
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3656.9/10 9th draft

ATTY/TYPIST: BP:ean

BRIEF DESCRIPTION: Making 2009-11 supplemental transportation appropriations.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 43.19.642, 47.12.080, 46.68.320, and 47.12.340; amending
3 2009 c 8 s 2 (uncodified); amending 2009 c 470 ss 101, 102, 103, 104,
4 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,
5 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 302,
6 303, 306, 307, 308, 309, 310, 311, 401, 402, 403, 407, 304, and 603
7 (uncodified); creating new sections; making appropriations and
8 authorizing expenditures for capital improvements; and declaring an
9 emergency.

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

11 **2009-11 FISCAL BIENNIUM**
12 **ECONOMIC STIMULUS FUNDING**

13 **Sec. 1.** 2009 c 8 s 2 (uncodified) is amended to read as follows:
14 **FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND**
15 **REINVESTMENT ACT OF 2009.**
16 Motor Vehicle Account--Federal Appropriation \$341,400,000

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

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

10 (2) To achieve the legislative objectives provided in section 1(2)
11 of this act with respect to highway projects, it is the intent of the
12 legislature that the appropriation in this section be used for:
13 Transportation 2003 account (nickel account) projects and
14 transportation partnership account (TPA) projects that would have
15 otherwise been delayed due to decreased revenues, so as to advance
16 project completion dates similar to those envisioned in the enacted
17 2008 legislative list of projects; projects that preserve or
18 rehabilitate Washington state highways and roads; and projects that
19 modify roadway alignments and conditions to create safer roads for the
20 traveling public.

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

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

28 (c) The department shall place the first priority for allocating
29 funds on those projects listed as "First Tier" projects on ARRA
30 Washington State Project LEAP document 2009, as developed on February
31 24, 2009. The department shall place the second priority on projects
32 listed as "Second Tier" projects on the document; and

33 (d) Within each tier of projects on ARRA Washington State Project
34 LEAP document 2009, as developed on February 24, 2009, the department
35 shall place the highest priority for allocating funds on the
36 transportation 2003 account (nickel account) projects and
37 transportation partnership account (TPA) projects listed to advance

1 their completion. The department shall prioritize funding for other
2 projects within the tier according to how soon the contract for the
3 project could be awarded.

4 (4) By June 30, 2009, the department of transportation shall report
5 to the legislative standing committees on transportation and the office
6 of financial management on the status of federal stimulus funds
7 including, but not limited to, identifying the projects shown in ARRA
8 Washington State Project LEAP document 2009, as developed on February
9 24, 2009, for which federal stimulus funding has already been
10 obligated, the amount of federal recovery funds estimated to be
11 obligated to the projects, and the completion status of each project.
12 Subsequent status reports are due to the legislative standing
13 committees on transportation and the office of financial management on
14 August 31, 2009, and December 1, 2009.

15 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

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

19 Motor Vehicle Account--State Appropriation (~~(\$422,000)~~)
20 \$416,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: The entire appropriation is provided
23 solely for staffing costs to be dedicated to state transportation
24 activities. Staff hired to support transportation activities must have
25 practical experience with complex construction projects.

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

28 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

29 Grade Crossing Protective
30 Account--State Appropriation (~~(\$705,000)~~)
31 \$703,000

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

1 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

2 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
3 \$3,532,000

4 Puget Sound Ferry Operations Account--State
5 Appropriation \$100,000

6 TOTAL APPROPRIATION ((~~\$3,489,000~~))
7 \$3,632,000

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

10 (1) \$1,699,000 of the motor vehicle account--state appropriation is
11 provided solely for the office of regulatory assistance integrated
12 permitting project.

13 (2) \$1,004,000 of the motor vehicle account--state appropriation is
14 provided solely for the continued maintenance and support of the
15 transportation executive information system. Of the amount provided in
16 this subsection, \$502,000 is for two existing FTEs at the department of
17 transportation to maintain and support the system.

18 (3) \$150,000 of the motor vehicle account--state appropriation is
19 provided solely for the office of financial management to contract with
20 the Washington state association of counties for a pilot program to
21 develop and implement a streamlined process for programmatic hydraulic
22 project approvals for multiple, recurring local transportation and
23 public works projects. The pilot program must include the following:
24 (a) Describing, defining, and documenting classes of local
25 transportation and public works projects appropriate for programmatic
26 hydraulic project approvals permits; (b) developing technical
27 permitting requirements and conditions; (c) administratively adopting
28 and implementing programmatic hydraulic project approvals statewide;
29 and (d) piloting, reviewing, updating, and training throughout all
30 Washington counties. For the purpose of this subsection, the contract
31 with the Washington state association of counties is deemed a revenue
32 generation and auditing activity as that term is construed in section
33 602(2), chapter 3, Laws of 2010.

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

36 **FOR THE MARINE EMPLOYEES COMMISSION**

37 Puget Sound Ferry Operations Account--State

1 Appropriation ((~~\$446,000~~))
2 \$442,000

3 **Sec. 105.** 2009 c 470 s 106 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF AGRICULTURE**

6 Motor Vehicle Account--State Appropriation ((~~\$1,507,000~~))
7 \$1,500,000

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

10 (1) \$351,000 of the motor vehicle account--state appropriation is
11 provided solely for costs associated with the motor fuel quality
12 program.

13 (2) \$1,004,000 of the motor vehicle account--state appropriation is
14 provided solely to test the quality of biofuel. The department must
15 test fuel quality at the biofuel manufacturer, distributor, and
16 retailer.

17 **Sec. 106.** 2009 c 470 s 107 (uncodified) is amended to read as
18 follows:

19 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

20 Motor Vehicle Account--State Appropriation ((~~\$502,000~~))
21 \$494,000

22 **Sec. 107.** 2009 c 470 s 108 (uncodified) is amended to read as
23 follows:

24 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

25 Motor Vehicle Account--State Appropriation \$50,000

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

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

33 (a) Costs assigned to capital accounts to determine whether they
34 are capital costs that meet the statutory requirements for preservation

1 and improvement activities and whether they are within the scope of
2 legislative appropriations;

3 (b) Implementation of the life-cycle cost model required under RCW
4 47.60.345 to determine if it was developed as required and is
5 maintained and updated when asset inspections are made; and

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

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

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

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

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

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

35 (d) Identification of whether there are customer service,
36 administrative, and revenue collection benefits resulting from credit
37 card usage; and

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

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

5 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire
6 appropriation in this section is for the joint legislative audit and
7 review committee to conduct an analysis of the storm water permit
8 requirements issued by the department of ecology in February 2009 to
9 determine the costs and benefits of alternative options for the
10 department of transportation to meet the requirements. The review must
11 include, at a minimum, an analysis of the following:

12 (i) The department of transportation performing the functions of
13 the permit in house;

14 (ii) The functions of the permit being consolidated within the
15 department of ecology; and

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

18 (b) This appropriation is for a consultant contract to assist the
19 committee with its analysis. For the purpose of this subsection, the
20 consultant contract is deemed an auditing activity as that term is
21 construed in section 602(2), chapter 3, Laws of 2010.

22 (c) The committee shall provide a report to the legislature by
23 December 2010.

24 **TRANSPORTATION AGENCIES--OPERATING**

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

27 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

28 Highway Safety Account--State Appropriation	((\$2,542,000))
	<u>\$2,536,000</u>
29 Highway Safety Account--Federal Appropriation	((\$16,540,000))
	<u>\$34,654,000</u>
30 School Zone Safety Account--State Appropriation	\$3,340,000
31 Highway Safety Account--Local Appropriation	\$50,000
32 TOTAL APPROPRIATION	((\$22,472,000))
	<u>\$40,580,000</u>

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

3 (1) (~~(\$2,670,000)~~) \$2,826,000 of the highway safety account--
4 federal appropriation is provided solely for a target zero trooper
5 pilot program, which the commission shall develop and implement in
6 collaboration with the Washington state patrol. The pilot program must
7 demonstrate the effectiveness of intense, high visibility, driving
8 under the influence enforcement in Washington. The commission shall
9 apply to the national highway traffic safety administration for federal
10 highway safety grants to cover the cost of the pilot program. If the
11 pilot program is approved for funding by the national highway traffic
12 safety administration, and sufficient federal grants are received, the
13 commission shall provide grants to the Washington state patrol for the
14 purchase of twenty-one fully equipped patrol vehicles in fiscal year
15 2010, and up to twenty-four months of salaries and benefits for
16 eighteen troopers and three sergeants beginning in fiscal year (~~(2011)~~)
17 2010. The legislature anticipates that an additional (~~(\$1,830,000)~~)
18 \$1,674,000 will be appropriated from the highway safety account--
19 federal in the 2011-13 fiscal biennium to conclude this pilot program.

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

26 (a) The commission shall comply with RCW 46.63.170 in administering
27 the projects.

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

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

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

1 recommended planning level alternative funding strategies must be
2 completed by December 31, 2010.

3 (2) \$200,000 of the motor vehicle account--state appropriation is
4 for the joint transportation committee to convene an independent expert
5 review panel to review the assumptions for toll operations costs used
6 by the department to model financial plans for tolled facilities. The
7 joint transportation committee shall work with staff from the senate
8 and the house of representatives transportation committees to identify
9 the scope of the review and to assure that the work performed meets the
10 needs of the house of representatives and the senate. The joint
11 transportation committee shall provide a report to the house of
12 representatives and senate transportation committees by September 1,
13 2009.

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

31 (4) The joint transportation committee shall work with the
32 department of licensing, the office of the code reviser, staff to the
33 legislative transportation committees, and other stakeholders to
34 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
35 evaluation must identify the unintended impacts of Senate Bill No. 6379
36 on policy and revenue collection, if any. The joint transportation
37 committee shall issue its evaluation, including corrective draft
38 legislation if needed, by December 1, 2010.

1 (5) \$125,000 of the motor vehicle account--state appropriation is
2 for the joint transportation committee to evaluate the preparation of
3 state-level transportation plans. The evaluation must include a review
4 of federal planning requirements, the Washington transportation plan
5 and statewide modal plan requirements, and transportation plan
6 requirements for regional and local entities. The evaluation must make
7 recommendations concerning the appropriate responsibilities for
8 preparation of plans, methods to develop plans more efficiently, and
9 the utility of the state-level planning documents. The committee shall
10 issue a report of its evaluation, including draft legislation if
11 required, to the house of representatives and senate transportation
12 committees by December 15, 2010.

13 (6)(a) \$250,000 of the motor vehicle account--state appropriation
14 is for the joint transportation committee to evaluate funding
15 assistance and services provided by the county road administration
16 board, transportation improvement board, freight mobility strategic
17 investment board, and the department of transportation's highway and
18 local programs division. In 2010, the governor recommended
19 consolidating small transportation agencies as part of an overall
20 effort to streamline state government, provide economies of scale, and
21 improve customer service. The evaluation may include recommendations
22 on consolidating the agencies within the department of transportation,
23 within another existing agency, or within a newly created agency. The
24 study may also make recommendations on restructuring grant programs to
25 generate efficiencies or other more efficient ways to distribute
26 associated revenues.

27 (b) The joint transportation committee shall form a policy work
28 group to oversee the evaluation. The work group must consist of
29 legislators appointed by the joint transportation committee and a
30 member of the governor's staff appointed by the governor.

31 (c) Any evaluation recommendations must be accompanied by a
32 detailed implementation plan. The plan must include details on the
33 recommended governance structure, accounts and program structure, and
34 transition process and associated costs. The plan must include a
35 proposed organization chart and proposed legislation to enact the
36 recommended changes. A preliminary evaluation must be made to the
37 joint transportation committee by November 15, 2010, and a final
38 evaluation is due on December 15, 2010.

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

3 **FOR THE TRANSPORTATION COMMISSION**

4	Motor Vehicle Account--State Appropriation	((\$2,237,000))
5		<u>\$2,346,000</u>
6	Multimodal Transportation Account--State Appropriation	\$112,000
7	TOTAL APPROPRIATION	((\$2,349,000))
8		<u>\$2,458,000</u>

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

11 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
12 the transportation commission shall periodically review and, if
13 necessary, modify the schedule of fares for the Washington state ferry
14 system. The transportation commission may increase ferry fares,
15 except no fare schedule modifications may be made prior to September 1,
16 2009. For purposes of this subsection, "modify" includes increases or
17 decreases to the schedule. The commission may only approve ferry fare
18 rate changes that have the same proportionate change for passengers as
19 for vehicles.

