
35 by November 1, 2009, using existing resources and staff expertise. In
36 addition to consulting with ferry system unions and the United States
37 coast guard, the Washington state ferries is encouraged to solicit
38 independent outside expertise on incident and accident investigation

1 best practices as they may be found in other organizations with a
2 similar concern for marine safety. It is the intent of the legislature
3 to enact the policies into law and to publish that law and procedures
4 as a manual for Washington state ferries' accident/incident
5 investigations. Until that time, the Washington state ferry system
6 must exercise particular diligence to assure that any incident or
7 accident investigations are conducted within the spirit of the
8 guidelines of this act. The proposed policy must contain, at a
9 minimum:

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

12 (b) The process for appointing an investigating officer or officers
13 and a description of the authorities and responsibilities of the
14 investigating officer or officers. The investigating officer or
15 officers must:

16 (i) Have the appropriate training and experience as determined by
17 the policy;

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

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

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

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

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

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

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

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

6 (14) \$7,300,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for the purposes of travel time
8 associated with Washington state ferries employees. However, if
9 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
10 system) is enacted by June 30, 2010, containing an appropriation for
11 purposes of travel time associated with Washington state ferries
12 employees, the amount provided in this subsection lapses.

13 (15) \$50,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely to implement a mechanism to report on-
15 time performance statistics.

16 (a) The department shall conduct a study to identify process
17 changes that would improve on-time performance on a route-by-route
18 basis. The study must include looking into the slowing down of vessels
19 for fuel economy purposes and touch-and-go sailings on peak runs. The
20 department shall report its findings to the transportation committees
21 of the senate and house of representatives by December 1, 2010.

22 (b) The department shall, by November 1, 2010, report to the
23 transportation committees of the legislature statistics regarding its
24 on-time arrival and departure status on a route-by-route and month-by-
25 month basis, as well as an annual route-by-route and systemwide basis,
26 weighted by the number of customers on each sailing and distinguishing
27 peak period on-time performance. The statistics must include reasons
28 for any delays over ten minutes from the scheduled time. The
29 statistics must be prominently displayed on the Washington state
30 ferries' web site. Each Washington state ferries vessel and terminal
31 must prominently display the statistics as they relate to their
32 specific route.

33 (16) The department shall investigate outsourcing the call center
34 functions planned for the ferry reservation system and report its
35 findings to the transportation committees of the senate and house of
36 representatives by December 15, 2010.

37 (17) By July 1, 2010, the department shall provide to the governor
38 and the transportation committees of the senate and house of

1 representatives a listing of all benefits that Washington state ferries
2 union employees receive that other state employees do not traditionally
3 receive. The listing must include any costs associated with these
4 benefits.

5 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
6 follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
8 Multimodal Transportation Account--State
9 Appropriation ((~~\$34,933,000~~))
10 \$37,371,000

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

13 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation
14 account--state appropriation is provided solely for the Amtrak service
15 contract and Talgo maintenance contract associated with providing and
16 maintaining the state-supported passenger rail service. Upon
17 completion of the rail platform project in the city of Stanwood, the
18 department shall provide daily Amtrak Cascades service to the city.

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

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

22 **Sec. 224.** 2009 c 470 s 225 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
25 **OPERATING**
26 Motor Vehicle Account--State Appropriation ((~~\$8,739,000~~))
27 \$8,621,000
28 Motor Vehicle Account--Federal Appropriation ((~~\$2,567,000~~))
29 \$2,545,000
30 TOTAL APPROPRIATION ((~~\$11,306,000~~))
31 \$11,166,000

32 **TRANSPORTATION AGENCIES--CAPITAL**

1 **Sec. 301.** 2009 c 470 s 302 (uncodified) is amended to read as
2 follows:

3 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

4 Rural Arterial Trust Account--State Appropriation . . .	((\$51,000,000))
	<u>\$73,000,000</u>
6 Motor Vehicle Account--State Appropriation	\$1,048,000
7 County Arterial Preservation Account--State	
8 Appropriation	\$31,400,000
9 TOTAL APPROPRIATION	((\$83,448,000))
10	<u>\$105,448,000</u>

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

13 (1) \$1,048,000 of the motor vehicle account--state appropriation
14 may be used for county ferry projects as developed pursuant to RCW
15 47.56.725(4).

16 (2) The appropriations in this section include funding to counties
17 to assist them in efforts to recover from federally declared
18 emergencies, by providing capitalization advances and local match for
19 federal emergency funding as determined by the county road
20 administration board. The county road administration board shall
21 specifically identify any such selected projects and shall include
22 information concerning such selected projects in its next annual report
23 to the legislature.

24 (3) \$22,000,000 of the rural arterial trust account--state
25 appropriation is provided solely for additional grants for county road
26 projects as approved by the county road administration board.

27 **Sec. 302.** 2009 c 470 s 303 (uncodified) is amended to read as
28 follows:

29 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

30 Small City Pavement and Sidewalk Account--State	
31 Appropriation	((\$5,779,000))
	<u>\$3,927,000</u>
33 Urban Arterial Trust Account--State Appropriation . .	((\$122,400,000))
34	<u>\$123,900,000</u>
35 Transportation Improvement Account--State	
36 Appropriation	((\$85,643,000))
37	<u>\$81,643,000</u>

1 TOTAL APPROPRIATION ((~~\$213,822,000~~))
2 \$209,470,000

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

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

8 (2) The urban arterial trust account--state appropriation includes
9 up to (~~(\$15,000,000)~~) \$7,143,000 in proceeds from the sale of bonds
10 authorized in RCW 47.26.420.

11 **Sec. 303.** 2009 c 470 s 306 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

14 Multimodal Transportation Account--State
15 Appropriation ((~~\$1,000~~))
16 \$98,000

17 Transportation Partnership Account--State
18 Appropriation ((~~\$1,723,834,000~~))
19 \$1,665,644,000

20 Motor Vehicle Account--State Appropriation ((~~\$80,735,000~~))
21 \$85,534,000

22 Motor Vehicle Account--Federal Appropriation ((~~\$410,341,000~~))
23 \$570,107,000

24 Motor Vehicle Account--Private/Local
25 Appropriation ((~~\$65,494,000~~))
26 \$70,714,000

27 Special Category C Account--State Appropriation ((~~\$24,549,000~~))
28 \$25,221,000

29 Transportation 2003 Account (Nickel Account)--State
30 Appropriation ((~~\$703,708,000~~))
31 \$713,205,000

32 Freight Mobility Multimodal Account--State
33 Appropriation ((~~\$4,422,000~~))
34 \$4,574,000

35 Tacoma Narrows Toll Bridge Account--State
36 Appropriation ((~~\$788,000~~))
37 \$789,000

1 State Route Number 520 Corridor Account--State
2 Appropriation ((\$106,000,000))
3 \$231,763,000
4 State Route Number 520 Civil Penalties Account--State
5 Appropriation \$1,190,000
6 TOTAL APPROPRIATION ((\$3,119,872,000))
7 \$3,368,839,000

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

10 (1) Except as provided otherwise in this section, the entire
11 transportation 2003 account (nickel account) appropriation and the
12 entire transportation partnership account appropriation are provided
13 solely for the projects and activities as listed by fund, project, and
14 amount in LEAP Transportation Document ((2009-1)) 2010-1 as developed
15 ((April 24, 2009)) March 8, 2010, Program - Highway Improvement Program
16 (I). However, limited transfers of specific line-item project
17 appropriations may occur between projects for those amounts listed
18 subject to the conditions and limitations in section 603 of this act.

19 ((As a result of economic changes since the initial development
20 of the improvement program budget for the 2009-11 fiscal biennium, the
21 department has received bids on construction contracts over the last
22 several months that are favorable with respect to current estimates of
23 project costs. National economic forecasts indicate that inflationary
24 pressures are likely to remain lower than previously expected for the
25 next several years. As a result, the nominal project cost totals shown
26 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
27 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
28 the likely amount necessary to deliver the projects listed within those
29 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000
30 in the 2011-13 fiscal biennium. The appropriations provided in this
31 section for the projects in those biennia are therefore \$63,500,000
32 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
33 fiscal biennium than the aggregate total of project costs listed. It
34 is the intent of the legislature that the department shall deliver the
35 projects listed in LEAP Transportation Document 2009-1 within the time,
36 scope, and budgets identified in that document, provided that the
37 prices of commodities used in transportation projects do not differ

1 significantly from those assumed for the 2009-11 and 2011-13 fiscal
2 biennia in the March 2009 forecast of the economic and revenue forecast
3 council.

4 ~~(3) \$162,900,000~~) \$163,385,000 of the transportation partnership
5 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the
6 state route number 520 corridor account--state appropriation are
7 provided solely for the state route number 520 bridge replacement and
8 HOV project. The department shall submit an application for the
9 eastside transit and HOV project to the supplemental discretionary
10 grant program for regionally significant projects as provided in the
11 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route
12 number 520 improvements shall be designed and constructed to
13 accommodate a future full interchange at 124th Avenue Northeast.
14 Concurrent with the eastside transit and HOV project, the department
15 shall conduct engineering design of a full interchange at 124th Avenue
16 Northeast. The amount provided in this subsection from the state route
17 number 520 corridor account--state appropriation is contingent on the
18 enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)
19 either Engrossed Substitute House Bill No. 2326 or other legislation
20 authorizing bonds for the state route number 520 corridor projects. If
21 the conditions of this subsection are not satisfied, the state route
22 number 520 corridor account--state appropriation shall lapse.~~

23 ~~(4))~~ (3) As required under section 305(6), chapter 518, Laws of
24 2007, the department shall report by January 2010 to the transportation
25 committees of the legislature on the findings of the King county noise
26 reduction solutions pilot project.

27 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided
28 solely for the purpose of project impact mitigation, and shall not be
29 used to develop or otherwise participate in the environmental
30 assessment process.

31 ~~((+6))~~ (5) The department shall apply for surface transportation
32 program (STP) enhancement funds to be expended in lieu of or in
33 addition to state funds for eligible costs of projects in Programs I
34 and P including, but not limited to, the SR 518, SR 520, Columbia river
35 crossing, and Alaskan Way viaduct projects.

36 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning
37 July 1, 2009, provide to the office of financial management and the
38 legislature reports providing the status on each active project funded

1 in part or whole by the transportation 2003 account (nickel account) or
2 the transportation partnership account. Funding provided at a
3 programmatic level for transportation partnership account and
4 transportation 2003 account (nickel account) projects relating to
5 bridge rail, guard rail, fish passage barrier removal, and roadside
6 safety projects should be reported on a programmatic basis. Projects
7 within this programmatic level funding should be completed on a
8 priority basis and scoped to be completed within the current
9 programmatic budget. (~~The department shall work with the office of
10 financial management and the transportation committees of the
11 legislature to agree on report formatting and elements. Elements must
12 include, but not be limited to, project scope, schedule, and costs.
13 For~~) Report formatting and elements must be consistent with the
14 October 2009 quarterly project report. On a representative sample of
15 new construction contracts valued at fifteen million dollars or more,
16 the department must also use an earned value method of project
17 monitoring. (~~The department shall also provide the information
18 required under this subsection on a quarterly basis via the
19 transportation executive information systems (TEIS).~~

20 ~~(+8))~~ (7) The transportation 2003 account (nickel account)--state
21 appropriation includes up to (~~(\$628,000,000)~~) \$653,630,000 in proceeds
22 from the sale of bonds authorized by RCW 47.10.861.

23 ~~((+9))~~ (8) The transportation partnership account--state
24 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,347,939,000 in
25 proceeds from the sale of bonds authorized in RCW 47.10.873.

26 ~~((+10))~~ (9) The special category C account--state appropriation
27 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of
28 bonds authorized in RCW 47.10.812.

29 ~~((+11))~~ (10) The motor vehicle account--state appropriation
30 includes up to (~~(\$31,500,000)~~) \$43,000,000 in proceeds from the sale of
31 bonds authorized in RCW 47.10.843.

32 (11) The state route number 520 corridor account--state
33 appropriation includes up to \$231,763,000 in proceeds from the sale of
34 bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

20 (g) Conduct public work sessions and open houses to provide
21 information to citizens, including users of the bridge and business and
22 freight interests, regarding implementation of tolls on the Interstate
23 5 and to solicit citizen views on the following items:

24 (i) Funding a portion of the Columbia river crossing project with
25 tolls;

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

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

30 (h) Provide a report to the governor and the legislature by January
31 2010.

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

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

3 (i) Confer with the mayors and city councils of jurisdictions in
4 the vicinity of the project regarding the implementation of high
5 occupancy toll lanes and the impacts that the implementation of these
6 high occupancy toll lanes might have on the operation of the corridor
7 and adjacent local streets;

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

11 (iii) Regularly report to the Washington transportation commission
12 regarding the progress of the study for the purpose of guiding the
13 commission's toll setting on the facility; and

14 (iv) Provide a report to the governor and the legislature by
15 January 2010.

16 (14) (~~(\$9,199,985)~~) \$6,488,000 of the motor vehicle account--state
17 appropriation (~~(is)~~) and \$5,000 of the motor vehicle account--federal
18 appropriation are provided solely for project 100224I, (~~(as identified~~
19 ~~in the LEAP transportation document in subsection (1) of this~~
20 ~~section*)~~) US 2 high priority safety project. Expenditure of these
21 funds is for safety projects on state route number 2 between Monroe and
22 Gold Bar, which may include median rumble strips, traffic cameras, and
23 electronic message signs.

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

27 (16) The department shall conduct a public outreach process to
28 identify and respond to community concerns regarding the Belfair
29 bypass. The process must include representatives from Mason county,
30 the legislature, area businesses, and community members. The
31 department shall use this process to consider and develop design
32 alternatives that alter the project's scope so that the community's
33 needs are met within the project budget. The department shall provide
34 a report on the process and outcomes to the legislature by June 30,
35 2010.

36 (17) The legislature is committed to the timely completion of R8A
37 which supports the construction of sound transit's east link.
38 Following the completion of the independent analysis of the

1 methodologies to value the reversible lanes on Interstate 90 which may
2 be used for high capacity transit as directed in section 204 of this
3 act, the department shall complete the process of negotiations with
4 sound transit. Such agreement shall be completed no later than
5 December 1, 2009.

6 (18) \$250,000 of the motor vehicle account--state appropriation is
7 provided solely for the design and construction of a right turn lane to
8 improve visibility and traffic flow on state route number 195 and
9 Cheney-Spokane Road (project L1000001).

10 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal
11 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--
12 state appropriation are provided solely for the Westview school noise
13 wall (project WESTV).

14 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state
15 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
16 federal appropriation are provided solely for interchange design and
17 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

18 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership
19 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle
20 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor
21 vehicle account--private/local appropriation, and (~~(\$1,482,066)~~)
22 \$4,334,000 of the motor vehicle account--federal appropriation are
23 provided solely for project 400506A, the I-5/Columbia river
24 crossing/Vancouver project. The funding described in this subsection
25 includes a (~~(\$30,003,473)~~) \$30,000,000 contribution from the state of
26 Oregon.

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

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

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

3 ~~((The state route number 520 corridor account state
4 appropriation includes up to \$106,000,000 in proceeds from the sale of
5 bonds authorized in Engrossed Substitute House Bill No. 2326 or in
6 legislation authorizing bonds for the state route number 520 corridor
7 projects. If Engrossed Substitute House Bill No. 2326, or legislation
8 authorizing bonds for the state route number 520 corridor projects, is
9 not enacted by June 30, 2009, the amount provided in this subsection
10 shall lapse.~~

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

18 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation
19 document described in subsection (1) of this section is expanded to
20 include safety and congestion improvements from the Key Peninsula
21 Highway to the vicinity of Purdy. The department shall consult with
22 the Washington traffic safety commission to ensure that this project
23 includes improvements at intersections and along the roadway to reduce
24 the frequency and severity of collisions related to roadway conditions
25 and traffic congestion.

26 ~~((+26) \$10,600,000))~~ (25) \$8,890,000 of the transportation
27 partnership account--state appropriation is provided solely for project
28 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
29 2 and 3 project, as indicated in the LEAP transportation document
30 referenced in subsection (1) of this section. ~~((Funds shall be used
31 solely for preliminary engineering on stages 2 and 3 of this project.~~

32 ~~(+27))~~ (26) The department shall continue to work with the local
33 partners in developing transportation solutions necessary for the
34 economic growth in the Red Mountain American Viticulture Area of Benton
35 county.

36 ~~((+28))~~ (27) For highway construction projects where the
37 department considers agricultural lands of long-term commercial
38 significance, as defined in RCW 36.70A.030, in reviewing and selecting

1 sites to meet environmental mitigation requirements under the national
2 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
3 environmental policy act (chapter 43.21C RCW), the department shall, to
4 the greatest extent possible, consider using public land first. If
5 public lands are not available that meet the required environmental
6 mitigation needs, the department may use other sites while making every
7 effort to avoid any net loss of agricultural lands that have a
8 designation of long-term commercial significance.

9 ~~((+29+))~~ (28) Within the motor vehicle account--state appropriation
10 and motor vehicle account--federal appropriation, the department may
11 transfer funds between programs I and P, except for funds that are
12 otherwise restricted in this act.

13 ~~((+30+))~~ (29) Within the amounts provided in this section, \$200,000
14 of the transportation partnership account--state appropriation is
15 provided solely for the department to prepare a comprehensive tolling
16 study of the state route number 167 corridor to determine the
17 feasibility of administering tolls within the corridor, identified as
18 project number 316718A in the LEAP transportation document described in
19 subsection (1) of this section. The department shall report to the
20 joint transportation committee by September 30, 2010. The department
21 shall regularly report to the Washington transportation commission
22 regarding the progress of the study for the purpose of guiding the
23 commission's potential toll setting on the facility. The elements of
24 the study must include, at a minimum:

- 25 (a) The potential for value pricing to generate revenues for needed
- 26 transportation facilities within the corridor;
- 27 (b) Maximizing the efficient operation of the corridor; and
- 28 (c) Economic considerations for future system investments.

29 ~~((+31+))~~ (30) Within the amounts provided in this section, \$200,000
30 of the transportation partnership account--state appropriation is
31 provided solely for the department to prepare a comprehensive tolling
32 study of the state route number 509 corridor to determine the
33 feasibility of administering tolls within the corridor, identified as
34 project number 850901F in the LEAP transportation document described in
35 subsection (1) of this section. The department shall report to the
36 joint transportation committee by September 30, 2010. The department
37 shall regularly report to the Washington transportation commission

1 regarding the progress of the study for the purpose of guiding the
2 commission's potential toll setting on the facility. The elements of
3 the study must include, at a minimum:

4 (a) The potential for value pricing to generate revenues for needed
5 transportation facilities within the corridor;

6 (b) Maximizing the efficient operation of the corridor; and

7 (c) Economic considerations for future system investments.

8 ~~((+32+))~~ (31) Within the amounts provided in this section,
9 \$28,000,000 of the transportation partnership account--state
10 appropriation is for project 600010A, as identified in the LEAP
11 transportation document in subsection (1) of this section: NSC-North
12 Spokane corridor design and right-of-way - new alignment. Expenditure
13 of these funds is for preliminary engineering and right-of-way
14 purchasing to prepare for four lanes to be built from where existing
15 construction ends at Francis Avenue for three miles to the Spokane
16 river. Additionally, any savings realized on project 600001A, as
17 identified in the LEAP transportation document in subsection (1) of
18 this section: US 395/NSC-Francis Avenue to Farwell Road - New
19 Alignment, must be applied to project 600010A.