20 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
21 the transportation commission shall periodically review and, if
22 necessary, modify a schedule of toll charges applicable to the state
23 route number 167 high occupancy toll lane pilot project, as required
24 under RCW 47.56.403. For purposes of this subsection, "modify"
25 includes increases or decreases to the schedule.

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

33 (4) The commission may name state ferry vessels consistent with its
34 authority to name state transportation facilities under RCW 47.01.420.
35 When naming or renaming state ferry vessels, the commission shall
36 investigate selling the naming rights and shall make recommendations to
37 the legislature regarding this option.

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

5 ~~(6) ((If the commission considers implementing a ferry fuel~~
6 ~~surcharge, it must first submit an analysis and business plan to the~~
7 ~~office of financial management and either the joint transportation~~
8 ~~committee or the transportation committees of the legislature.))~~ The
9 commission shall impose a ferry fuel surcharge effective July 1, 2011,
10 in order to provide a mechanism for raising additional revenues in a
11 timely manner to help cover increased costs of ferry fuel that exceed
12 an adopted base level of funding.

13 (7) The commission shall work with the department of
14 transportation's program K (economic partnerships) in conducting a best
15 practices review of nontoll, public-private partnerships. The purpose
16 of this review is to identify the policies and procedures that are
17 appropriate for application in Washington state. The commission must
18 report its findings and recommendations, including draft legislation if
19 warranted, to the house of representatives and senate transportation
20 committees by January 2011.

21 (8) As part of its development of the statewide transportation
22 plan, the commission shall collect and review prioritized, constrained
23 project lists, including preservation and maintenance projects, from
24 cities, counties, and regional and metropolitan planning organizations
25 to identify statewide transportation needs. The project lists should
26 include a brief description and status of each project along with the
27 funding required and associated timeline from start to completion. The
28 commission shall review the information and forward it, along with
29 recommendations, to the house of representatives and senate
30 transportation committees by January 2011.

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

33 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

34 Motor Vehicle Account--State Appropriation ((\$695,000))
35 \$692,000

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

1 board shall, on a quarterly basis, provide status reports to the office
2 of financial management and the transportation committees of the
3 legislature on the delivery of projects funded by this act.

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

6 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

7	State Patrol Highway Account--State	
8	Appropriation	((\$228,024,000))
9		<u>\$228,362,000</u>
10	State Patrol Highway Account--Federal	
11	Appropriation	((\$10,602,000))
12		<u>\$10,903,000</u>
13	State Patrol Highway Account--Private/Local	
14	Appropriation	((\$859,000))
15		<u>\$867,000</u>
16	TOTAL APPROPRIATION	((\$239,485,000))
17		<u>\$240,132,000</u>

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

20 (1) Washington state patrol officers engaged in off-duty uniformed
21 employment providing traffic control services to the department of
22 transportation or other state agencies may use state patrol vehicles
23 for the purpose of that employment, subject to guidelines adopted by
24 the chief of the Washington state patrol. The Washington state patrol
25 shall be reimbursed for the use of the vehicle at the prevailing state
26 employee rate for mileage and hours of usage, subject to guidelines
27 developed by the chief of the Washington state patrol, and Cessna
28 pilots funded from the state patrol highway account who are certified
29 to fly the King Airs may pilot those aircraft for general fund purposes
30 with the general fund reimbursing the state patrol highway account an
31 hourly rate to cover the costs incurred during the flights since the
32 aviation section will no longer be part of the Washington state patrol
33 cost allocation system as of July 1, 2009.

34 (2) The patrol shall not account for or record locally provided DUI
35 cost reimbursement payments as expenditure credits to the state patrol
36 highway account. The patrol shall report the amount of expected

1 locally provided DUI cost reimbursements to the office of financial
2 management and transportation committees of the legislature by
3 September 30th of each year.

4 (3) During the 2009-11 fiscal biennium, the Washington state patrol
5 shall continue to perform traffic accident investigations on Thurston
6 county roads, and shall work with the county to transition the traffic
7 accident investigations on Thurston county roads to the county by July
8 1, 2011.

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

13 (5) The Washington state patrol shall collaborate with the
14 Washington traffic safety commission to develop and implement the
15 target zero trooper pilot program referenced in section 201 of this
16 act.

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

20 ~~(7))~~ The Washington state patrol shall assign cadets and necessary
21 ~~((personnel and))~~ computer equipment to implement and operate the pilot
22 program described under section 218(2) of this act using the portion of
23 the automated traffic safety camera fines deposited into the state
24 patrol highway account, but not to exceed \$370,000. If the fines
25 deposited into the state patrol highway account from automated traffic
26 safety camera infractions do not reach \$370,000, the department of
27 transportation shall remit funds necessary to the Washington state
28 patrol to ensure the completion of the pilot program. The Washington
29 state patrol shall not assign troopers to operate or deploy the pilot
30 program equipment used in the roadway construction zones.

31 (7) \$3,236,000 of the state patrol highway account--state
32 appropriation is provided solely for the aerial traffic enforcement
33 program. The Washington state patrol shall evaluate the costs
34 associated with aerial traffic highway enforcement to determine if the
35 costs are accurately apportioned between the state patrol highway
36 account and the general fund. It is the intent of the legislature that
37 the state patrol highway account incurs costs that result only from
38 highway enforcement activities and that the general fund incurs costs

1 associated with the King Airs. The Washington state patrol shall
2 report the results of the evaluation to the legislature by June 30,
3 2010.

4 (8) For the remainder of the 2009-11 fiscal biennium, the
5 Washington state patrol shall perform traffic accident investigations
6 on highways in Island county and Mason county.

7 (9) \$3,601,000 of the state patrol highway account--state
8 appropriation is provided solely for the costs associated with a basic
9 trooper class.

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

12 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
13 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
14 \$1,648,000

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

17 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**
18 State Patrol Highway Account--State Appropriation . . ((~~\$105,680,000~~))
19 \$108,560,000
20 State Patrol Highway Account--Private/Local
21 Appropriation ((~~\$2,008,000~~))
22 \$2,510,000
23 TOTAL APPROPRIATION ((~~\$107,688,000~~))
24 \$111,070,000

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

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

35 (2) ((~~\$8,673,000~~)) \$10,425,000 of the total appropriation is
36 provided solely for automobile fuel in the 2009-11 fiscal biennium.

1 (3) \$7,421,000 of the total appropriation is provided solely for
2 the purchase of pursuit vehicles.

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

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

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

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

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

22 **FOR THE DEPARTMENT OF LICENSING**

23	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
24	Motorcycle Safety Education Account--State	
25	Appropriation	((\$4,373,000))
26		<u>\$4,361,000</u>
27	Wildlife Account--State Appropriation	((\$837,000))
28		<u>\$823,000</u>
29	Highway Safety Account--State Appropriation	((\$145,085,000))
30		<u>\$144,185,000</u>
31	Highway Safety Account--Federal Appropriation	((\$8,000))
32		<u>\$945,000</u>
33	Motor Vehicle Account--State Appropriation	((\$78,805,000))
34		<u>\$78,130,000</u>
35	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
36	Motor Vehicle Account--Federal Appropriation	\$242,000
37	Department of Licensing Services Account--State	

1	Appropriation	((\$3,867,000))
2		<u>\$4,706,000</u>
3	Washington State Patrol Highway Account--State	
4	Appropriation	\$738,000
5	Ignition Interlock Device Revolving Account--State	
6	Appropriation	((\$2,490,000))
7		<u>\$1,640,000</u>
8	TOTAL APPROPRIATION	((\$237,849,000))
9		<u>\$237,174,000</u>

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

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

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

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

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

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

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

38 ~~(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)~~) \$1,640,000 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) \$869,000 of the department of licensing services account--state
10 appropriation is provided solely for purchasing equipment for the field
11 licensing service offices and subagent offices.

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

16 (~~(+6)~~) (7) By December 31, 2009, the department shall submit to
17 the office of financial management and the transportation committees of
18 the legislature draft legislation that rewrites RCW 46.52.130 (driving
19 record abstracts) in plain language.

20 (~~(+7)~~) (8) The department may seek federal funds to implement a
21 driver's license and identicard biometric matching system pilot program
22 to verify the identity of applicants for, and holders of, drivers'
23 licenses and identicards. If funds are received, the department shall
24 report any benefits or problems identified during the course of the
25 pilot program to the transportation committees of the legislature upon
26 the completion of the program.

27 (~~(+8)~~) (9) The department may submit information technology-
28 related requests for funding only if the department has coordinated
29 with the department of information services as required under section
30 601 of this act.

31 (~~(+9)~~) (10) Consistent with the authority delegated to the
32 director of licensing under RCW 46.01.100, the department may adopt a
33 new organizational structure that includes the following programs: (a)
34 Driver and vehicle services, which must encompass services relating to
35 driver licensing customers, vehicle industry and fuel tax licensees,
36 and vehicle and vessel licensing and registration; and (b) driver
37 policy and programs, which must encompass policy development for all
38 driver-related programs, including driver examining, driver records,

1 commercial driver's license testing and auditing, driver training
2 schools, motorcycle safety, technical services, hearings, driver
3 special investigations, drivers' data management, central issuance
4 contract management, and state and federal initiatives.

5 ~~((+10))~~ (11) The legislature finds that measuring the performance
6 of the department requires the measurement of quality, timeliness, and
7 unit cost of services delivered to customers. Consequently:

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

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

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

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

25 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
26 **MAINTENANCE--PROGRAM B**

27	High Occupancy Toll Lanes Operations Account--State	
28	Appropriation	((\$2,867,000))
29		<u>\$2,852,000</u>
30	Motor Vehicle Account--State Appropriation	((\$585,000))
31		<u>\$575,000</u>
32	Tacoma Narrows Toll Bridge Account--State	
33	Appropriation	((\$27,358,000))
34		<u>\$26,530,000</u>
35	State Route Number 520 Corridor Account--State	
36	Appropriation	((\$58,088,000))
37		<u>\$30,065,000</u>

1 TOTAL APPROPRIATION ((\$88,898,000))
2 \$60,022,000

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

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

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

16 (3) (~~(\$58,088,000))~~ \$28,000,000 of the state route number 520
17 corridor account--state appropriation is provided solely for the costs
18 directly related to tolling the state route number 520 floating bridge.
19 (~~(Of this amount, \$175,000 is for the immediate costs necessary to~~
20 ~~pursue a request for proposal to implement variable, open road tolling~~
21 ~~on the state route number 520 floating bridge. The request for~~
22 ~~proposal must include tolling infrastructure and signage, customer~~
23 ~~service centers, collection and billing procedures, and, to the extent~~
24 ~~practicable, the maintenance and dispensing of transponders by the~~
25 ~~vendor. The remaining \$57,913,000))~~ \$8,000,000 must be retained in
26 unallotted status, and may only be released by the office of financial
27 management after consultation with the joint transportation committee
28 (~~(following the committee's examination of toll operations costs~~
29 ~~referenced in section 204(2) of this act)). The amount provided in~~
30 this subsection is contingent on the enactment of (a) Engrossed
31 Substitute House Bill No. 2211 and (b) either Engrossed Substitute
32 House Bill No. 2326 or other legislation authorizing bonds for the
33 state route number 520 corridor projects. If the conditions of this
34 subsection are not satisfied, the amount provided in this subsection
35 shall lapse.

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

1 that the department's current and future system development is
2 consistent with the overall direction of other key state systems; and
3 (b) when possible, use or develop common statewide information systems
4 to encourage coordination and integration of information used by the
5 department and other state agencies and to avoid duplication.

6 (2) \$1,216,000 of the transportation partnership account--state
7 appropriation and \$1,216,000 of the transportation 2003 account (nickel
8 account)--state appropriation are provided solely for the department to
9 develop a project management and reporting system which is a collection
10 of integrated tools for capital construction project managers to use to
11 perform all the necessary tasks associated with project management.
12 The department shall integrate commercial off-the-shelf software with
13 existing department systems and enhanced approaches to data management
14 to provide web-based access for multi-level reporting and improved
15 business work flows and reporting. On a quarterly basis, the
16 department shall report to the office of financial management and the
17 transportation committees of the legislature on the status of the
18 development and integration of the system. At a minimum, the reports
19 shall indicate the status of the work as it compares to the work plan,
20 any discrepancies, and proposed adjustments necessary to bring the
21 project back on schedule or budget if necessary.