20 ~~((+33+))~~ (32) \$400,000 of the motor vehicle account--state
21 appropriation is provided solely for the department to conduct a state
22 route number 2 route development plan (project L2000016) that will
23 identify essential improvements needed between the port of
24 Everett/Naval station and approaching the state route number 9
25 interchange near the city of Snohomish.

26 ~~((+34+))~~ (33) If the SR 26 - Intersection and Illumination
27 Improvements are not completed by June 30, 2009, the department shall
28 ensure that the improvements are completed as soon as practicable after
29 June 30, 2009, and shall submit monthly progress reports on the
30 improvements beginning July 1, 2009.

31 ~~((+35+))~~ (34) \$200,000 of the transportation partnership account--
32 state appropriation, identified on project number 400506A in the LEAP
33 transportation document described in subsection (1) of this section, is
34 provided solely for the department to work with the department of
35 archaeology and historic preservation to ensure that the cultural
36 resources investigation is properly conducted on the Columbia river
37 crossing project. This project must be conducted with active
38 archaeological management and result in one report that spans the

1 single cultural area in Oregon and Washington. Additionally, the
2 department shall establish a scientific peer review of independent
3 archaeologists that are knowledgeable about the region and its cultural
4 resources.

5 ~~((+36+))~~ (35) The department shall work with the department of
6 archaeology and historic preservation to ensure that the cultural
7 resources investigation is properly conducted on all mega-highway
8 projects and large ferry terminal projects. These projects must be
9 conducted with active archaeological management. Additionally, the
10 department shall establish a scientific peer review of independent
11 archaeologists that are knowledgeable about the region and its cultural
12 resources.

13 ~~((+37+))~~ (36) Within the amounts provided in this section,
14 \$1,500,000 of the motor vehicle account--state appropriation is
15 provided solely for necessary work along the south side of SR 532,
16 identified as project number 053255C in the LEAP transportation
17 document described in subsection (1) of this section.

18 ~~((+38+))~~ (37) \$10,000,000 of the transportation partnership
19 account--state appropriation is provided solely for the Spokane street
20 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
21 Replacement project as indicated in the LEAP transportation document
22 referenced in subsection (1) of this section.

23 ~~((+39+))~~ (38) The department shall conduct a public outreach
24 process to identify and respond to community concerns regarding the
25 portion of John's Creek Road that connects state route number 3 and
26 state route number 101. The process must include representatives from
27 Mason county, the legislature, area businesses, and community members.
28 The department shall use this process to consider, develop, and design
29 a project scope so that the community's needs are met for the lowest
30 cost. The department shall provide a report on the process and
31 outcomes to the legislature by June 30, 2010.

32 ~~((+40+))~~ (39) The department shall apply for the competitive
33 portion of federal transit administration funds for eligible transit-
34 related costs of the state route number 520 bridge replacement and HOV
35 project and the Columbia river crossing project. The federal funds
36 described in this subsection must not include those federal transit
37 administration funds distributed by formula. The department shall

1 provide a report regarding this effort to the legislature by January 1,
2 2010.

3 (40) \$5,500,000 of the motor vehicle account--federal appropriation
4 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown
5 project, identified as project L1000034.

6 (41) \$2,244,000 of the motor vehicle account--federal appropriation
7 and \$122,000 of the motor vehicle account--state appropriation are
8 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
9 Build New Highway project, identified as project 501210T.

10 (42) \$790,000 of the motor vehicle account--federal appropriation
11 is provided solely for the Express Lanes System Concept Study project,
12 identified as project 800020A. As part of this project, the department
13 shall prepare a comprehensive tolling study of the Interstate 5 express
14 lanes to determine the feasibility of administering tolls within the
15 corridor. The department shall regularly report to the Washington
16 transportation commission regarding the progress of the study. The
17 elements of the study must include, at a minimum:

18 (i) The potential for value pricing to generate revenues for needed
19 transportation facilities;

20 (ii) Maximizing the efficient operation of the corridor;

21 (iii) Economic considerations for future system investments; and

22 (iv) An analysis of the impacts to the regional transportation
23 system.

24 (b) The department shall submit a final report on the study to the
25 joint transportation committee by June 30, 2011.

26 (43) Any redistributed federal funds received by the department
27 must, to the greatest extent possible, be first applied to offset
28 planned expenditures of state funds, and second to offset planned
29 expenditures of federal funds, on projects as identified in the LEAP
30 transportation documents described in this act. If the redistributed
31 federal funds cannot be used in this manner, the department must
32 consult with the joint transportation committee prior to obligating any
33 redistributed federal funds.

34 (44) \$226,000 of the motor vehicle account--federal appropriation
35 and \$9,000 of the motor vehicle account--state appropriation are
36 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
37 Road project (301639C). These funds must not be expended before an

1 agreement stating that the city of Gig Harbor will take ownership of
2 the road has been signed. The frontage road must be built for driving
3 speeds of no more than thirty-five miles per hour.

4 (45) The department shall work with the Washington state
5 transportation commission, the Oregon state department of
6 transportation, and the Oregon state transportation commission to
7 analyze and review potential options for a bistate, toll setting
8 framework. As part of the analysis, the department shall undertake the
9 following actions: Review statutory provisions and the governance
10 structures of toll facilities in the United States that are located
11 within two or more states; review relevant federal law regarding
12 transportation facilities that are located within two or more states;
13 consult with the state treasurers in Washington and Oregon regarding
14 the appropriate structure for the issuance of debt for toll facilities
15 that are located within two states; report findings and recommendations
16 to the Columbia river project sponsor's council by October 1, 2010; and
17 provide a final report to the governor and the legislature by June 30,
18 2011.

19 (46) \$750,000 of the motor vehicle account--state appropriation is
20 provided solely for improvements from Allan Road to state route number
21 12 (501207Z).

22 (47) \$500,000 of the motor vehicle account--state appropriation is
23 provided solely for a traffic signal at the intersection of state route
24 number 7 and state route number 702 (300738A).

25 (48) \$750,000 of the motor vehicle account--state appropriation is
26 provided solely for environmental work on the Belfair Bypass (project
27 300344C).

28 (49) The legislature finds that state route number 522 corridor
29 provides an important link between Interstates 5 and 405 and will be
30 impacted by diversion from tolling elsewhere in the region. State
31 route number 522 must be reviewed as part of the scoping work conducted
32 under section 220(4) of this act. As such, the legislature intends to
33 provide additional funding for the corridor as a priority in the next
34 revenue package. The state will work with the affected cities and the
35 federal government to secure the necessary resources to address the
36 needs of this critical corridor.

37 (50) \$500,000 of the motor vehicle account--state appropriation is

1 provided solely for the US 12/SR 122/Mossyrock - Intersection project
2 (401212R) for safety improvements.

3 (51) \$200,000 of the motor vehicle account--federal appropriation
4 is provided solely for project US 97A/North of Wenatchee - Wildlife
5 Fence (209790B), and an offsetting reduction is anticipated in the
6 2011-13 biennium.

7 (52) If a planned roundabout in the vicinity of state route number
8 526 and 40th Avenue West would divert commercial traffic onto
9 neighborhood streets, the department may not proceed with improvements
10 at state route number 526 and 84th Street SW until the traffic impacts
11 in the vicinity of state route number 526 and 40th Avenue West are
12 addressed.

13 (53) The department shall conduct a collision analysis corridor
14 study on state route number 167 from milepost 0 to milepost 5 and
15 report to the transportation committees of the legislature on the
16 analysis results by December 1, 2010.

17 (54) \$2,600,000 of the motor vehicle account--federal appropriation
18 is provided solely for the ITS Advanced Traveler Information System
19 project in Whatcom county (100589B).

20 (55) \$900,000 of the motor vehicle account--federal appropriation
21 is provided solely for the US 97/Cameron Lake Road intersection
22 improvements project in Okanogan county (209700W).

23 (56) \$400,000 of the motor vehicle account--federal appropriation
24 and \$100,000 of the motor vehicle account--state appropriation are
25 provided solely for the SR 9/SR 204 Intersection Improvement project
26 (L2000040).

27 (57) The legislature finds that the state route number 12 widening
28 from state route number 124 to Walla Walla is an important east-west
29 corridor in the southeast region of the state. Widening the highway to
30 four lanes will increase safety and improve freight mobility.
31 Therefore, the legislature intends for the department to use up to two
32 million dollars in future redistributed federal obligation authority
33 that may be received by the department for right-of-way purchase for
34 the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A
35 project (501210T).

36 **Sec. 304.** 2009 c 470 s 307 (uncodified) is amended to read as
37 follows:

1	FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P	
2	Transportation Partnership Account--State	
3	Appropriation	((\$103,077,000))
4		<u>\$75,305,000</u>
5	Motor Vehicle Account--State Appropriation	((\$88,142,000))
6		<u>\$96,884,000</u>
7	Motor Vehicle Account--Federal Appropriation	((\$524,954,000))
8		<u>\$556,705,000</u>
9	Motor Vehicle Account--Private/Local Appropriation	((\$6,417,000))
10		<u>\$18,768,000</u>
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation	((\$7,237,000))
13		<u>\$6,328,000</u>
14	Puyallup Tribal Settlement Account--State	
15	Appropriation	((\$6,500,000))
16		<u>\$6,636,000</u>
17	TOTAL APPROPRIATION	((\$736,327,000))
18		<u>\$760,626,000</u>

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

21 (1) Except as provided otherwise in this section, the entire
22 transportation 2003 account (nickel account) appropriation and the
23 entire transportation partnership account appropriation are provided
24 solely for the projects and activities as listed by fund, project, and
25 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed
26 ((~~April 24, 2009~~)) March 8, 2010, Program - Highway Preservation
27 Program (P). However, limited transfers of specific line-item project
28 appropriations may occur between projects for those amounts listed
29 subject to the conditions and limitations in section 603 of this act.

30 (2) ((~~\$544,639~~)) \$542,000 of the motor vehicle account--federal
31 appropriation and ((~~\$455,361~~)) \$453,000 of the motor vehicle account--
32 state appropriation are provided solely for project 602110F, ((~~as~~
33 ~~identified in the LEAP transportation document in subsection (1) of~~
34 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are
35 provided solely for preservation work on the existing vessel, the
36 Martha S.

37 (3) The department shall apply for surface transportation program

1 (STP) enhancement funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in Programs I and P.

3 (4) (~~(\$6,500,000)~~) \$6,636,000 of the Puyallup tribal settlement
4 account--state appropriation is provided solely for (~~mitigation~~)
5 costs associated with the Murray Morgan/11th Street bridge
6 (~~demolition. The department may negotiate with the city of Tacoma for~~
7 ~~the purpose of transferring ownership of the Murray Morgan/11th Street~~
8 ~~bridge to the city. If the city agrees to accept ownership of the~~
9 ~~bridge, the department~~) project. The city of Tacoma may use the
10 Puyallup tribal settlement account appropriation and other appropriated
11 funds for bridge rehabilitation, bridge replacement, bridge demolition,
12 and related mitigation. The department's participation, including
13 prior expenditures, may not exceed (~~(\$39,953,000)~~) \$40,270,000.
14 (~~Funds may not be expended unless~~) The city of Tacoma (~~agrees to~~
15 ~~take~~) has taken ownership of the bridge in its entirety, and
16 (~~provides that~~) the payment of these funds extinguishes any real or
17 implied agreements regarding future bridge expenditures.

18 (5) The department and the city of Tacoma must present to the
19 legislature an agreement on the timing of the transfer of ownership of
20 the Murray Morgan/11th Street bridge and any additional necessary state
21 funding required to achieve the transfer and rehabilitation of the
22 bridge by January 1, 2010.

23 (6) The department shall, on a quarterly basis beginning July 1,
24 2009, provide to the office of financial management and the legislature
25 reports providing the status on each active project funded in part or
26 whole by the transportation 2003 account (nickel account) or the
27 transportation partnership account. Funding provided at a programmatic
28 level for transportation partnership account projects relating to
29 seismic bridges should be reported on a programmatic basis. Projects
30 within this programmatic level funding should be completed on a
31 priority basis and scoped to be completed within the current
32 programmatic budget. The department shall work with the office of
33 financial management and the transportation committees of the
34 legislature to agree on report formatting and elements. Elements must
35 include, but not be limited to, project scope, schedule, and costs.
36 For new construction contracts valued at fifteen million dollars or
37 more, the department must also use an earned value method of project

1 monitoring. The department shall also provide the information required
2 under this subsection on a quarterly basis via the transportation
3 executive information systems (TEIS).

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

10 (8)(a) The department shall conduct an analysis of state highway
11 pavement replacement needs for the next ten years. The report must
12 include:

13 (i) The current backlog of asphalt and concrete pavement
14 preservation projects;

15 (ii) The level of investment needed to reduce or eliminate the
16 backlog and resume the lowest life-cycle cost;

17 (iii) Strategies for addressing the recent rapid escalation of
18 asphalt prices, including alternatives to using hot mix asphalt;

19 (iv) Criteria for determining which type of pavement will be used
20 for specific projects, including annualized cost per mile, traffic
21 volume per lane mile, and heavy truck traffic volume per lane mile; and

22 (v) The use of recycled asphalt and concrete in state highway
23 construction and the effect on highway pavement replacement needs.

24 (b) Additionally, the department shall work with the department of
25 ecology, the county road administration board, and the transportation
26 improvement board to explore and explain the potential use of permeable
27 asphalt and concrete pavement in state highway construction as an
28 alternative method of storm water mitigation and the potential effects
29 on highway pavement replacement needs.

30 (c) The department shall submit the report to the office of
31 financial management and the transportation committees of the
32 legislature by (~~December~~) September 1, 2010, in order to inform the
33 development of the 2011-13 omnibus transportation appropriations act.

34 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
35 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
36 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
37 transportation partnership account--state appropriation are provided

1 solely for the SR 104/Hood Canal bridge - replace east half project,
2 identified as project 310407B in the LEAP transportation document
3 described in subsection (1) of this section.

4 (10) Within the motor vehicle account--state appropriation and
5 motor vehicle account--federal appropriation, the department may
6 transfer funds between programs I and P, except for funds that are
7 otherwise restricted in this act.

8 (11) Within the amounts provided in this section, \$1,510,000 of the
9 motor vehicle account--state appropriation is provided solely to
10 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

11 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
12 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
13 state appropriation are provided solely for the environmental impact
14 statement and preliminary planning for the replacement of the state
15 route number 9 Snohomish river bridge (project L2000018).

16 (13) \$12,503,000 of the motor vehicle account--federal
17 appropriation and \$497,000 of the motor vehicle account--state
18 appropriation are provided solely for the SR 410/Nile Valley Landslide
19 - Establish Interim Detour project (541002R).

20 (14) \$4,239,000 of the motor vehicle account--federal appropriation
21 and \$662,000 of the motor vehicle account--state appropriation are
22 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
23 Route project (541002T).

24 (15) Any redistributed federal funds received by the department
25 must, to the greatest extent possible, be first applied to offset
26 planned expenditures of state funds, and second, to offset planned
27 expenditures of federal funds, on projects as identified in the LEAP
28 transportation documents described in this act. If the redistributed
29 federal funds cannot be used in this manner, the department must
30 consult with the joint transportation committee prior to obligating any
31 redistributed federal funds.

32 (16) The legislature anticipates a report in September 2010 that
33 will outline the department's recommendation for developing a Keller
34 Ferry replacement at the lowest cost. The legislature supports the
35 request to the federal government for federal aid for a replacement
36 vessel and intends to provide reasonable matching amounts as necessary.

37 (17) \$2,100,000 of the motor vehicle account--federal appropriation

1 is provided solely for the SR 21/Kettle River to Malo paving project in
2 Ferry county (602117A).

3 **Sec. 305.** 2009 c 470 s 308 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
6 **CAPITAL**

7	Motor Vehicle Account--State Appropriation	((\$6,394,000))
8		<u>\$8,158,000</u>
9	Motor Vehicle Account--Federal Appropriation	((\$9,262,000))
10		<u>\$18,037,000</u>
11	<u>Motor Vehicle Account--Private/Local Appropriation</u>	<u>\$173,000</u>
12	TOTAL APPROPRIATION	((\$15,656,000))
13		<u>\$26,368,000</u>

14 **Sec. 306.** 2009 c 470 s 309 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
17 **CONSTRUCTION--PROGRAM W**

18	Puget Sound Capital Construction Account--State	
19	Appropriation	((\$118,752,000))
20		<u>\$126,824,000</u>
21	Puget Sound Capital Construction Account--Federal	
22	Appropriation	((\$38,306,000))
23		<u>\$60,364,000</u>
24	Puget Sound Capital Construction Account--Local	
25	Appropriation	((\$8,492,000))
26		<u>\$200,000</u>
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	\$51,734,000
29	Transportation Partnership Account--State	
30	Appropriation	((\$67,234,000))
31		<u>\$66,879,000</u>
32	Multimodal Transportation Account--State	
33	Appropriation	((\$170,000))
34		<u>\$149,000</u>
35	TOTAL APPROPRIATION	((\$284,688,000))
36		<u>\$306,150,000</u>

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

3 (1) (~~(\$118,752,000)~~) \$126,824,000 of the Puget Sound capital
4 construction account--state appropriation, (~~(\$38,306,000)~~) \$60,364,000
5 of the Puget Sound capital construction account--federal appropriation,
6 (~~(\$8,492,000)~~) \$200,000 of the Puget Sound capital construction
7 account--local appropriation, (~~(\$67,234,000)~~) \$66,879,000 of the
8 transportation partnership account--state appropriation, \$51,734,000 of
9 the transportation 2003 account (nickel account)--state appropriation,
10 and (~~(\$170,000)~~) \$149,000 of the multimodal transportation account--
11 state appropriation are provided solely for ferry capital projects,
12 project support, and administration as listed in LEAP Transportation
13 Document ALL PROJECTS (~~(2009-2)~~) 2010-2 as developed (~~(April 24, 2009)~~)
14 March 8, 2010, Program - Ferries Construction Program (W). Of the
15 total appropriation, a maximum of \$10,627,000 may be used for
16 administrative support, a maximum of \$8,184,000 may be used for
17 terminal project support, and a maximum of \$4,497,000 may be used for
18 vessel project support. Of the total appropriation, \$5,851,000 is
19 provided solely for a reservation system and associated communications
20 projects.

21 (2) \$51,734,000 of the transportation 2003 account (nickel
22 account)--state appropriation (~~and~~), \$63,100,000 of the
23 transportation partnership account--state appropriation, and
24 \$10,164,000 of the Puget Sound capital construction account--state
25 appropriation are provided solely for the acquisition of three new
26 Island Home class ferry vessels subject to the conditions of RCW
27 47.56.780. The department shall pursue a contract for the second and
28 third Island Home class ferry vessels with an option to purchase a
29 fourth Island Home class ferry vessel. However, if sufficient
30 resources are available to build one 144-auto vessel prior to
31 exercising the option to build the fourth Island Home class ferry
32 vessel, procurement of the fourth Island Home class ferry vessel will
33 be postponed and the department shall pursue procurement of a 144-auto
34 vessel.