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

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

28 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
29 **AND CONSTRUCTION--PROGRAM D--OPERATING**
30 Motor Vehicle Account--State Appropriation ((\$25,501,000))
31 \$25,381,000

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

34 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**
35 Aeronautics Account--State Appropriation ((\$6,009,000))
36 \$5,978,000

1 Aeronautics Account--Federal Appropriation \$2,150,000
 2 TOTAL APPROPRIATION ((~~\$8,159,000~~))
 3 \$8,128,000

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

6 (1) \$50,000 of the aeronautics account--state appropriation is a
 7 reappropriation provided solely to pay any outstanding obligations of
 8 the aviation planning council, which expires July 1, 2009.

9 (2) \$150,000 of the aeronautics account--state appropriation is a
 10 reappropriation provided solely to complete runway preservation
 11 projects.

12 (3) Within the amounts provided in this section, the department
 13 shall develop guidelines setting forth consultation procedures and a
 14 process to assist counties and cities to identify land uses that may be
 15 incompatible with airports and aircraft operations, and to encourage
 16 and facilitate the adoption and implementation of comprehensive plan
 17 policies and development regulations consistent with RCW 36.70.547 and
 18 36.70A.510.

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

21 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
 22 **SUPPORT--PROGRAM H**

23 Motor Vehicle Account--State Appropriation ((~~\$48,032,000~~))
 24 \$50,580,000
 25 Motor Vehicle Account--Federal Appropriation \$500,000
 26 Multimodal Transportation Account--State
 27 Appropriation \$250,000
 28 ((~~Water Pollution Account--State Appropriation \$2,000,000~~))
 29 TOTAL APPROPRIATION ((~~\$50,782,000~~))
 30 \$51,330,000

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

33 (1) The department shall develop a plan for all current and future
 34 surplus property parcels based on the recommendations from the surplus
 35 property legislative work group that were presented to the senate
 36 transportation committee on February 26, 2009. The plan must include,
 37 at a minimum, strategies for maximizing the number of parcels sold, a

1 schedule that optimizes proceeds, a recommended cash discount, a plan
2 to report to the joint transportation committee, a recommendation for
3 regional incentives, and a recommendation for equivalent value
4 exchanges. This plan must accompany the department's 2010 supplemental
5 budget request. By December 1, 2010, the department shall report to
6 the legislative transportation committees on the entities eligible to
7 receive surplus property provided in RCW 47.12.063 to determine the
8 frequency with which the department transfers property to those
9 entities and the implications to the department. It is the intent of
10 the legislature that the list of entities eligible to receive surplus
11 property be periodically evaluated to determine whether the list is
12 appropriate and provides utility to the department.

13 ~~((+3))~~ (2) The legislature recognizes that the Dryden pit site
14 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
15 real property under the jurisdiction of the department of
16 transportation, and that the public would benefit significantly from
17 the complete enjoyment of the natural scenic beauty and recreational
18 opportunities available at the site. Therefore, pursuant to RCW
19 47.12.080, the legislature declares that transferring a portion of the
20 property to the department of fish and wildlife solely for recreational
21 use and a portion of the property to the Yakama Nation solely for
22 perpetual offsite mitigation for the impact of the federal Columbia
23 river power system on fish and wildlife is consistent with the public
24 interest in order to preserve the area for the use of the public and
25 the betterment of the natural environment. The department of
26 transportation shall~~((, as soon as is practicable,))~~ work with the
27 department of fish and wildlife, the Yakama Nation, and the Bonneville
28 power administration to redefine the property boundaries accordingly.
29 The department of transportation, as soon as practicable, shall
30 transfer and convey the respective portions of the Dryden pit site to
31 the department of fish and wildlife and the Yakama Nation for
32 ~~((adequate consideration in the amount of no less than \$600,000))~~ fair
33 market value, the proceeds of which must be deposited in the motor
34 vehicle fund. ~~((By July 1, 2009))~~ The department of transportation is
35 not responsible for any costs associated with the cleanup or transfer
36 of this property and may request reimbursement from the Yakama Nation
37 or the Bonneville power administration for work done. If the
38 department of fish and wildlife is unable to provide the fair market

1 value for the portion of the land that is identified for recreational
2 use, that portion of the land must be held by the department of
3 transportation until the department of fish and wildlife is able to
4 provide the fair market value. By July 1, 2010, and annually
5 thereafter until the entire Dryden pit property has been transferred,
6 the department shall submit a status report regarding the transaction
7 to the chairs of the legislative transportation committees.

8 ~~((+5) \$750,000))~~ (3) \$3,175,000 of the motor vehicle account--state
9 appropriation is provided solely for the department's compliance with
10 its national pollution discharge elimination system permit. The
11 department's work may include the completion of system development,
12 reporting, and planning to meet deadlines in the current biennium. The
13 appropriation provided in this subsection is contingent on the
14 enactment of section 107(4) of this act.

15 ~~((+6))~~ (4) The department shall provide updated information on six
16 project milestones for all active projects, funded in part or in whole
17 with 2005 transportation partnership account funds or 2003 nickel
18 account funds, on a quarterly basis in the transportation executive
19 information system (TEIS). The department shall also provide updated
20 information on six project milestones for projects, funded with
21 preexisting funds and that are agreed to by the legislature, office of
22 financial management, and the department, on a quarterly basis in TEIS.

23 (5) \$886,000 of the motor vehicle account--state appropriation is
24 provided solely for the department to pursue the sale of surplus
25 properties and to address encroachment on the department's property.
26 It is the intent of the legislature that the effort to sell surplus
27 property includes at least two, but not more than four, auctions per
28 year depending on the real estate market. The legislature intends that
29 the real estate services division of the department will recover the
30 cost of its efforts from the sale proceeds. By January 31, 2011, the
31 department must report to the office of financial management and the
32 legislative transportation committees on the results of the auctions.
33 The report must include: (a) The department's plan for continued
34 disposal of surplus property; (b) a detail of changes from the previous
35 report; and (c) a current list of surplus property by region that
36 includes the acquisition date and price of the property, the status of
37 the surplus property, and estimated value of the property. Except as
38 provided otherwise in this subsection, by June 30, 2010, the department

1 must finalize all pending equal value exchange activity for the
2 construction or improvement of facilities, after which time the
3 department may not pursue any other equal value exchanges for the
4 construction or improvement of facilities. However, the northwest
5 region may pursue an equal value exchange to replace the Mount Baker
6 headquarters office. The exchange may include an exchange for the old
7 Puget Sound energy site, the old Arco site, or any combination of the
8 two.

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

11 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
12 **K**

13 Motor Vehicle Account--State Appropriation	(\$615,000)
	<u>\$677,000</u>
15 Multimodal Transportation Account--State Appropriation	\$200,000
16 TOTAL APPROPRIATION	(\$815,000)
17	<u>\$877,000</u>

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

20 (1) \$200,000 of the multimodal transportation account--state
21 appropriation is provided solely for the department to develop and
22 implement public private partnerships at high priority terminals as
23 identified in the January 12, 2009, final report on joint development
24 opportunities at Washington state ferries terminals. The department
25 shall first consider a mutually beneficial agreement at the Edmonds
26 terminal.

27 (2) \$50,000 of the motor vehicle account--state appropriation is
28 provided solely for the department to investigate the potential to
29 generate revenue from web site sponsorships and similar ventures and,
30 if feasible, pursue partnership opportunities.

31 (3) \$75,000 of the motor vehicle account--state appropriation is
32 provided solely for the implementation of a pilot project allowing
33 advertisements and sponsorships on select web pages. The pilot project
34 must be organized under the partnership model described in the
35 department's web site monetizing feasibility study, which was prepared
36 under subsection (2) of this section. Once operational, the pilot
37 project must operate for at least twelve consecutive months. After

1 twelve months of continuous operation, the department shall provide a
2 report with recommendations on whether to continue project operations
3 to the office of financial management and the chairs of the
4 transportation committees. The department may end the pilot project
5 after less than twelve consecutive months of operation if insufficient
6 bids or proposals are received from potential sponsors or advertisers.
7 For the purpose of this subsection, if a consultant contract is
8 warranted, the consultant contract is deemed a revenue generation
9 activity as that term is construed in section 602(2), chapter 3, Laws
10 of 2010.

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

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

14 Motor Vehicle Account--State Appropriation	(((\$347,637,000))
15	<u>\$347,645,000</u>
16 Motor Vehicle Account--Federal Appropriation	(((\$2,000,000))
17	<u>\$7,000,000</u>
18 Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
19 (Water Pollution Account--State Appropriation	\$12,500,000)
20 TOTAL APPROPRIATION	(((\$367,934,000))
21	<u>\$360,442,000</u>

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

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

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

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

1 (4) (~~(\$2,000,000)~~) \$7,000,000 of the motor vehicle account--federal
2 appropriation is for unanticipated federal funds that may be received
3 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
4 department shall provide a report on the use of the funds to the
5 transportation committees of the legislature and the office of
6 financial management.

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

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

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

18 (6) The department may work with the department of corrections to
19 utilize corrections crews for the purposes of litter pickup on state
20 highways.

21 (7) \$650,000 of the motor vehicle account--state appropriation is
22 provided solely for increased asphalt costs. If Senate Bill No. 5976
23 is not enacted by June 30, 2009, the amount provided in this subsection
24 shall lapse.

25 (8) \$16,800,000 of the motor vehicle account--state appropriation
26 is provided solely for the high priority maintenance backlog.
27 Addressing the maintenance backlog must result in increased levels of
28 service.

29 (~~(+10)~~) (9) \$750,000 of the motor vehicle account--state
30 appropriation is provided solely for the department's compliance with
31 its national pollution discharge elimination system permit.

32 (10) \$317,000 of the motor vehicle account--state appropriation is
33 provided solely for maintaining a new active traffic management system
34 on 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 that clearly indicate to a driver that he or she is entering a roadway
2 construction zone where traffic laws are enforced by an automated
3 traffic safety camera;

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

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

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

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

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

8 (4) \$173,000 of the motor vehicle account--state appropriation is
9 provided solely for the department to continue a pilot tow truck
10 incentive program and to expand the program to other areas of the
11 state. The department may provide incentive payments to towing
12 companies that meet clearance goals on accidents that involve heavy
13 trucks. The department shall report to the office of financial
14 management and the transportation committees of the legislature on the
15 effectiveness of the clearance goals and submit recommendations to
16 improve the pilot program with the department's 2010 supplemental
17 omnibus transportation appropriations act submittal. The tow truck
18 incentive program may continue to provide incentives for quick
19 clearance of traffic incidents involving large vehicles. The
20 department shall make recommendations as part of its biennial budget
21 proposal for expanding the use of the incentive program.

22 (5) \$92,000 of the motor vehicle account--state appropriation is
23 provided solely for operating a new active traffic management system on
24 Interstate 5, Interstate 90, and SR 520. The department shall track
25 the costs associated with these systems on a corridor basis and report
26 to the legislative transportation committees on the cost and benefits
27 of the system.

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

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

32 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
33 **SUPPORT--PROGRAM S**

34	Motor Vehicle Account--State Appropriation	((\$29,153,000))
35		<u>\$28,716,000</u>
36	Motor Vehicle Account--Federal Appropriation	\$30,000
37	Multimodal Transportation Account--State	

1	Appropriation	\$973,000
2	State Route Number 520 Corridor Account--State	
3	Appropriation	\$264,000
4	TOTAL APPROPRIATION	(\$30,420,000)
5		<u>\$29,983,000</u>

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

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

22	FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,	
23	AND RESEARCH--PROGRAM T	
24	Motor Vehicle Account--State Appropriation	(\$24,724,000)
25		<u>\$24,032,000</u>
26	Motor Vehicle Account--Federal Appropriation	(\$19,116,000)
27		<u>\$22,116,000</u>
28	Multimodal Transportation Account--State	
29	Appropriation	(\$696,000)
30		<u>\$1,096,000</u>
31	Multimodal Transportation Account--Federal	
32	Appropriation	\$2,809,000
33	Multimodal Transportation Account--Private/Local	
34	Appropriation	\$100,000
35	TOTAL APPROPRIATION	(\$47,445,000)
36		<u>\$50,153,000</u>

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

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

8 (2) \$400,000 of the ((motor vehicle)) multimodal transportation
9 account--state appropriation is provided solely for a diesel multiple
10 unit feasibility and initial planning study. The study must evaluate
11 potential service on the Stampede Pass line from Maple Valley to Auburn
12 via Covington. The study must evaluate the potential demand for
13 service, the business model and capital needs for launching and running
14 the line, and the need for improvements in switching, signaling, and
15 tracking. The study must consider the interconnectivity benefits of,
16 and potential for, a future Amtrak Cascades route in the vicinities of
17 south King county and north Pierce county. A report on the study must
18 be submitted to the legislature by ((June 30)) September 30, 2010.