35 (a) The first two Island Home class ferry vessels must be placed on
36 the Port Townsend-Keystone route.

37 (b) The department may add additional passenger capacity to one of

1 the Island Home class ferry vessels to make it more flexible within the
2 system in the future, if doing so does not require additional staffing
3 on the vessel.

4 (c) Cost savings from the following initiatives will be included in
5 the funding of these vessels: The department's review and update of
6 the vessel life-cycle cost model as required under this section; and
7 the implementation of technology efficiencies as required under section
8 602 of this act.

9 ~~(3) ((\$2,450,000 of the Puget Sound capital construction account--~~
10 ~~state appropriation is provided solely for contingencies associated~~
11 ~~with closing out the existing contract for the technical design of the~~
12 ~~144 auto vessel and the storage and maintenance of vessel owner-~~
13 ~~furnished equipment already procured. The department shall use as much~~
14 ~~of the already procured equipment as is practicable on the Island Home~~
15 ~~class ferry vessel if it is likely to be obsolete before it is used in~~
16 ~~procured 144 auto vessels.))~~ (a) \$8,450,000 of the Puget Sound capital
17 construction account--state appropriation and \$2,450,000 of the
18 transportation partnership account--state appropriation are provided
19 solely for the following projects related to the design of a 144-
20 vehicle vessel class: (i) \$1,380,000 is provided solely for completion
21 of the contract for owner-furnished equipment; (ii) \$8,320,000 is
22 provided solely for completion of the technical design, detail design,
23 and production drawings, all of which must plan for an aluminum
24 superstructure; (iii) \$480,000 is provided solely for the storage of
25 owner-furnished equipment; and (iv) a maximum of \$720,000 is for
26 construction engineering. In completing the contract for owner-
27 furnished equipment, the department shall use as much of the already
28 procured equipment as is practicable on the Island Home class ferry
29 vessels if it is likely to be obsolete before it is used in procured
30 144-vehicle vessels.

31 (b) The department shall conduct a cost-benefit study on
32 alternative furnishings and fittings for the 144-vehicle vessel class.
33 The study must review the proposed interior furnishings and fittings
34 for the long-term maintenance and out-of-service vessel costs and, if
35 appropriate, propose alternative interior furnishings and fittings that
36 will decrease long-term maintenance and out-of-service vessel costs.
37 The study must include a projection of out-of-service time and a life-

1 cycle cost analysis of planned out-of-service time, including the
2 impact on fleet size. The department must submit the study to the
3 joint transportation committee by August 1, 2010.

4 (c) The department shall identify costs for any additional detail
5 design and production drawings costs related to incorporating the
6 aluminum superstructure and any changes in the proposed furnishings and
7 fittings.

8 (4) \$6,300,000 of the Puget Sound capital construction account--
9 state appropriation is provided solely for emergency capital costs.

10 (5) ~~((The Anacortes terminal may be replaced if additional federal~~
11 ~~funds are sought and received by the department. If federal funds~~
12 ~~received are not sufficient to replace the terminal, only usable,~~
13 ~~discrete phases of the project, up to the amount of federal funds~~
14 ~~received, may be constructed with the funds.))~~ \$3,000,000 of the Puget
15 Sound capital construction account--federal appropriation is provided
16 solely for completing the Anacortes terminal design up to the maximum
17 allowable construction cost phase. Beyond preparing environmental
18 work, these funds may be spent only after the following conditions have
19 been met: (a) A value engineering process is conducted on the existing
20 design and the concept of a terminal building smaller than preferred
21 alternative; (b) the office of financial management participates in the
22 value engineering process; (c) the office of financial management
23 concurs with the recommendations of the value engineering process; and
24 (d) the office of financial management gives its approval to proceed
25 with the design work.

26 (6) \$3,965,000 of the Puget Sound capital construction account--
27 state appropriation is provided solely for the following vessel
28 projects: Waste heat recovery pilot project for the Issaquah; jumbo
29 Mark 1 class steering gear ventilation pilot project; and ((a new
30 propulsion system for the MV Yakima)) improvements to the Yakima and
31 Kaleetan propulsion controls to allow for two engine operation. Before
32 beginning these projects, the Washington state ferries must ensure the
33 vessels' out-of-service time does not negatively impact service to the
34 system.

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

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

13 (9) The department shall review and adjust its capital program
14 staffing levels to ensure staffing is at the most efficient level
15 necessary to implement the capital program in the omnibus
16 transportation appropriations act. The Washington state ferries shall
17 report this review and adjustment to the office of financial management
18 and the house and senate transportation committees of the legislature
19 by July 2009.

20 ~~(((\$3,763,000 of the total appropriation is provided solely for
21 the Washington state ferries to develop a reservation system. The
22 department shall complete a predesign study and present the study to
23 the joint transportation committee by November 1, 2009. This analysis
24 must include an evaluation of the compatibility of the Washington state
25 ferries' electronic fare system, proposed reservation system, and the
26 implementation of smart card. The department may not implement a
27 statewide reservation system until the department is authorized to do
28 so in the 2010 supplemental omnibus transportation appropriations act.~~

29 ~~((11))~~ \$1,200,000 of the total appropriation is provided solely for
30 improving the toll booth configuration at the Port Townsend and
31 Keystone ferry terminals.

32 ~~((12) \$3,249,915))~~ (11) \$2,636,000 of the total appropriation is
33 provided solely for continued permitting ~~((and archaeological work in
34 order to determine the feasibility of relocating))~~ work on the Mukilteo
35 ferry terminal. ~~((In order to ensure that the cultural resources
36 investigation is properly conducted in a coordinated fashion, the
37 department shall work with the department of archaeology and historic~~

1 ~~preservation and shall conduct work with active archaeological~~
2 ~~management.))~~ The department shall seek additional federal funding for
3 this project.

4 ((~~13~~)) (12) The department shall develop a proposed ferry vessel
5 maintenance, preservation, and improvement program and present it to
6 the transportation committees of the legislature by July 1, 2010. The
7 proposal must:

8 (a) Improve the basis for budgeting vessel maintenance,
9 preservation, and improvement costs and for projecting those costs into
10 a sixteen-year financial plan;

11 (b) Limit the amount of planned out-of-service time to the greatest
12 extent possible, including options associated with department staff as
13 well as commercial shipyards. At a minimum, the department shall
14 consider the following:

15 (i) The costs compared to benefits of Eagle Harbor repair and
16 maintenance facility operations options to include staffing costs and
17 benefits in terms of reduced out-of-service time;

18 (ii) The maintenance requirements for on-vessel staff, including
19 the benefits of a systemwide standard;

20 (iii) The costs compared to benefits of staff performing
21 preservation or maintenance work, or both, while the vessel is
22 underway, tied up between sailings, or not deployed;

23 (iv) A review of the department's vessel maintenance, preservation,
24 and improvement program contracting process and contractual
25 requirements;

26 (v) The costs compared to benefits of allowing for increased costs
27 associated with expedited delivery;

28 (vi) A method for comparing the anticipated out-of-service time of
29 proposed projects and other projects planned during the same
30 construction period;

31 (vii) Coordination with required United States coast guard dry
32 dockings;

33 (viii) A method for comparing how proposed projects relate to the
34 service requirements of the route on which the vessel normally
35 operates; and

36 (ix) A method for evaluating the ongoing maintenance and
37 preservation costs associated with proposed improvement projects; and

1 (c) Be based on the service plan in the capital plan, recognizing
2 that vessel preservation and improvement needs may vary by route.

3 ~~((+14+))~~ (13) \$247,000 of the Puget Sound capital construction
4 account--state appropriation is provided solely for the Washington
5 state ferries to review and update its vessel life-cycle cost model and
6 report the results to the house of representatives and senate
7 transportation committees of the legislature by ~~((December 1, 2009))~~
8 March 15, 2010. This review will evaluate the impact of the planned
9 out-of-service periods scheduled for each vessel on the ability of the
10 overall system to deliver uninterrupted service and will assess the
11 risk of service disruption from unscheduled maintenance or longer than
12 planned maintenance periods.

13 ~~((+15+))~~ (14) The department shall work with the department of
14 archaeology and historic preservation to ensure that the cultural
15 resources investigation is properly conducted on all large ferry
16 terminal projects. These projects must be conducted with active
17 archaeological management. Additionally, the department shall
18 establish a scientific peer review of independent archaeologists that
19 are knowledgeable about the region and its cultural resources.

20 ~~((+16+))~~ (15) The Puget Sound capital construction account--state
21 appropriation includes up to ~~(((\$118,000,000))~~ \$114,000,000 in proceeds
22 from the sale of bonds authorized in RCW 47.10.843.

23 (16) The Puget Sound capital construction account--state
24 appropriation reflects the reduction of three terminal positions due to
25 decreased terminal activity and funding.

26 **Sec. 307.** 2009 c 470 s 310 (uncodified) is amended to read as
27 follows:

28 FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL	
29 Essential Rail Assistance Account--State	
30 Appropriation	(((\$675,000))
31	<u>\$333,000</u>
32 Transportation Infrastructure Account--State	
33 Appropriation	(((\$13,100,000))
34	<u>\$13,184,000</u>
35 Multimodal Transportation Account--State	
36 Appropriation	(((\$68,530,000))
37	<u>\$102,202,000</u>

1	Multimodal Transportation Account--Federal	
2	Appropriation	(((\$16,054,000))
3		<u>\$619,527,000</u>
4	Multimodal Transportation Account--Private/Local	
5	Appropriation	\$81,000
6	TOTAL APPROPRIATION	(((\$98,440,000))
7		<u>\$735,327,000</u>

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

10 (1)(a) Except as provided otherwise in this section, the entire
11 appropriations in this section are provided solely for the projects and
12 activities as listed by ((fund 7)) project((7)) and amount in LEAP
13 Transportation Document ALL PROJECTS ((2009-2)) 2010-2 as developed
14 ((April 24, 2009)) March 8, 2010, Program - Rail Capital Program (Y).
15 ((However, limited transfers of specific line item project
16 appropriations may occur between projects for those amounts listed
17 subject to the conditions and limitations in section 603 of this act.))

18 (b)(i) Within the amounts provided in this section, \$116,000 of the
19 transportation infrastructure account--state appropriation is for a
20 low-interest loan through the freight rail investment bank program to
21 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

22 (ii) Within the amounts provided in this section, \$1,200,000 of the
23 transportation infrastructure account--state appropriation is for a
24 low-interest loan through the freight rail investment bank program to
25 the Port of Everett (BIN 722810A) for a new rail track to connect a
26 cement loading facility to the mainline.

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

31 (iv)) The department shall issue the loans referenced in this
32 subsection (1)(b) with a repayment period of no more than ten years,
33 and only so much interest as is necessary to recoup the department's
34 costs to administer the loans.

35 (c)(i) Within the amounts provided in this section, (((\$1,712,022))
36 \$1,713,000 of the multimodal transportation account--state
37 appropriation and (((\$175,000)) \$333,000 of the essential rail
38 assistance account--state appropriation are for statewide - emergent

1 freight rail assistance projects as follows: Port of Ephrata/Ephrata -
2 additional spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000;
3 Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000;
4 CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
5 (~~(\$370,650)~~) \$371,000; (~~Clark County~~) Chelatchie Prairie owned
6 railroad/Vancouver - track rehabilitation (BIN 710110A) (~~(\$366,813)~~)
7 \$367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN
8 711010B) (~~(\$366,813)~~) \$525,000.

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

19 (~~iii~~) Within the amounts provided in this section, (~~(\$337,978)~~)
20 \$338,000 of the multimodal transportation account--state appropriation
21 is for a statewide - emergent freight rail assistance project grant for
22 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
23 provided that the grantee first documents to the satisfaction of the
24 department sufficient commitments from the new shipper or shippers to
25 locate in the publicly owned industrial park west of Creston to ensure
26 that the net present value of the public benefits of the project is
27 greater than the grant amount.

28 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)
29 \$8,115,000 of the transportation infrastructure account--state
30 appropriation is for grants to any intergovernmental entity or local
31 rail district to which the department of transportation assigns the
32 management and oversight responsibility for the business and economic
33 development elements of existing operating leases on the Palouse River
34 and Coulee City (PCC) rail lines. \$300,000 of the transportation
35 infrastructure account--state appropriation is provided solely for the
36 fence line replacement project on the CW line. The PCC rail line
37 system is made up of the CW, P&L, and PV Hooper rail lines. Business
38 and economic development elements include such items as levels of

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

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

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

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

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

3 (ii) Self-sustaining economic development that creates family-wage
4 jobs;

5 (iii) Preservation of transportation corridors that would otherwise
6 be lost;

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

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

11 (vi) Mitigation of impacts of increased rail traffic on
12 communities.

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

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

1 the office of financial management, and approval by the director of the
2 office of financial management. The department shall spend the federal
3 funds before the state funds, and shall consult the office of financial
4 management and the transportation committees of the legislature
5 regarding project scope changes.

6 (5) The department shall provide quarterly reports to the office of
7 financial management and the transportation committees of the
8 legislature regarding applications that the department submits for
9 federal funds(~~(7)~~) and the status of such applications(~~(, and the~~
10 ~~status of projects identified on the list referenced in subsection~~
11 ~~(1)(a) of this section. The quarterly report regarding the status of~~
12 ~~projects identified on the list referenced in subsection (1)(a) of this~~
13 ~~section must be developed according to an earned value method of~~
14 ~~project monitoring)).~~

15 (6) The department shall, on a quarterly basis, provide to the
16 office of financial management and the legislature reports providing
17 the status on active projects identified in the LEAP transportation
18 document described in subsection (1)(a) of this section. Report
19 formatting and elements must be consistent with the October 2009
20 quarterly project report.

21 (7) The multimodal transportation account--state appropriation
22 includes up to (~~(\$20,000,000)~~) \$48,000,000 in proceeds from the sale of
23 bonds authorized in RCW 47.10.867.

24 (~~(7)~~) (8) When the balance of that portion of the miscellaneous
25 program account apportioned to the department for the grain train
26 program reaches \$1,180,000, the department shall acquire twenty-nine
27 additional grain train railcars.

28 (9) \$590,000,000 of the multimodal transportation account--federal
29 appropriation is provided solely for high-speed rail projects awarded
30 to Washington state from the high-speed intercity passenger rail
31 program under the American recovery and reinvestment act. Funding will
32 allow for two additional round trips between Seattle and Portland, and
33 other rail improvements.

34 (10) \$2,200,000 of the multimodal transportation account--state
35 appropriation is provided solely for expenditures related to the
36 capital high-speed passenger rail grant that are not federally
37 reimbursable.

1 (11) The Burlington Northern Santa Fe Skagit river bridge is an
2 integral part of the rail system. Constructed in 1916, the bridge does
3 not meet current design standards and is at risk during flood events
4 that occur on the Skagit river. The department shall work with
5 Burlington Northern Santa Fe and local jurisdictions to secure federal
6 funding for the Skagit river bridge and to develop an appropriate
7 replacement plan and schedule.

8 (12) \$1,000,000 of the multimodal transportation account--state
9 appropriation is provided solely for additional expenditures along the
10 Chelatchie Prairie railroad (LN2000025).

11 **Sec. 308.** 2009 c 470 s 311 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
14 **CAPITAL**

15	Highway Infrastructure Account--State Appropriation	\$207,000
16	Highway Infrastructure Account--Federal	
17	Appropriation	\$1,602,000
18	Freight Mobility Investment Account--State	
19	Appropriation	((\$13,548,000))
20		<u>\$13,848,000</u>
21	Transportation Partnership Account--State	
22	Appropriation	\$8,863,000
23	Motor Vehicle Account--State Appropriation	((\$12,954,000))
24		<u>\$14,068,000</u>
25	Motor Vehicle Account--Federal Appropriation	((\$39,572,000))
26		<u>\$43,835,000</u>
27	Freight Mobility Multimodal Account--State	
28	Appropriation	((\$14,920,000))
29		<u>\$15,620,000</u>
30	Freight Mobility Multimodal Account--Local	
31	Appropriation	((\$3,135,000))
32		<u>\$3,258,000</u>
33	Multimodal Transportation Account--Federal	
34	Appropriation	((\$2,098,000))
35		<u>\$2,118,000</u>
36	Multimodal Transportation Account--State	
37	Appropriation	((\$28,262,000))

1		<u>\$28,855,000</u>
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	(((\$709,000))
4		<u>\$2,709,000</u>
5	Passenger Ferry Account--State Appropriation	\$2,879,000
6	<u>Puyallup Tribal Settlement Account--State</u>	
7	<u>Appropriation</u>	<u>\$5,895,000</u>
8	TOTAL APPROPRIATION	(((\$128,749,000))
9		<u>\$143,757,000</u>

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

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

21 (2) \$2,729,000 of the passenger ferry account--state appropriation
22 is provided solely for near and long-term costs of capital improvements
23 in a business plan approved by the governor for passenger ferry
24 service.

25 (3) \$150,000 of the passenger ferry account--state appropriation is
26 provided solely for the Port of Kingston for a one-time operating
27 subsidy needed to retain a federal grant.

28 (4) \$3,000,000 of the motor vehicle account--federal appropriation
29 is provided solely for the Coal Creek parkway project (L1000025).

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

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

37 (7) Federal funds may be transferred from program Z to programs I
38 and P and state funds shall be transferred from programs I and P to

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

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

16 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
17 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
18 vehicle account--federal appropriation, and \$4,000,000 of the
19 transportation partnership account--state appropriation are provided
20 solely for the pedestrian and bicycle safety program projects and safe
21 routes to schools program projects identified in LEAP Transportation
22 Document 2009-A, pedestrian and bicycle safety program projects and
23 safe routes to schools program projects, as developed March 30, 2009,
24 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
25 program projects and safe routes to schools program projects, as
26 developed April 20, 2007, and LEAP Transportation Document 2006-B,
27 pedestrian and bicycle safety program projects and safe routes to
28 schools program projects, as developed March 8, 2006. Projects must be
29 allocated funding based on order of priority. The department shall
30 review all projects receiving grant awards under this program at least
31 semiannually to determine whether the projects are making satisfactory
32 progress. Any project that has been awarded funds, but does not report
33 activity on the project within one year of the grant award must be
34 reviewed by the department to determine whether the grant should be
35 terminated. The department shall promptly close out grants when
36 projects have been completed, and identify where unused grant funds
37 remain because actual project costs were lower than estimated in the
38 grant award.

1 (10) Except as provided otherwise in this section, the entire
2 appropriations in this section are provided solely for the projects and
3 activities as listed by (~~fund 7~~) project(~~7~~) and amount in LEAP
4 Transportation Document ALL PROJECTS (~~2009-2~~) 2010-2 as developed
5 (~~April 24, 2009~~) March 8, 2010, Program(~~s~~) - Local Program (Z).

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

12 (12) \$913,386 of the motor vehicle account--state appropriation and
13 (~~\$2,858,216~~) \$2,858,000 of the motor vehicle account--federal
14 appropriation are provided solely for completion of the US 101
15 northeast peninsula safety rest area and associated roadway
16 improvements east of Port Angeles at the Deer Park scenic view point.
17 The department must surplus any right-of-way previously purchased for
18 this project near Sequim. Approval to proceed with construction is
19 contingent on surplus of previously purchased right-of-way. \$865,000
20 of the motor vehicle account--state appropriation is to be placed into
21 unallotted status until such time as the right-of-way sale is
22 completed.