19 (3) (((\$243,000)) \$365,000 of the motor vehicle account--state
20 appropriation and \$81,000 of the motor vehicle account--federal
21 appropriation are provided solely for the development of a freight
22 database to help guide freight investment decisions and track project
23 effectiveness. The database must be based on truck movement tracked
24 through geographic information system technology. For the remainder of
25 the biennium, the department may expand data collection to any highways
26 that have high truck volumes. TransNow shall contribute additional
27 federal funds that are not appropriated in this act. The department
28 shall work with the freight mobility strategic investment board to
29 implement this database.

30 (4) \$150,000 of the motor vehicle account--state appropriation is
31 provided solely for a corridor study of state route number 516 from the
32 eastern border of Maple Valley to state route number 167 to determine
33 whether improvements are needed and the costs of any needed
34 improvements.

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

1 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**

2 **V**

3 Regional Mobility Grant Program Account--State

4 Appropriation \$54,677,000

5 Multimodal Transportation Account--State

6 Appropriation (~~(\$65,795,000)~~)

7 \$65,701,000

8 Multimodal Transportation Account--Federal

9 Appropriation \$2,582,000

10 Multimodal Transportation Account--Private/Local

11 Appropriation \$1,027,000

12 TOTAL APPROPRIATION (~~(\$124,081,000)~~)

13 \$123,987,000

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

16 (1) \$25,000,000 of the multimodal transportation account--state
17 appropriation is provided solely for a grant program for special needs
18 transportation provided by transit agencies and nonprofit providers of
19 transportation.

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

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

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

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

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

12 (3) \$7,000,000 of the multimodal transportation account--state
13 appropriation is provided solely for a vanpool grant program for: (a)
14 Public transit agencies to add vanpools or replace vans; and (b)
15 incentives for employers to increase employee vanpool use. The grant
16 program for public transit agencies will cover capital costs only;
17 operating costs for public transit agencies are not eligible for
18 funding under this grant program. Additional employees may not be
19 hired from the funds provided in this section for the vanpool grant
20 program, and supplanting of transit funds currently funding vanpools is
21 not allowed. The department shall encourage grant applicants and
22 recipients to leverage funds other than state funds. At least
23 \$1,600,000 of this amount must be used for vanpool grants in congested
24 corridors.

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

1 (5) \$3,318,000 of the multimodal transportation account--state
2 appropriation and \$21,248,000 of the regional mobility grant program
3 account--state appropriation are reappropriated and provided solely for
4 the regional mobility grant projects identified on the LEAP
5 Transportation Document 2007-B, as developed April 20, 2007, or the
6 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
7 department shall continue to review all projects receiving grant awards
8 under this program at least semiannually to determine whether the
9 projects are making satisfactory progress. The department shall
10 promptly close out grants when projects have been completed, and any
11 remaining funds available to the office of transit mobility must be
12 used only to fund projects on the LEAP Transportation Document 2006-D,
13 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
14 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
15 as developed April 24, 2009. It is the intent of the legislature to
16 appropriate funds through the regional mobility grant program only for
17 projects that will be completed on schedule. However, the Chuckanut
18 park and ride is recognized as a crucial investment in the
19 transportation system. For this reason, the department shall not close
20 out the grant for the Chuckanut park and ride project until Skagit
21 transit has exhausted all other pending opportunities for federal and
22 local funds. If additional funds cannot be secured, the department
23 shall consider this project a priority in the 2011-13 grant process.
24 The department shall make every effort to advance the Chuckanut park
25 and ride project within existing resources.

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

1 department shall provide annual status reports on December 15, 2009,
2 and December 15, 2010, to the office of financial management and the
3 transportation committees of the legislature regarding the projects
4 receiving the grants. It is the intent of the legislature to
5 appropriate funds through the regional mobility grant program only for
6 projects that will be completed on schedule.

7 (7) \$300,000 of the multimodal transportation account--state
8 appropriation is provided solely for a transportation demand management
9 program, developed by the Whatcom council of governments, to further
10 reduce drive-alone trips and maximize the use of sustainable
11 transportation choices. The community-based program must focus on all
12 trips, not only commute trips, by providing education, assistance, and
13 incentives to four target audiences: (a) Large work sites; (b)
14 employees of businesses in downtown areas; (c) school children; and (d)
15 residents of Bellingham.

16 (8) \$130,000 of the multimodal transportation account--state
17 appropriation is provided solely to the department to distribute to
18 support Engrossed Substitute House Bill No. 2072 (special needs
19 transportation).

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

24 (b) \$50,000 of the amount provided in this subsection is provided
25 solely to support the pilot project to be developed or implemented by
26 the local coordinating coalition comprised of a single county,
27 described in sections 9, 10, and 11, chapter . . . (Engrossed
28 Substitute House Bill No. 2072), Laws of 2009. The department shall
29 assist the local coordinating coalition to seek funding sufficient to
30 fully fund the pilot project from a variety of sources including, but
31 not limited to, the regional transit authority serving the county, the
32 regional transportation planning organization serving the county, and
33 other appropriate state and federal agencies and grants. Development
34 or implementation of the pilot project is contingent on securing
35 funding sufficient to fully fund the pilot project.

36 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
37 June 30, 2009, the amount provided in this subsection (8) lapses. If
38 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,

1 but a commitment from other sources to fully fund the pilot project
2 described in (b) of this subsection has not been obtained by September
3 30, 2009, the amount provided in (b) of this subsection lapses.

4 (9) Funds provided for the commute trip reduction program may also
5 be used for the growth and transportation efficiency center program.

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

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

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

16 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

17 Puget Sound Ferry Operations Account--State

18 Appropriation	((\$400,592,000))
19	<u>\$424,667,000</u>

20 The appropriation in this section is subject to the following
21 conditions and limitations:

22 (1) (~~(\$53,110,560)~~) (a) \$79,648,961 of the Puget Sound ferry
23 operations account--state appropriation is provided solely for auto
24 ferry vessel operating fuel in the 2009-11 fiscal biennium. This
25 appropriation is contingent upon the enactment of sections 716 and 701
26 of this act.

27 (b) All fuel purchased by the Washington state ferries at Harbor
28 Island for the operation of the Washington state ferries diesel powered
29 vessels must be a minimum of five percent biodiesel blend so long as
30 the purchase does not conflict with RCW 43.19.642.

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

35 (3) If, after the department's review of fares and pricing
36 policies, the department proposes a fuel surcharge, the department must

1 evaluate other cost savings and fuel price stabilization strategies
2 that would be implemented before the imposition of a fuel surcharge.

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

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

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

19 (7) The office of financial management budget instructions require
20 agencies to recast enacted budgets into activities. The Washington
21 state ferries shall include a greater level of detail in its 2011-13
22 omnibus transportation appropriations act request, as determined
23 jointly by the office of financial management, the Washington state
24 ferries, and the legislative transportation committees.

25 (8) \$3,000,000 of the Puget Sound ferry operations account--state
26 appropriation is provided solely for commercial insurance for ferry
27 assets. The office of financial management, after consultation with
28 the transportation committees of the legislature, must present a
29 business plan for the Washington state ferry system's insurance
30 coverage to the 2010 legislature. The business plan must include a
31 cost-benefit analysis of Washington state ferries' current commercial
32 insurance purchased for ferry assets and a review of self-insurance for
33 noncatastrophic events.

34 (9) \$1,100,000 of the Puget Sound ferry operations account--state
35 appropriation is provided solely for a marketing program. The
36 department shall present a marketing program proposal to the
37 transportation committees of the legislature during the 2010
38 legislative session before implementing this program. Of this amount,

1 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
2 Coupeville for mitigation expenses related to only one vessel operating
3 on the Port Townsend/Keystone ferry route. The moneys provided to the
4 city of Port Townsend and town of Coupeville are not contingent upon
5 the required marketing proposal.

6 (10) \$350,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for two extra trips per day during the
8 summer of 2009 season, beyond the current schedule, on the Port
9 Townsend/Keystone route.

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

13 (12) The legislature finds that measuring the performance of
14 Washington state ferries requires the measurement of quality,
15 timeliness, and unit cost of services delivered to customers.
16 Consequently, the department must develop a set of metrics that measure
17 that performance and report to the transportation committees of the
18 legislature and to the office of financial management on the
19 development of these measurements along with recommendations to the
20 2010 legislature on which measurements must become a part of the next
21 omnibus transportation appropriations act.

22 (13) As a priority task, the department is directed to propose a
23 comprehensive incident and accident investigation policy and
24 appropriate procedures, and to provide the proposal to the legislature
25 by November 1, 2009, using existing resources and staff expertise. In
26 addition to consulting with ferry system unions and the United States
27 coast guard, the Washington state ferries is encouraged to solicit
28 independent outside expertise on incident and accident investigation
29 best practices as they may be found in other organizations with a
30 similar concern for marine safety. It is the intent of the legislature
31 to enact the policies into law and to publish that law and procedures
32 as a manual for Washington state ferries' accident/incident
33 investigations. Until that time, the Washington state ferry system
34 must exercise particular diligence to assure that any incident or
35 accident investigations are conducted within the spirit of the
36 guidelines of this act. The proposed policy must contain, at a
37 minimum:

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

3 (b) The process for appointing an investigating officer or officers
4 and a description of the authorities and responsibilities of the
5 investigating officer or officers. The investigating officer or
6 officers must:

7 (i) Have the appropriate training and experience as determined by
8 the policy;

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

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

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

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

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

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

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

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

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

1 maintaining the state-supported passenger rail service. Upon
2 completion of the rail platform project in the city of Stanwood, the
3 department shall provide daily Amtrak Cascades service to the city.

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

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

7 (4) \$2,200,000 of the multimodal transportation account--state
8 appropriation is provided solely for expenditures related to the
9 capital high-speed passenger rail grant that are not federally
10 reimbursable.

11 (5) \$400,000 of the multimodal transportation account--federal
12 appropriation is provided solely for the department to work with the
13 Whatcom council of governments to examine potential improvements to
14 international border freight and passenger rail movement and the use of
15 diesel multiple units.

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

18 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
19 **OPERATING**

20	Motor Vehicle Account--State Appropriation	((\$8,739,000))
21		<u>\$8,682,000</u>
22	Motor Vehicle Account--Federal Appropriation	\$2,567,000
23	TOTAL APPROPRIATION	((\$11,306,000))
24		<u>\$11,249,000</u>

25 **TRANSPORTATION AGENCIES--CAPITAL**

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

28 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

29	Rural Arterial Trust Account--State Appropriation . . .	((\$51,000,000))
30		<u>\$73,000,000</u>
31	Motor Vehicle Account--State Appropriation	\$1,048,000
32	County Arterial Preservation Account--State	
33	Appropriation	\$31,400,000
34	TOTAL APPROPRIATION	((\$83,448,000))

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

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

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

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

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State

Appropriation ((\$5,779,000))
\$3,927,000

Urban Arterial Trust Account--State Appropriation ((\$122,400,000))
\$123,900,000

Transportation Improvement Account--State

Appropriation ((\$85,643,000))
\$81,643,000

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

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

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

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

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

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

4	Multimodal Transportation Account--State	
5	Appropriation	((\$1,000))
6		<u>\$98,000</u>
7	Transportation Partnership Account--State	
8	Appropriation	((\$1,723,834,000))
9		<u>\$1,665,644,000</u>
10	Motor Vehicle Account--State Appropriation	((\$80,735,000))
11		<u>\$75,139,000</u>
12	Motor Vehicle Account--Federal Appropriation	((\$410,341,000))
13		<u>\$572,107,000</u>
14	Motor Vehicle Account--Private/Local	
15	Appropriation	((\$65,494,000))
16		<u>\$70,714,000</u>
17	Special Category C Account--State Appropriation	((\$24,549,000))
18		<u>\$25,221,000</u>
19	Transportation 2003 Account (Nickel Account)--State	
20	Appropriation	((\$703,708,000))
21		<u>\$713,222,000</u>
22	Freight Mobility Multimodal Account--State	
23	Appropriation	((\$4,422,000))
24		<u>\$4,574,000</u>
25	Tacoma Narrows Toll Bridge Account--State	
26	Appropriation	((\$788,000))
27		<u>\$789,000</u>
28	State Route Number 520 Corridor Account--State	
29	Appropriation	((\$106,000,000))
30		<u>\$231,763,000</u>
31	TOTAL APPROPRIATION	((\$3,119,872,000))
32		<u>\$3,359,271,000</u>

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

35 (1) Except as provided otherwise in this section, the entire
36 transportation 2003 account (nickel account) appropriation and the
37 entire transportation partnership account appropriation are provided
38 solely for the projects and activities as listed by fund, project, and

1 amount in LEAP Transportation Document ((2009-1)) 2010-1 as developed
2 ((April 24, 2009)) February 22, 2010, Program - Highway Improvement
3 Program (I). However, limited transfers of specific line-item project
4 appropriations may occur between projects for those amounts listed
5 subject to the conditions and limitations in section 603 of this act.