23 (13) \$5,894,000 of the Puyallup tribal settlement account--state
24 appropriation is provided solely for costs associated with the Murray
25 Morgan/11th Street bridge project. The city of Tacoma may use the
26 Puyallup tribal settlement account appropriation and other appropriated
27 funds for bridge rehabilitation, bridge replacement, bridge demolition,
28 and bridge mitigation. The department's participation, including prior
29 expenditures, may not exceed \$40,270,000. The city of Tacoma has taken
30 ownership of the bridge in its entirety, and the payment of these funds
31 extinguishes any real or implied agreements regarding future bridge
32 expenditures.

33 (14) Up to \$3,702,000 of the motor vehicle account--federal
34 appropriation and \$75,000 of the motor vehicle account--state
35 appropriation are provided solely to reimburse the cities of Kirkland
36 and Redmond for pavement and bridge deck rehabilitation on state route
37 number 908 (project 1LP611A). These funds may not be expended unless
38 the cities sign an agreement stating that the cities agree to take

1 ownership of state route number 908 in its entirety and agree that the
2 payment of these funds represents the entire state commitment to the
3 cities for state route number 908 expenditures. The amount provided in
4 this subsection is contingent on the enactment by June 30, 2010, of
5 Senate Bill No. 6555.

6 (15) The department shall consider the condition of the Broadway
7 bridge in the city of Everett when prioritizing bridge projects.

8 (16) In order to make the Hood Canal bridge safe for cyclists, the
9 department must work with stakeholders to review bicycle safety needs
10 on the bridge, including consideration of accident data and
11 improvements already made to this project.

12 (17) \$250,000 of the multimodal transportation account--state
13 appropriation is provided solely for the Shell Valley emergency access
14 road and bicycle/pedestrian path.

15 (18) \$500,000 of the motor vehicle account--state appropriation is
16 provided solely for improvements to the 150th and Murray Road
17 intersection in the city of Lakewood.

18 (19) \$250,000 of the motor vehicle account--state appropriation is
19 provided solely for flood reduction solutions on state route number 522
20 caused by the lower McAleer and Lyon creek basins.

21 (20) \$200,000 of the motor vehicle account--state appropriation is
22 provided solely for improvements to the intersection of 39th Ave SE and
23 state route number 96 in Snohomish county.

24 **TRANSFERS AND DISTRIBUTIONS**

25 **Sec. 401.** 2009 c 470 s 401 (uncodified) is amended to read as
26 follows:

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

31 Highway Bond Retirement Account Appropriation	(\$742,400,000)
32	<u>\$733,667,000</u>
33 Ferry Bond Retirement Account Appropriation	\$33,771,000
34 <u>State Route Number 520 Corridor Account--State</u>	
35 <u>Appropriation</u>	<u>\$600,000</u>

1	Transportation Improvement Board Bond Retirement	
2	Account--State Appropriation	((\$22,541,000))
3		<u>\$22,962,000</u>
4	Nondebt-Limit Reimbursable Account Appropriation	((\$18,400,000))
5		<u>\$18,451,000</u>
6	Transportation Partnership Account--State	
7	Appropriation	((\$8,318,000))
8		<u>\$4,722,000</u>
9	Motor Vehicle Account--State Appropriation	((\$901,000))
10		<u>\$732,000</u>
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation	((\$4,116,000))
13		<u>\$2,182,000</u>
14	Special Category C Account--State Appropriation	((\$148,000))
15		<u>\$94,000</u>
16	Urban Arterial Trust Account--State Appropriation	\$85,000
17	Transportation Improvement Account--State Appropriation	\$41,000
18	Multimodal Transportation Account--State	
19	Appropriation	((\$283,000))
20		<u>\$204,000</u>
21	TOTAL APPROPRIATION	((\$831,004,000))
22		<u>\$817,511,000</u>

23 **Sec. 402.** 2009 c 470 s 402 (uncodified) is amended to read as
24 follows:

25 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
26 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
27 **FISCAL AGENT CHARGES**

28	<u>State Route Number 520 Corridor Account--State</u>	
29	<u>Appropriation</u>	<u>\$40,000</u>
30	Transportation Partnership Account--State	
31	Appropriation	((\$523,000))
32		<u>\$787,000</u>
33	Motor Vehicle Account--State Appropriation	((\$57,000))
34		<u>\$122,000</u>
35	Transportation 2003 Account (Nickel Account)--State	
36	Appropriation	((\$259,000))
37		<u>\$364,000</u>

1 Special Category C Account--State Appropriation ((~~\$10,000~~))
2 \$15,000
3 Urban Arterial Trust Account--State Appropriation \$5,000
4 Transportation Improvement Account--State Appropriation \$3,000
5 Multimodal Transportation Account--State
6 Appropriation ((~~\$18,000~~))
7 \$34,000
8 TOTAL APPROPRIATION ((~~\$875,000~~))
9 \$1,370,000

10 **Sec. 403.** 2009 c 470 s 403 (uncodified) is amended to read as
11 follows:

12 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
13 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

14 Motor Vehicle Account--State Appropriation:
15 For transfer to the Puget Sound Capital Construction
16 Account ((~~\$118,000,000~~))
17 \$114,000,000

18 The department of transportation is authorized to sell up to
19 ((~~\$118,000,000~~)) \$114,000,000 in bonds authorized by RCW 47.10.843 for
20 vessel and terminal acquisition, major and minor improvements, and long
21 lead-time materials acquisition for the Washington state ferries.

22 **Sec. 404.** 2009 c 470 s 404 (uncodified) is amended to read as
23 follows:

24 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

25 Motor Vehicle Account Appropriation for
26 motor vehicle fuel tax distributions to cities
27 and counties ((~~\$488,843,000~~))
28 \$478,753,000

29 **Sec. 405.** 2009 c 470 s 405 (uncodified) is amended to read as
30 follows:

31 **FOR THE STATE TREASURER--TRANSFERS**

32 Motor Vehicle Account--State
33 Appropriation: For motor vehicle fuel tax
34 refunds and statutory transfers ((~~\$1,310,279,000~~))
35 \$1,247,260,000

1	High Occupancy Toll Lanes Operations Account—State	(\$20,000)
2	Rural Arterial Trust Account—State	(\$20,000)
3	Wildlife Account—State	(\$16,000)
4	Highway Safety Account—State	(\$1,869,000)
5	Highway Safety Account—Federal	(\$56,000)
6	Motor Vehicle Account—State	(\$11,348,000)
7	Puget Sound Ferry Operations Account—State	(\$5,019,000)
8	Urban Arterial Trust Account—State	(\$26,000)
9	Transportation Improvement Account—State	(\$26,000)
10	County Arterial Preservation Account—State	(\$22,000)
11	Department of Licensing Services Account—State	(\$36,000)
12	Multimodal Transportation Account—State	(\$220,000)
13	Tacoma Narrows Toll Bridge Account—State	(\$28,000)
14	Puget Sound Capital Construction Account—State	(\$459,000)
15	Motor Vehicle Account—Federal	(\$8,791,000)

16 ~~Appropriations are adjusted to reflect changes to appropriations to~~
17 ~~reflect savings resulting from pension funding. The office of~~
18 ~~financial management shall update agency appropriations schedules to~~
19 ~~reflect the changes to funding levels in this section as identified by~~
20 ~~agency and fund in LEAP transportation document Z9R-2009. From the~~
21 ~~applicable accounts, the office of financial management shall adjust~~
22 ~~allotments to the respective agencies by an amount that conforms with~~
23 ~~funding adjustments enacted in the 2009-11 omnibus operating~~
24 ~~appropriations act. Any allotment reductions under this section shall~~
25 ~~be placed in reserve status and remain unexpended.)) Appropriations in~~
26 ~~this act include agency appropriations to reflect increased employer~~
27 ~~contribution rates in the public employees' retirement system as a~~
28 ~~result of the provisions in chapter 430, Laws of 2009 (calculating~~
29 ~~compensation for public retirement purpose).~~

30 NEW SECTION. **Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**
31 **REVISED EMPLOYER HEALTH BENEFIT RATES**

32	Aeronautics Account--State	\$3,000
33	State Patrol Highway Account--State	\$618,000
34	Motorcycle Safety Education Account--State	\$2,000
35	High Occupancy Toll Lanes Operations Account--State	\$2,000
36	Rural Arterial Trust Account--State	\$2,000
37	Wildlife Account--State	\$2,000

1	Highway Safety Account--State	\$261,000
2	Highway Safety Account--Federal	\$6,000
3	Motor Vehicle Account--State	\$1,076,000
4	Puget Sound Ferry Operations Account--State	\$527,000
5	Urban Arterial Trust Account--State	\$2,000
6	Transportation Improvement Account--State	\$2,000
7	County Arterial Preservation Account--State	\$2,000
8	Department of Licensing Services Account--State	\$3,000
9	Multimodal Transportation Account--State	\$13,000
10	Tacoma Narrows Toll Bridge Account--State	\$3,000

11 Appropriations are adjusted to reflect changes to appropriations to
12 reflect changes in the employer cost of providing health benefit
13 coverage. The office of financial management shall update agency
14 appropriations schedules to reflect the changes in funding levels in
15 this section as identified by agency and fund in LEAP transportation
16 document GLB-2010. From the applicable accounts, the office of
17 financial management shall adjust allotments to the respective agencies
18 by an amount that conforms with funding adjustments enacted in the 2010
19 supplemental omnibus operating appropriations act. Any allotment
20 reductions under this section must be placed in reserve status and
21 remain unexpended.