6 (2) ~~((As a result of economic changes since the initial development
7 of the improvement program budget for the 2009-11 fiscal biennium, the
8 department has received bids on construction contracts over the last
9 several months that are favorable with respect to current estimates of
10 project costs. National economic forecasts indicate that inflationary
11 pressures are likely to remain lower than previously expected for the
12 next several years. As a result, the nominal project cost totals shown
13 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
14 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
15 the likely amount necessary to deliver the projects listed within those
16 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000
17 in the 2011-13 fiscal biennium. The appropriations provided in this
18 section for the projects in those biennia are therefore \$63,500,000
19 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
20 fiscal biennium than the aggregate total of project costs listed. It
21 is the intent of the legislature that the department shall deliver the
22 projects listed in LEAP Transportation Document 2009-1 within the time,
23 scope, and budgets identified in that document, provided that the
24 prices of commodities used in transportation projects do not differ
25 significantly from those assumed for the 2009-11 and 2011-13 fiscal
26 biennia in the March 2009 forecast of the economic and revenue forecast
27 council.~~

28 ~~(3) \$162,900,000))~~ \$163,385,000 of the transportation partnership
29 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the
30 state route number 520 corridor account--state appropriation are
31 provided solely for the state route number 520 bridge replacement and
32 HOV project. The department shall submit an application for the
33 eastside transit and HOV project to the supplemental discretionary
34 grant program for regionally significant projects as provided in the
35 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route
36 number 520 improvements shall be designed and constructed to
37 accommodate a future full interchange at 124th Avenue Northeast.
38 Concurrent with the eastside transit and HOV project, the department~~

1 ~~shall conduct engineering design of a full interchange at 124th Avenue~~
2 ~~Northeast.))~~ The amount provided in this subsection from the state
3 route number 520 corridor account--state appropriation is contingent on
4 the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)
5 either Engrossed Substitute House Bill No. 2326 or other legislation
6 authorizing bonds for the state route number 520 corridor projects. If
7 the conditions of this subsection are not satisfied, the state route
8 number 520 corridor account--state appropriation shall lapse.

9 ((+4)) (3) As required under section 305(6), chapter 518, Laws of
10 2007, the department shall report by January 2010 to the transportation
11 committees of the legislature on the findings of the King county noise
12 reduction solutions pilot project.

13 ((+5)) (4) Funding allocated for mitigation costs is provided
14 solely for the purpose of project impact mitigation, and shall not be
15 used to develop or otherwise participate in the environmental
16 assessment process.

17 ((+6)) (5) The department shall apply for surface transportation
18 program (STP) enhancement funds to be expended in lieu of or in
19 addition to state funds for eligible costs of projects in Programs I
20 and P including, but not limited to, the SR 518, SR 520, Columbia river
21 crossing, and Alaskan Way viaduct projects.

22 ((+7)) (6) The department shall, on a quarterly basis beginning
23 July 1, 2009, provide to the office of financial management and the
24 legislature reports providing the status on each active project funded
25 in part or whole by the transportation 2003 account (nickel account) or
26 the transportation partnership account. Funding provided at a
27 programmatic level for transportation partnership account and
28 transportation 2003 account (nickel account) projects relating to
29 bridge rail, guard rail, fish passage barrier removal, and roadside
30 safety projects should be reported on a programmatic basis. Projects
31 within this programmatic level funding should be completed on a
32 priority basis and scoped to be completed within the current
33 programmatic budget. ~~((The department shall work with the office of
34 financial management and the transportation committees of the
35 legislature to agree on report formatting and elements. Elements must
36 include, but not be limited to, project scope, schedule, and costs.
37 For))~~ Report formatting and elements must be consistent with the
38 October 2009 quarterly project report. On a representative sample of

1 new construction contracts valued at fifteen million dollars or more,
2 the department must also use an earned value method of project
3 monitoring. ~~((The department shall also provide the information
4 required under this subsection on a quarterly basis via the
5 transportation executive information systems (TEIS)-~~

6 ~~(+8))~~ (7) The transportation 2003 account (nickel account)--state
7 appropriation includes up to ~~(((\$628,000,000))~~ \$653,414,000 in proceeds
8 from the sale of bonds authorized by RCW 47.10.861.

9 ~~((+9))~~ (8) The transportation partnership account--state
10 appropriation includes up to ~~(((\$1,360,528,000))~~ \$1,344,830,000 in
11 proceeds from the sale of bonds authorized in RCW 47.10.873.

12 ~~((+10))~~ (9) The special category C account--state appropriation
13 includes up to ~~(((\$22,127,000))~~ \$25,221,000 in proceeds from the sale of
14 bonds authorized in RCW 47.10.812.

15 ~~((+11))~~ (10) The motor vehicle account--state appropriation
16 includes up to ~~(((\$31,500,000))~~ \$31,000,000 in proceeds from the sale of
17 bonds authorized in RCW 47.10.843.

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

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

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

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

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

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

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

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

6 (g) Conduct public work sessions and open houses to provide
7 information to citizens, including users of the bridge and business and
8 freight interests, regarding implementation of tolls on the Interstate
9 5 and to solicit citizen views on the following items:

10 (i) Funding a portion of the Columbia river crossing project with
11 tolls;

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

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

16 (h) Provide a report to the governor and the legislature by January
17 2010.

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

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

26 (i) Confer with the mayors and city councils of jurisdictions in
27 the vicinity of the project regarding the implementation of high
28 occupancy toll lanes and the impacts that the implementation of these
29 high occupancy toll lanes might have on the operation of the corridor
30 and adjacent local streets;

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

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

37 (iv) Provide a report to the governor and the legislature by
38 January 2010.

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

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

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

21 (17) The legislature is committed to the timely completion of R8A
22 which supports the construction of sound transit's east link.
23 Following the completion of the independent analysis of the
24 methodologies to value the reversible lanes on Interstate 90 which may
25 be used for high capacity transit as directed in section 204 of this
26 act, the department shall complete the process of negotiations with
27 sound transit. Such agreement shall be completed no later than
28 December 1, 2009.

29 (18) \$250,000 of the motor vehicle account--state appropriation is
30 provided solely for the design and construction of a right turn lane to
31 improve visibility and traffic flow on state route number 195 and
32 Cheney-Spokane Road.

33 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal
34 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--
35 state appropriation are provided solely for the Westview school noise
36 wall.

37 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state

1 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
2 federal appropriation are provided solely for interchange design and
3 planning work on US 12 at A Street and Tank Farm Road.

4 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership
5 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle
6 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor
7 vehicle account--private/local appropriation, and (~~(\$1,482,066)~~)
8 \$4,334,000 of the motor vehicle account--federal appropriation are
9 provided solely for the I-5/Columbia river crossing/Vancouver project.
10 The funding described in this subsection includes a (~~(\$30,003,473)~~)
11 \$30,000,000 contribution from the state of Oregon.

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

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

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

26 (~~(23) ((The state route number 520 corridor account state~~
27 ~~appropriation includes up to \$106,000,000 in proceeds from the sale of~~
28 ~~bonds authorized in Engrossed Substitute House Bill No. 2326 or in~~
29 ~~legislation authorizing bonds for the state route number 520 corridor~~
30 ~~projects. If Engrossed Substitute House Bill No. 2326, or legislation~~
31 ~~authorizing bonds for the state route number 520 corridor projects, is~~
32 ~~not enacted by June 30, 2009, the amount provided in this subsection~~
33 ~~shall lapse.~~

34 (+24)) The department shall evaluate a potential deep bore culvert
35 for the state route number 305/Bjorgen creek fish barrier project
36 identified as project 330514A in LEAP Transportation Document ALL
37 PROJECTS 2009-2, as developed April 24, 2009. The department shall

1 evaluate whether a deep bore culvert will be a less costly alternative
2 than a traditional culvert since a traditional culvert would require
3 extensive road detours during construction.

4 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation
5 document described in subsection (1) of this section is expanded to
6 include safety and congestion improvements from the Key Peninsula
7 Highway to the vicinity of Purdy. The department shall consult with
8 the Washington traffic safety commission to ensure that this project
9 includes improvements at intersections and along the roadway to reduce
10 the frequency and severity of collisions related to roadway conditions
11 and traffic congestion.

12 ~~((+26)---\$10,600,000))~~ (25) \$8,890,000 of the transportation
13 partnership account--state appropriation is provided solely for project
14 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
15 2 and 3 project, as indicated in the LEAP transportation document
16 referenced in subsection (1) of this section. Funds shall be used
17 solely for preliminary engineering on stages 2 and 3 of this project.

18 ~~((+27))~~ (26) The department shall continue to work with the local
19 partners in developing transportation solutions necessary for the
20 economic growth in the Red Mountain American Viticulture Area of Benton
21 county.

22 ~~((+28))~~ (27) For highway construction projects where the
23 department considers agricultural lands of long-term commercial
24 significance, as defined in RCW 36.70A.030, in reviewing and selecting
25 sites to meet environmental mitigation requirements under the national
26 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
27 environmental policy act (chapter 43.21C RCW), the department shall, to
28 the greatest extent possible, consider using public land first. If
29 public lands are not available that meet the required environmental
30 mitigation needs, the department may use other sites while making every
31 effort to avoid any net loss of agricultural lands that have a
32 designation of long-term commercial significance.

33 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation
34 and motor vehicle account--federal appropriation, the department may
35 transfer funds between programs I and P, except for funds that are
36 otherwise restricted in this act.

37 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000
38 of the transportation partnership account--state appropriation is

1 provided solely for the department to prepare a comprehensive tolling
2 study of the state route number 167 corridor to determine the
3 feasibility of administering tolls within the corridor, identified as
4 project number 316718A in the LEAP transportation document described in
5 subsection (1) of this section. The department shall report to the
6 joint transportation committee by September 30, 2010. The department
7 shall regularly report to the Washington transportation commission
8 regarding the progress of the study for the purpose of guiding the
9 commission's potential toll setting on the facility. The elements of
10 the study must include, at a minimum:

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

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

14 (c) Economic considerations for future system investments.

15 (~~(+31+)~~) (30) Within the amounts provided in this section, \$200,000
16 of the transportation partnership account--state appropriation is
17 provided solely for the department to prepare a comprehensive tolling
18 study of the state route number 509 corridor to determine the
19 feasibility of administering tolls within the corridor, identified as
20 project number 850901F in the LEAP transportation document described in
21 subsection (1) of this section. The department shall report to the
22 joint transportation committee by September 30, 2010. The department
23 shall regularly report to the Washington transportation commission
24 regarding the progress of the study for the purpose of guiding the
25 commission's potential toll setting on the facility. The elements of
26 the study must include, at a minimum:

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

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

30 (c) Economic considerations for future system investments.

31 (~~(+32+)~~) (31) Within the amounts provided in this section,
32 \$28,000,000 of the transportation partnership account--state
33 appropriation is for project 600010A, as identified in the LEAP
34 transportation document in subsection (1) of this section: NSC-North
35 Spokane corridor design and right-of-way - new alignment. Expenditure
36 of these funds is for preliminary engineering and right-of-way
37 purchasing to prepare for four lanes to be built from where existing
38 construction ends at Francis Avenue for three miles to the Spokane

1 river. Additionally, any savings realized on project 600001A, as
2 identified in the LEAP transportation document in subsection (1) of
3 this section: US 395/NSC-Francis Avenue to Farwell Road - New
4 Alignment, must be applied to project 600010A.

5 ~~((+33))~~ (32) \$400,000 of the motor vehicle account--state
6 appropriation is provided solely for the department to conduct a state
7 route number 2 route development plan that will identify essential
8 improvements needed between the port of Everett/Naval station and
9 approaching the state route number 9 interchange near the city of
10 Snohomish.

11 ~~((+34))~~ (33) If the SR 26 - Intersection and Illumination
12 Improvements are not completed by June 30, 2009, the department shall
13 ensure that the improvements are completed as soon as practicable after
14 June 30, 2009, and shall submit monthly progress reports on the
15 improvements beginning July 1, 2009.

16 ~~((+35))~~ (34) \$200,000 of the transportation partnership account--
17 state appropriation, identified on project number 400506A in the LEAP
18 transportation document described in subsection (1) of this section, is
19 provided solely for the department to work with the department of
20 archaeology and historic preservation to ensure that the cultural
21 resources investigation is properly conducted on the Columbia river
22 crossing project. This project must be conducted with active
23 archaeological management and result in one report that spans the
24 single cultural area in Oregon and Washington. Additionally, the
25 department shall establish a scientific peer review of independent
26 archaeologists that are knowledgeable about the region and its cultural
27 resources.

28 ~~((+36))~~ (35) The department shall work with the department of
29 archaeology and historic preservation to ensure that the cultural
30 resources investigation is properly conducted on all mega-highway
31 projects and large ferry terminal projects. These projects must be
32 conducted with active archaeological management. Additionally, the
33 department shall establish a scientific peer review of independent
34 archaeologists that are knowledgeable about the region and its cultural
35 resources.

36 ~~((+37))~~ (36) Within the amounts provided in this section,
37 \$1,500,000 of the motor vehicle account--state appropriation is

1 provided solely for necessary work along the south side of SR 532,
2 identified as project number 053255C in the LEAP transportation
3 document described in subsection (1) of this section.

4 ~~((+38+))~~ (37) \$10,000,000 of the transportation partnership
5 account--state appropriation is provided solely for the Spokane street
6 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
7 Replacement project as indicated in the LEAP transportation document
8 referenced in subsection (1) of this section.

9 ~~((+39+))~~ (38) The department shall conduct a public outreach
10 process to identify and respond to community concerns regarding the
11 portion of John's Creek Road that connects state route number 3 and
12 state route number 101. The process must include representatives from
13 Mason county, the legislature, area businesses, and community members.
14 The department shall use this process to consider, develop, and design
15 a project scope so that the community's needs are met for the lowest
16 cost. The department shall provide a report on the process and
17 outcomes to the legislature by June 30, 2010.

18 ~~((+40+))~~ (39) The department shall apply for the competitive
19 portion of federal transit administration funds for eligible transit-
20 related costs of the state route number 520 bridge replacement and HOV
21 project and the Columbia river crossing project. The federal funds
22 described in this subsection must not include those federal transit
23 administration funds distributed by formula. The department shall
24 provide a report regarding this effort to the legislature by January 1,
25 2010.

26 (40) 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 (41) \$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 St NW to 96th St NW - Frontage
37 Road project (301639C).

1 (42) \$400,000 of the motor vehicle account--federal appropriation
2 and \$100,000 of the motor vehicle account--state appropriation are
3 provided solely for the SR 9/SR 204 Intersection Improvement project
4 (L2000040).

5 (43) \$2,244,000 of the motor vehicle account--federal appropriation
6 and \$122,000 of the motor vehicle account--state appropriation are
7 provided solely for the US 12/Nine Mile Hill to Woodward Canyon - Build
8 New Highway project (501210T).

9 (44) \$500,000 of the motor vehicle account--state appropriation is
10 provided solely for the US 12/SR 122/Williams St - Intersection project
11 (401212R) to construct a temporary signal, purchase right-of-way, and
12 design a future roundabout.

13 (45) \$2,600,000 of the motor vehicle account--federal appropriation
14 is provided solely for the ITS Advanced Traveler Information System
15 project in Whatcom county (100589B).

16 (46) \$900,000 of the motor vehicle account--federal appropriation
17 is provided solely for the US 97/Cameron Lake Road intersection
18 improvements project in Okanogan county (209700W).

19 (47) The department shall conduct a collision analysis corridor
20 study on state route number 167 from milepost 0 to milepost 5 and
21 report to the transportation committees of the legislature on the
22 analysis results by December 1, 2010.

23 (48) In addition to the amount provided in the LEAP Transportation
24 Document ALL PROJECTS 2010-1 for project US 97A/North of Wenatchee -
25 Wildlife Fence (209790B), \$200,000 of the motor vehicle account--
26 federal appropriation is provided solely for the Wildlife Fence project
27 (209790B), and an offsetting reduction is anticipated in the 2011-13
28 biennium.

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

31 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**
32 Transportation Partnership Account--State
33 Appropriation ((\$103,077,000))
34 \$75,305,000
35 Motor Vehicle Account--State Appropriation ((\$88,142,000))
36 \$96,884,000
37 Motor Vehicle Account--Federal Appropriation ((\$524,954,000))

1 project. The city of Tacoma may use the Puyallup tribal settlement
2 account appropriation and other appropriated funds for bridge
3 rehabilitation, bridge replacement, bridge demolition, and related
4 mitigation. The department's participation, including prior
5 expenditures, may not exceed \$39,953,000. ~~((Funds may not be expended~~
6 ~~unless))~~ The city of Tacoma ~~((agrees to take))~~ has taken ownership of
7 the bridge in its entirety, and ~~((provides that))~~ the payment of these
8 funds extinguishes any real or implied agreements regarding future
9 bridge expenditures.

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

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

35 (7) The department of transportation shall continue to implement
36 the lowest life cycle cost planning approach to pavement management
37 throughout the state to encourage the most effective and efficient use

1 of pavement preservation funds. Emphasis should be placed on
2 increasing the number of roads addressed on time and reducing the
3 number of roads past due.

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

7 (i) The current backlog of asphalt and concrete pavement
8 preservation projects;

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

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

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

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

18 (b) Additionally, the department shall work with the department of
19 ecology, the county road administration board, and the transportation
20 improvement board to explore and explain the potential use of permeable
21 asphalt and concrete pavement in state highway construction as an
22 alternative method of storm water mitigation and the potential effects
23 on highway pavement replacement needs.

24 (c) The department shall submit the report to the office of
25 financial management and the transportation committees of the
26 legislature by December 1, 2010, in order to inform the development of
27 the 2011-13 omnibus transportation appropriations act.

28 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
29 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
30 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
31 transportation partnership account--state appropriation are provided
32 solely for the SR 104/Hood Canal bridge - replace east half project,
33 identified as project 310407B in the LEAP transportation document
34 described in subsection (1) of this section.

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

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

4 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
5 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
6 state appropriation are provided solely for the environmental impact
7 statement and preliminary planning for the replacement of the state
8 route number 9 Snohomish river bridge.

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

17 (14) Within the amounts provided in this section, \$497,000 of the
18 motor vehicle account--state appropriation and \$12,503,000 of the motor
19 vehicle account--federal appropriation are provided solely for the SR
20 410/Nile Valley Landslide - Establish Interim Detour project (541002R).

21 (15) Within the amounts provided in this section, \$661,000 of the
22 motor vehicle account--state appropriation and \$4,239,000 of the motor
23 vehicle account--federal appropriation are provided solely for the SR
24 410/Nile Valley Landslide - Reconstruct Route project (541002T).

25 (16) \$2,100,000 of the motor vehicle account--federal appropriation
26 is provided solely for the SR 21/Kettle River to Malo paving project in
27 Ferry county (602117A).

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

30 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
31 **CAPITAL**

32	Motor Vehicle Account--State Appropriation	(\$6,394,000)
33		\$8,158,000
34	Motor Vehicle Account--Federal Appropriation	(\$9,262,000)
35		\$18,037,000
36	<u>Motor Vehicle Account--Local Appropriation</u>	<u>\$173,000</u>
37	TOTAL APPROPRIATION	(\$15,656,000)

1 \$26,368,000

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

4 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
5 **CONSTRUCTION--PROGRAM W**

6 Puget Sound Capital Construction Account--State
7 Appropriation (~~(\$118,752,000)~~)
8 \$125,715,000

9 Puget Sound Capital Construction Account--Federal
10 Appropriation (~~(\$38,306,000)~~)
11 \$60,364,000

12 Puget Sound Capital Construction Account--Local
13 Appropriation (~~(\$8,492,000)~~)
14 \$200,000

15 Transportation 2003 Account (Nickel Account)--State
16 Appropriation (~~(\$51,734,000)~~)
17 \$52,893,000

18 Transportation Partnership Account--State
19 Appropriation (~~(\$67,234,000)~~)
20 \$66,879,000

21 Multimodal Transportation Account--State
22 Appropriation (~~(\$170,000)~~)
23 \$149,000

24 TOTAL APPROPRIATION (~~(\$284,688,000)~~)
25 \$306,200,000

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

28 (1) (~~(\$118,752,000)~~) \$125,427,000 of the Puget Sound capital
29 construction account--state appropriation, (~~(\$38,306,000)~~) \$60,364,000
30 of the Puget Sound capital construction account--federal appropriation,
31 (~~(\$8,492,000)~~) \$200,000 of the Puget Sound capital construction
32 account--local appropriation, (~~(\$67,234,000)~~) \$66,879,000 of the
33 transportation partnership account--state appropriation,
34 (~~(\$51,734,000)~~) and \$52,893,000 of the transportation 2003 account
35 (nickel account)--state appropriation(~~(, and \$170,000 of the multimodal~~
36 ~~transportation account--state appropriation)) are provided solely for
37 ferry capital projects, project support, and administration as listed~~

1 in LEAP Transportation Document ALL PROJECTS ((2009-2)) 2010-1 as
2 developed ((April 24, 2009)) February 22, 2010, Program - Ferries
3 Construction Program (W). Of the total appropriation, a maximum of
4 \$10,627,000 may be used for administrative support, a maximum of
5 \$8,184,000 may be used for terminal project support, and a maximum of
6 \$4,497,000 may be used for vessel project support.

7 (2) \$51,734,000 of the transportation 2003 account (nickel
8 account)--state appropriation ((and)) \$63,100,000 of the
9 transportation partnership account--state appropriation, and \$8,914,000
10 of the Puget Sound capital construction account--state appropriation
11 are provided solely for the acquisition of three new Island Home class
12 ferry vessels subject to the conditions of RCW 47.56.780. The
13 department shall pursue a contract for the second and third Island Home
14 class ferry vessels with an option to purchase a fourth Island Home
15 class ferry vessel. However, if sufficient resources are available to
16 build one 144-auto vessel prior to exercising the option to build the
17 fourth Island Home class ferry vessel, procurement of the fourth Island
18 Home class ferry vessel will be postponed and the department shall
19 pursue procurement of a 144-auto vessel.

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

22 (b) The department may add additional passenger capacity to one of
23 the Island Home class ferry vessels to make it more flexible within the
24 system in the future, if doing so does not require additional staffing
25 on the vessel.

26 (c) Cost savings from the following initiatives will be included in
27 the funding of these vessels: The department's review and update of
28 the vessel life-cycle cost model as required under this section; and
29 the implementation of technology efficiencies as required under section
30 602 of this act.

31 (3) ((~~\$2,450,000 of the Puget Sound capital construction account--~~
32 ~~state appropriation is provided solely for contingencies associated~~
33 ~~with closing out the existing contract for the technical design of the~~
34 ~~144-auto vessel and the storage and maintenance of vessel owner-~~
35 ~~furnished equipment already procured. The department shall use as much~~
36 ~~of the already procured equipment as is practicable on the Island Home~~
37 ~~class ferry vessel if it is likely to be obsolete before it is used in~~
38 ~~procured 144-auto vessels.)) (a) \$10,950,000 of the Puget Sound capital~~

1 construction account--state appropriation is provided solely for the
2 following projects related to the design of a 144-vehicle vessel class:
3 (i) \$1,380,000 is provided solely for completion of the contract for
4 owner-furnished equipment; (ii) \$8,320,000 is provided solely for
5 completion of the technical design, detail design, and production
6 drawings; (iii) \$480,000 is provided solely for the storage of owner-
7 furnished equipment; (iv) a maximum of \$720,000 is for construction
8 engineering; and (v) \$50,000 is provided solely for hiring an outside
9 consultant to conduct a study on alternative designs of the 144-vehicle
10 vessel class. In completing the contract for owner-furnished
11 equipment, the department shall use as much of the already procured
12 equipment as is practicable on the Island Home class ferry vessels if
13 it is likely to be obsolete before it is used in procured 144-vehicle
14 vessels.