22 **Sec. 503.** 2009 c 470 s 503 (uncodified) is amended to read as
23 follows:

24 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state agencies
25 in this act are sufficient for nonrepresented and represented state
26 employee health benefits for state agencies, and are subject to the
27 following conditions and limitations:

28 (1)(a) Unless otherwise provided in the 2010 supplemental omnibus
29 operating appropriations act, the monthly employer funding rate for
30 insurance benefit premiums, public employees' benefits board
31 administration, and the uniform medical plan, shall not exceed \$745 per
32 eligible employee for fiscal year 2010. For fiscal year 2011, the
33 monthly employer funding rate shall not exceed ((~~\$768~~)) \$795 per
34 eligible employee.

35 (b) In order to achieve the level of funding provided for health
36 benefits, the public employees' benefits board shall require any or all
37 of the following: Employee premium copayments; increases in point-of-

1 service cost sharing; the implementation of managed competition; or
2 make other changes to benefits consistent with RCW 41.05.065. During
3 the 2009-11 fiscal biennium, the board may only authorize benefit plans
4 and premium contributions for an employee and the employee's dependents
5 that are the same, regardless of an employee's status as represented or
6 nonrepresented under the personnel system reform act of 2002.

7 (c) The health care authority shall deposit any moneys received on
8 behalf of the uniform medical plan as a result of rebates on
9 prescription drugs, audits of hospitals, subrogation payments, or any
10 other moneys recovered as a result of prior uniform medical plan claims
11 payments into the public employees' and retirees' insurance account to
12 be used for insurance benefits. Such receipts shall not be used for
13 administrative expenditures.

14 (d) The conditions in this section apply to benefits for
15 nonrepresented employees, employees represented by the super coalition,
16 and represented employees outside of the super coalition, including
17 employees represented under chapter 47.64 RCW.

18 (2) Unless otherwise provided in the 2010 supplemental omnibus
19 operating appropriations act, the health care authority, subject to the
20 approval of the public employees' benefits board, shall provide
21 subsidies for health benefit premiums to eligible retired or disabled
22 public employees and school district employees who are eligible for
23 medicare, pursuant to RCW 41.05.085. From January 1, 2010, through
24 December 31, 2010, the subsidy shall be \$182.89. Beginning January 1,
25 2011, the subsidy shall be \$182.89 per month.

26 IMPLEMENTING PROVISIONS

27 **Sec. 601.** 2009 c 470 s 304 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
30 submittal (~~for the 2011-13 fiscal biennium~~), the department shall
31 provide an annual update to the report provided to the legislature and
32 the office of financial management in 2008 that:

33 (1) Compares the original project cost estimates approved in the
34 2003 and 2005 project lists to the completed cost of the project, or

1 the most recent legislatively approved budget and total project costs
2 for projects not yet completed;

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

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

7 (4) Identifies highway projects that have lost significant local or
8 regional contributions that were essential to completing the project;
9 and

10 (5) Identifies contingency amounts allocated to projects.

11 NEW SECTION. **Sec. 602.** Any redistributed federal funds received
12 by the department of transportation must, to the greatest extent
13 possible, be first applied to offset planned expenditures of state
14 funds, and second, to offset planned expenditures of federal funds, on
15 projects as identified in the LEAP transportation documents described
16 in this act. If the redistributed federal funds cannot be used in this
17 manner, the department of transportation must consult with the joint
18 transportation committee prior to obligating any redistributed federal
19 funds.

20 **Sec. 603.** 2009 c 470 s 603 (uncodified) is amended to read as
21 follows:

22 **FUND TRANSFERS.** (1) The transportation 2003 projects or
23 improvements and the 2005 transportation partnership projects or
24 improvements are listed in LEAP Transportation Document ((2009-1))
25 2010-1 as developed ((April 24, 2009)) March 8, 2010, which consists of
26 a list of specific projects by fund source and amount over a sixteen
27 year period. Current fiscal biennium funding for each project is a
28 line item appropriation, while the outer year funding allocations
29 represent a sixteen year plan. The department is expected to use the
30 flexibility provided in this section to assist in the delivery and
31 completion of all transportation partnership account and transportation
32 2003 (nickel) account projects on the LEAP lists referenced in this
33 act. For the 2009-11 project appropriations, unless otherwise provided
34 in this act, the director of financial management may authorize a
35 transfer of appropriation authority between projects funded with
36 transportation 2003 account (nickel account) appropriations((7)) or

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

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

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

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

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

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

24 (f) Transfers may not be made while the legislature is in session;
25 and

26 (g) Transfers between projects may be made by the department of
27 transportation until the transfer amount by project exceeds two hundred
28 fifty thousand dollars, or ten percent of the project, whichever is
29 less. These transfers must be reported quarterly to the director of
30 financial management and the chairs of the house of representatives and
31 senate transportation committees.

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

35 (3) The office of financial management shall work with legislative
36 staff of the house of representatives and senate transportation
37 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 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

9 **Sec. 701.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to
10 read as follows:

11 (1) Effective June 1, 2006, for agencies complying with the ultra-
12 low sulfur diesel mandate of the United States environmental protection
13 agency for on-highway diesel fuel, agencies shall use biodiesel as an
14 additive to ultra-low sulfur diesel for lubricity, provided that the
15 use of a lubricity additive is warranted and that the use of biodiesel
16 is comparable in performance and cost with other available lubricity
17 additives. The amount of biodiesel added to the ultra-low sulfur
18 diesel fuel shall be not less than two percent.

19 (2) Effective June 1, 2009, state agencies are required to use a
20 minimum of twenty percent biodiesel as compared to total volume of all
21 diesel purchases made by the agencies for the operation of the
22 agencies' diesel-powered vessels, vehicles, and construction equipment.

23 (3) All state agencies using biodiesel fuel shall, beginning on
24 July 1, 2006, file biannual reports with the department of general
25 administration documenting the use of the fuel and a description of how
26 any problems encountered were resolved.

27 (4) For the 2009-2011 fiscal biennium, (~~the Washington state~~
28 ~~ferries is required to use a minimum of five percent biodiesel as~~
29 ~~compared to total volume of all diesel purchases made by the Washington~~
30 ~~state ferries for the operation of the Washington state ferries diesel-~~
31 ~~powered vessels)) all fuel purchased by the Washington state ferries at
32 Harbor Island for the operation of the Washington state ferries diesel
33 powered vessels must be a minimum of five percent biodiesel blend so
34 long as the per gallon price of diesel containing a five percent
35 biodiesel blend level does not exceed the per gallon price of diesel by~~

1 more than five percent. If the per gallon price of diesel containing
2 a five percent biodiesel blend level exceeds the per gallon price of
3 diesel by more than five percent, the requirements of this section do
4 not apply to vessel fuel purchases by the Washington state ferries.

5 (5) By December 1, 2009, the department of general administration
6 shall:

7 (a) Report to the legislature on the average true price
8 differential for biodiesel by blend and location; and

9 (b) Examine alternative fuel procurement methods that work to
10 address potential market barriers for in-state biodiesel producers and
11 report these findings to the legislature.

12 **Sec. 702.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
13 read as follows:

14 (1) The regional mobility grant program account is hereby created
15 in the state treasury. Moneys in the account may be spent only after
16 appropriation. Expenditures from the account may be used only for the
17 grants provided under RCW 47.66.030.

18 (2) Beginning with September 2007, by the last day of September,
19 December, March, and June of each year, the state treasurer shall
20 transfer from the multimodal transportation account to the regional
21 mobility grant program account five million dollars.

22 (3) Beginning with September 2015, by the last day of September,
23 December, March, and June of each year, the state treasurer shall
24 transfer from the multimodal transportation account to the regional
25 mobility grant program account six million two hundred fifty thousand
26 dollars.

27 (4) During the 2009-2011 fiscal biennium, the legislature may
28 transfer from the regional mobility grant program account to the
29 multimodal transportation account such amounts as reflect the excess
30 fund balance of the regional mobility grant program account.

31 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
32 read as follows:

33 The advanced environmental mitigation revolving account is created
34 in the custody of the treasurer, into which the department shall
35 deposit directly and may expend without appropriation:

1 (1) An initial appropriation included in the department of
2 transportation's 1997-99 budget, and deposits from other identified
3 sources;

4 (2) All moneys received by the department from internal and
5 external sources for the purposes of conducting advanced environmental
6 mitigation; and

7 (3) Interest gained from the management of the advanced
8 environmental mitigation revolving account.

9 (4) During the 2009-2011 fiscal biennium, the legislature may
10 transfer from the advanced environmental mitigation revolving account
11 to the motor vehicle account such amounts as reflect the excess fund
12 balance of the advanced environmental mitigation revolving account.

13 **Sec. 704.** RCW 70.95.532 and 2009 c 261 s 4 are each amended to
14 read as follows:

15 (1) All receipts from tire fees imposed under RCW 70.95.510, except
16 as provided in subsection (2) of this section, must be deposited in the
17 waste tire removal account created under RCW 70.95.521. Moneys in the
18 account may be spent only after appropriation. Expenditures from the
19 account may be used for the cleanup of unauthorized waste tire piles
20 and measures that prevent future accumulation of unauthorized waste
21 tire piles.

22 (2) On September 1st of odd-numbered years, the state treasurer
23 must transfer any cash balance in excess of one million dollars from
24 the waste tire removal account created under RCW 70.95.521 to the motor
25 vehicle account for the purpose of road wear related maintenance on
26 state and local public highways.

27 (3) During the 2009-2011 fiscal biennium, the legislature may
28 transfer any cash balance in excess of one million dollars from the
29 waste tire removal account to the motor vehicle account for the purpose
30 of road wear-related maintenance on state and local public highways.

31 NEW SECTION. **Sec. 705.** 2009 c 470 s 502 is repealed.

32 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 801.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 802.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

(End of bill)

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1 Correct the title.

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