15 (b) The outside consultant hired to conduct the study provided in
16 (a) of this subsection must do the following as part of a study on
17 alternative designs of the 144-vehicle vessel class: (i) Review the
18 proposed interior furnishings and fittings for the long-term
19 maintenance and out-of-service vessel costs and, if appropriate,
20 propose alternative interior furnishings and fittings that will
21 decrease long-term maintenance and out-of-service vessel costs; and
22 (ii) perform a cost-benefit analysis that considers fuel economy and
23 long-term maintenance costs on an aluminum superstructure alternative.
24 The study must include a projection of out-of-service time and a life-
25 cycle cost analysis of planned out-of-service time, including the
26 impact on fleet size. The study must identify costs for any additional
27 detail design and production drawings costs related to incorporating
28 new design alternatives. The consultant must submit the study to the
29 joint transportation committee by August 1, 2010.

30 (c) For the purpose of this subsection, the consultant contract is
31 deemed a revenue generation and auditing activity as that term is
32 construed in section 602(2), chapter 3, Laws of 2010.

33 (4) \$6,300,000 of the Puget Sound capital construction account--
34 state appropriation is provided solely for emergency capital costs.

35 ~~(5) ((The Anacortes terminal may be replaced if additional federal~~
36 ~~funds are sought and received by the department. If federal funds~~
37 ~~received are not sufficient to replace the terminal, only usable,~~
38 ~~discrete phases of the project, up to the amount of federal funds~~

1 ~~received, may be constructed with the funds.))~~ \$3,000,000 of the Puget
2 Sound capital construction account--federal appropriation is provided
3 solely for completing the Anacortes terminal design up to the maximum
4 allowable construction cost phase. These funds may be spent only after
5 the following conditions have been met: (a) A value engineering
6 process is conducted on the existing design and the concept of a
7 smaller terminal building; (b) the office of financial management
8 participates in the value engineering process; (c) the office of
9 financial management concurs with the recommendations of the value
10 engineering process; and (d) the office of financial management gives
11 its approval to proceed with the design work.

12 (6) \$3,965,000 of the Puget Sound capital construction account--
13 state appropriation is provided solely for the following vessel
14 projects: Waste heat recovery pilot project; steering gear ventilation
15 pilot project; and a new propulsion system for the MV Yakima. Before
16 beginning these projects, the Washington state ferries must ensure the
17 vessels' out-of-service time does not negatively impact service to the
18 system.

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

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

34 (9) The department shall review and adjust its capital program
35 staffing levels to ensure staffing is at the most efficient level
36 necessary to implement the capital program in the omnibus
37 transportation appropriations act. The Washington state ferries shall

1 report this review and adjustment to the office of financial management
2 and the house and senate transportation committees of the legislature
3 by July 2009.

4 (10) (~~(\$3,763,000)~~) \$5,851,000 of the total appropriation is
5 provided solely for the Washington state ferries to develop a
6 reservation system. (~~The department shall complete a predesign study
7 and present the study to the joint transportation committee by November
8 1, 2009. This analysis must include an evaluation of the compatibility
9 of the Washington state ferries' electronic fare system, proposed
10 reservation system, and the implementation of smart card. The
11 department may not implement a statewide reservation system until the
12 department is authorized to do so in the 2010 supplemental omnibus
13 transportation appropriations act.~~)

14 (11) \$1,200,000 of the total appropriation is provided solely for
15 improving the toll booth configuration at the Port Townsend and
16 Keystone ferry terminals.

17 (12) (~~(\$3,249,915)~~) \$2,636,000 of the total appropriation is
18 provided solely for continued permitting and archaeological work in
19 order to determine the feasibility of relocating the Mukilteo ferry
20 terminal. In order to ensure that the cultural resources investigation
21 is properly conducted in a coordinated fashion, the department shall
22 work with the department of archaeology and historic preservation and
23 shall conduct work with active archaeological management. The
24 department shall seek additional federal funding for this project.

25 (13) The department shall develop a proposed ferry vessel
26 maintenance, preservation, and improvement program and present it to
27 the transportation committees of the legislature by July 1, 2010. The
28 proposal must:

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

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

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

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

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

6 (iv) A review of the department's vessel maintenance, preservation,
7 and improvement program contracting process and contractual
8 requirements;

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

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

14 (vii) Coordination with required United States coast guard dry
15 dockings;

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

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

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

23 (14) \$247,000 of the Puget Sound capital construction account--
24 state appropriation is provided solely for the Washington state ferries
25 to review and update its vessel life-cycle cost model and report the
26 results to the house of representatives and senate transportation
27 committees of the legislature by (~~December 1, 2009~~) March 1, 2010.
28 This review will evaluate the impact of the planned out-of-service
29 periods scheduled for each vessel on the ability of the overall system
30 to deliver uninterrupted service and will assess the risk of service
31 disruption from unscheduled maintenance or longer than planned
32 maintenance periods.

33 (15) The department shall work with the department of archaeology
34 and historic preservation to ensure that the cultural resources
35 investigation is properly conducted on all large ferry terminal
36 projects. These projects must be conducted with active archaeological
37 management. Additionally, the department shall establish a scientific

1 peer review of independent archaeologists that are knowledgeable about
2 the region and its cultural resources.

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

6 (17) The Puget Sound capital construction account--state
7 appropriation reflects the reduction of three terminal positions due to
8 decreased terminal activity and funding.

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

11 FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL	
12 Essential Rail Assistance Account--State	
13 Appropriation	((\$675,000))
14	<u>\$175,000</u>
15 Transportation Infrastructure Account--State	
16 Appropriation	((\$13,100,000))
17	<u>\$13,184,000</u>
18 Multimodal Transportation Account--State	
19 Appropriation	((\$68,530,000))
20	<u>\$100,002,000</u>
21 Multimodal Transportation Account--Federal	
22 Appropriation	((\$16,054,000))
23	<u>\$619,527,000</u>
24 Multimodal Transportation Account--Private/Local	
25 Appropriation	\$81,000
26 TOTAL APPROPRIATION	((\$98,440,000))
27	<u>\$732,969,000</u>

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

30 (1)(a) Except as provided otherwise in this section, the entire
31 appropriations in this section are provided solely for the projects and
32 activities as listed by (~~fund 7~~) project(~~7~~) and amount in LEAP
33 Transportation Document ALL PROJECTS (~~2009-2~~) 2010-1 as developed
34 (~~April 24, 2009~~) February 22, 2010, Program - Rail Capital Program
35 (Y). (~~However, limited transfers of specific line item project~~
36 ~~appropriations may occur between projects for those amounts listed~~
37 ~~subject to the conditions and limitations in section 603 of this act.~~)

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

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

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

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

18 (c)(i) Within the amounts provided in this section, ((~~\$1,712,022~~))
19 \$1,713,000 of the multimodal transportation account--state
20 appropriation and \$175,000 of the essential rail assistance account--
21 state appropriation are for statewide - emergent freight rail
22 assistance projects as follows: Port of Ephrata/Ephrata - additional
23 spur rehabilitation (BIN 722710A) ((~~\$362,746~~)) \$363,000; Tacoma
24 Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW
25 Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
26 ((~~\$370,650~~)) \$371,000; Clark County owned railroad/Vancouver - track
27 rehabilitation (BIN 710110A) ((~~\$366,813~~)) \$367,000; Tacoma Rail/Tacoma
28 - improved locomotive facility (BIN 711010B) ((~~\$366,813~~)) \$367,000.

29 ~~(ii) ((Within the amounts provided in this section, \$500,000 of the~~
30 ~~essential rail assistance account--state appropriation and \$25,000 of~~
31 ~~the multimodal transportation account--state appropriation are for a~~
32 ~~statewide--emergent freight rail assistance project grant for the~~
33 ~~Tacoma Rail/Roy--new connection to BNSF and Yelm (BIN 711310A)~~
34 ~~project, provided that the grantee first executes a written instrument~~
35 ~~that imposes on the grantee the obligation to repay the grant within~~
36 ~~thirty days in the event that the grantee discontinues or significantly~~
37 ~~diminishes service along the line within a period of five years from~~
38 ~~the date that the grant is awarded.~~

1 (~~iii~~)) Within the amounts provided in this section, (~~(\$337,978)~~)
2 \$338,000 of the multimodal transportation account--state appropriation
3 is for a statewide - emergent freight rail assistance project grant for
4 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
5 provided that the grantee first documents to the satisfaction of the
6 department sufficient commitments from the new shipper or shippers to
7 locate in the publicly owned industrial park west of Creston to ensure
8 that the net present value of the public benefits of the project is
9 greater than the grant amount.

10 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)
11 \$8,115,000 of the transportation infrastructure account--state
12 appropriation is for grants to any intergovernmental entity or local
13 rail district to which the department of transportation assigns the
14 management and oversight responsibility for the business and economic
15 development elements of existing operating leases on the Palouse River
16 and Coulee City (PCC) rail lines. \$300,000 of the transportation
17 infrastructure account--state appropriation is provided solely for a
18 fence line replacement project on the CW line. The PCC rail line
19 system is made up of the CW, P&L, and PV Hooper rail lines. Business
20 and economic development elements include such items as levels of
21 service and business operating plans, but must not include the state's
22 oversight of railroad regulatory compliance, rail infrastructure
23 condition, or real property management issues. The PCC rail system
24 must be managed in a self-sustaining manner and best efforts must be
25 used to ensure that it does not require state capital or operating
26 subsidy beyond the level of state funding expended on it to date. The
27 assignment of the stated responsibilities to an intergovernmental
28 entity or rail district must be on terms and conditions as the
29 department of transportation and the intergovernmental entity or rail
30 district mutually agree. The grant funds may be used only to refurbish
31 the rail lines. It is the intent of the legislature to make the funds
32 appropriated in this section available as grants to an
33 intergovernmental entity or local rail district for the purposes stated
34 in this section at least until June 30, 2012, and to reappropriate as
35 necessary any portion of the appropriation in this section that is not
36 used by June 30, 2011.

37 (2)(a) The department shall issue a call for projects for the
38 freight rail investment bank program and the emergent freight rail

1 assistance program, and shall evaluate the applications according to
2 the cost benefit methodology developed during the 2008 interim using
3 the legislative priorities specified in (c) of this subsection. By
4 November 1, 2010, the department shall submit a prioritized list of
5 recommended projects to the office of financial management and the
6 transportation committees of the legislature.

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

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

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

22 (ii) Self-sustaining economic development that creates family-wage
23 jobs;

24 (iii) Preservation of transportation corridors that would otherwise
25 be lost;

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

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

30 (vi) Mitigation of impacts of increased rail traffic on
31 communities.

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

35 (4) At the earliest possible date, the department shall apply, and
36 assist ports and local jurisdictions in applying, for any federal
37 funding that may be available for any projects that may qualify for
38 such federal funding. State projects must be (a) currently identified

1 on the project list referenced in subsection (1)(a) of this section or
2 (b) projects for which no state match is required to complete the
3 project. Local or port projects must not require additional state
4 funding in order to complete the project, with the exception of (c)
5 state funds currently appropriated for such project if currently
6 identified on the project list referenced in subsection (1)(a) of this
7 section or (d) potential grants awarded in the competitive grant
8 process for the essential rail assistance program. If the department
9 receives any federal funding, the department is authorized to obligate
10 and spend the federal funds in accordance with federal law. To the
11 extent permissible by federal law, federal funds may be used (e) in
12 addition to state funds appropriated for projects currently identified
13 on the project list referenced in subsection (1)(a) of this section in
14 order to advance funding from future biennia for such project(s) or (f)
15 in lieu of state funds; however, the state funds must be redirected
16 within the rail capital program to advance funding for other projects
17 currently identified on the project list referenced in subsection
18 (1)(a) of this section. State funds may be redirected only upon
19 consultation with the transportation committees of the legislature and
20 the office of financial management, and approval by the director of the
21 office of financial management. The department shall spend the federal
22 funds before the state funds, and shall consult the office of financial
23 management and the transportation committees of the legislature
24 regarding project scope changes.

25 (5) The department shall provide quarterly reports to the office of
26 financial management and the transportation committees of the
27 legislature regarding applications that the department submits for
28 federal funds((7)) and the status of such applications((, and the
29 ~~status of projects identified on the list referenced in subsection~~
30 ~~(1)(a) of this section. The quarterly report regarding the status of~~
31 ~~projects identified on the list referenced in subsection (1)(a) of this~~
32 ~~section must be developed according to an earned value method of~~
33 ~~project monitoring)).~~

34 (6) The department shall, on a quarterly basis, provide to the
35 office of financial management and the legislature reports providing
36 the status on active projects identified in the LEAP transportation
37 document described in subsection (1)(a) of this section. Report

1 formatting and elements must be consistent with the October 2009
2 quarterly project report.

3 (7) The multimodal transportation account--state appropriation
4 includes up to (~~(\$20,000,000)~~) \$33,000,000 in proceeds from the sale of
5 bonds authorized in RCW 47.10.867.

6 (~~(+7)~~) (8) When the balance of that portion of the miscellaneous
7 program account apportioned to the department for the grain train
8 program reaches \$1,180,000, the department shall acquire twenty-nine
9 additional grain train railcars.

10 (9) The Burlington Northern Santa Fe Skagit river bridge is an
11 integral part of the rail system. Constructed in 1916, the bridge does
12 not meet current design standards and is at risk during flood events
13 that occur on the Skagit river. The department shall work with
14 Burlington Northern Santa Fe and local jurisdictions to secure federal
15 funding for the Skagit river bridge and to develop an appropriate
16 replacement plan and schedule.

17 (10) \$590,000,000 of the multimodal transportation account--federal
18 appropriation is provided solely for high-speed rail projects awarded
19 to Washington state from the high-speed intercity passenger rail
20 program under the American recovery and reinvestment act. Funding will
21 allow for two additional round trips between Seattle and Portland, and
22 other rail improvements.

23 (11) \$1,000,000 of the multimodal transportation account--state
24 appropriation is provided solely for additional expenditures along the
25 Chelatchie Prairie railroad (LN200025).

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

28 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
29 **CAPITAL**

30	Highway Infrastructure Account--State Appropriation	\$207,000
31	Highway Infrastructure Account--Federal	
32	Appropriation	\$1,602,000
33	Freight Mobility Investment Account--State	
34	Appropriation	((\$13,548,000))
35		<u>\$13,848,000</u>
36	Transportation Partnership Account--State	
37	Appropriation	\$8,863,000

1	Motor Vehicle Account--State Appropriation	((\$12,954,000))
2		<u>\$13,118,000</u>
3	Motor Vehicle Account--Federal Appropriation	((\$39,572,000))
4		<u>\$43,835,000</u>
5	Freight Mobility Multimodal Account--State	
6	Appropriation	((\$14,920,000))
7		<u>\$15,620,000</u>
8	Freight Mobility Multimodal Account--Local	
9	Appropriation	((\$3,135,000))
10		<u>\$3,258,000</u>
11	Multimodal Transportation Account--Federal	
12	Appropriation	((\$2,098,000))
13		<u>\$2,118,000</u>
14	Multimodal Transportation Account--State	
15	Appropriation	((\$28,262,000))
16		<u>\$28,605,000</u>
17	Transportation 2003 Account (Nickel Account)--State	
18	Appropriation	((\$709,000))
19		<u>\$2,709,000</u>
20	Passenger Ferry Account--State Appropriation	\$2,879,000
21	<u>Puyallup Tribal Settlement Account--State</u>	
22	<u>Appropriation</u>	<u>\$5,963,000</u>
23	TOTAL APPROPRIATION	((\$128,749,000))
24		<u>\$142,625,000</u>

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

27 (1) The department shall, on a quarterly basis, provide status
28 reports to the legislature on the delivery of projects as outlined in
29 the project lists incorporated in this section. For projects funded by
30 new revenue in the 2003 and 2005 transportation packages, reporting
31 elements shall include, but not be limited to, project scope, schedule,
32 and costs. Other projects may be reported on a programmatic basis.
33 The department shall also provide the information required under this
34 subsection on a quarterly basis via the transportation executive
35 information system (TEIS).

36 (2) \$2,729,000 of the passenger ferry account--state appropriation
37 is provided solely for near and long-term costs of capital improvements

1 in a business plan approved by the governor for passenger ferry
2 service.

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

6 (4) \$3,000,000 of the motor vehicle account--federal appropriation
7 is provided solely for the Coal Creek parkway project (L1000025).

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

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

15 (7) Federal funds may be transferred from program Z to programs I
16 and P and state funds shall be transferred from programs I and P to
17 program Z to replace those federal funds in a dollar-for-dollar match.
18 Fund transfers authorized under this subsection shall not affect
19 project prioritization status. Appropriations shall initially be
20 allotted as appropriated in this act. The department may not transfer
21 funds as authorized under this subsection without approval of the
22 office of financial management. The department shall submit a report
23 on those projects receiving fund transfers to the office of financial
24 management and the transportation committees of the legislature by
25 December 1, 2009, and December 1, 2010.

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

32 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
33 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
34 vehicle account--federal appropriation, and \$4,000,000 of the
35 transportation partnership account--state appropriation are provided
36 solely for the pedestrian and bicycle safety program projects and safe
37 routes to schools program projects identified in LEAP Transportation
38 Document 2009-A, pedestrian and bicycle safety program projects and

1 safe routes to schools program projects, as developed March 30, 2009,
2 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
3 program projects and safe routes to schools program projects, as
4 developed April 20, 2007, and LEAP Transportation Document 2006-B,
5 pedestrian and bicycle safety program projects and safe routes to
6 schools program projects, as developed March 8, 2006. Projects must be
7 allocated funding based on order of priority. The department shall
8 review all projects receiving grant awards under this program at least
9 semiannually to determine whether the projects are making satisfactory
10 progress. Any project that has been awarded funds, but does not report
11 activity on the project within one year of the grant award must be
12 reviewed by the department to determine whether the grant should be
13 terminated. The department shall promptly close out grants when
14 projects have been completed, and identify where unused grant funds
15 remain because actual project costs were lower than estimated in the
16 grant award.

17 (10) Except as provided otherwise in this section, the entire
18 appropriations in this section are provided solely for the projects and
19 activities as listed by fund, project, and amount in LEAP
20 Transportation Document ALL PROJECTS ((2009-2)) 2010-1 as developed
21 ((April 24, 2009)) February 22, 2010, Program((S)) - Local Program (Z).

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

28 (12) ((~~\$913,386~~)) \$913,000 of the motor vehicle account--state
29 appropriation and ((~~\$2,858,216~~)) \$2,858,000 of the motor vehicle
30 account--federal appropriation are provided solely for completion of
31 the US 101 northeast peninsula safety rest area and associated roadway
32 improvements east of Port Angeles at the Deer Park scenic view point.
33 The department must surplus any right-of-way previously purchased for
34 this project near Sequim. Approval to proceed with construction is
35 contingent on surplus of previously purchased right-of-way. \$865,000
36 of the motor vehicle account--state appropriation is to be placed into
37 unallotted status until such time as the right-of-way sale is
38 completed.

1 TOTAL APPROPRIATION ((~~\$875,000~~))
2 \$781,000

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

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

7 Motor Vehicle Account--State Appropriation:
8 For transfer to the Puget Sound Capital Construction
9 Account ((~~\$118,000,000~~))
10 \$114,000,000

11 The department of transportation is authorized to sell up to
12 ((~~\$118,000,000~~)) \$114,000,000 in bonds authorized by RCW 47.10.843 for
13 vessel and terminal acquisition, major and minor improvements, and long
14 lead-time materials acquisition for the Washington state ferries.

15 **Sec. 404.** 2009 c 470 s 407 (uncodified) is amended to read as
16 follows:

17 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

18 (1) Tacoma Narrows Toll Bridge Account--State
19 Appropriation: For transfer to the Motor Vehicle
20 Account--State \$5,288,000

21 (2) Motor Vehicle Account--State Appropriation:
22 For transfer to the Puget Sound Ferry Operations
23 Account--State ((~~\$17,000,000~~))
24 \$53,000,000

25 (3) Recreational Vehicle Account--State
26 Appropriation: For transfer to the Motor Vehicle
27 Account--State \$2,000,000

28 (4) License Plate Technology Account--State
29 Appropriation: For transfer to the Highway Safety
30 Account--State \$2,750,000

31 (5) Multimodal Transportation Account--State
32 Appropriation: For transfer to the Puget Sound
33 Ferry Operations Account--State \$9,000,000

34 (6) Highway Safety Account--State Appropriation:
35 For transfer to the Multimodal Transportation
36 Account--State \$18,750,000

1 (7) Department of Licensing Services Account--State
2 Appropriation: For transfer to the Motor Vehicle
3 Account--State ((~~\$2,000,000~~))
4 \$1,500,000

5 (8) Advanced Right-of-Way Account: For transfer
6 to the Motor Vehicle Account--State \$14,000,000

7 ~~(9) ((Motor Vehicle Account--State Appropriation:
8 For transfer to the Transportation Partnership
9 Account--State \$8,000,000))~~

10 Motor Vehicle Account--State Appropriation: For
11 transfer to the State Patrol Highway Account--State \$6,000,000

12 (10) Regional Mobility Grant Program Account--State
13 Appropriation: For transfer to the Multimodal
14 Transportation Account--State \$14,000,000

15 (11) Advanced Environmental Mitigation Revolving
16 Account--State Appropriation: For transfer to the
17 Multimodal Transportation Account--State \$5,000,000

18 The transfers identified in this section are subject to the
19 following conditions and limitations: The amount transferred in
20 subsection (1) of this section represents repayment of operating loans
21 and reserve payments provided to the Tacoma Narrows toll bridge account
22 from the motor vehicle account in the 2005-07 fiscal biennium.
23 However, if Engrossed Substitute Senate Bill No. 6499 is enacted by
24 June 30, 2010, the transfer in subsection (1) of this section shall not
25 occur.

26 **COMPENSATION**

27 NEW SECTION. Sec. 501. COMPENSATION. The appropriations for
28 state agencies are subject to the following conditions and limitations:
29 State employee compensation adjustments will be provided in accordance
30 with funding adjustments provided in the 2010 supplemental omnibus
31 appropriations act.

32 **IMPLEMENTING PROVISIONS**

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

3 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
4 submittal (~~((for the 2011-13 fiscal biennium))~~), the department shall
5 provide an annual update to the report provided to the legislature in
6 2008 that:

7 (1) Compares the original project cost estimates approved in the
8 2003 and 2005 project lists to the completed cost of the project, or
9 the most recent legislatively approved budget and total project costs
10 for projects not yet completed;

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

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

15 (4) Identifies highway projects that have lost significant local or
16 regional contributions that were essential to completing the project;
17 and

18 (5) Identifies contingency amounts allocated to projects.

19 NEW SECTION. **Sec. 602.** Any redistributed federal funds received
20 by the department of transportation must, to the greatest extent
21 possible, be first applied to offset planned expenditures of state
22 funds, and second, to offset planned expenditures of federal funds, on
23 projects as identified in the LEAP transportation documents described
24 in this act. If the redistributed federal funds cannot be used in this
25 manner, the department of transportation must consult with the joint
26 transportation committee prior to obligating any redistributed federal
27 funds.

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

30 **FUND TRANSFERS.** (1) The transportation 2003 projects or
31 improvements and the 2005 transportation partnership projects or
32 improvements are listed in LEAP Transportation Document (~~((2009-1))~~)
33 2010-1 as developed (~~((April 24, 2009))~~) February 22, 2010, which
34 consists of a list of specific projects by fund source and amount over
35 a sixteen year period. Current fiscal biennium funding for each
36 project is a line item appropriation, while the outer year funding

1 allocations represent a sixteen year plan. The department is expected
2 to use the flexibility provided in this section to assist in the
3 delivery and completion of all transportation partnership account and
4 transportation 2003 (nickel) account projects on the LEAP lists
5 referenced in this act. For the 2009-11 project appropriations, unless
6 otherwise provided in this act, the director of financial management
7 may authorize a transfer of appropriation authority between projects
8 funded with transportation 2003 account (nickel account)
9 appropriations, or transportation partnership account appropriations,
10 (~~or multimodal transportation account appropriations,~~) in order to
11 manage project spending and efficiently deliver all projects in the
12 respective program under the following conditions and limitations:

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

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

18 (c) Each transfer between projects may only occur if the director
19 of financial management finds that any resulting change will not hinder
20 the completion of the projects as approved by the legislature. Until
21 the legislature reconvenes to consider the 2010 supplemental budget,
22 any unexpended 2007-09 appropriation balance as approved by the office
23 of financial management, in consultation with the legislative staff of
24 the house of representatives and senate transportation committees, may
25 be considered when transferring funds between projects;

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

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

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

34 (g) Transfers between projects may be made by the department of
35 transportation until the transfer amount by project exceeds two hundred
36 fifty thousand dollars, or ten percent of the project, whichever is
37 less. These transfers must be reported quarterly to the director of

1 financial management and the chairs of the house of representatives and
2 senate transportation committees.

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

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

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

16 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

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

19 (1) Effective June 1, 2006, for agencies complying with the ultra-
20 low sulfur diesel mandate of the United States environmental protection
21 agency for on-highway diesel fuel, agencies shall use biodiesel as an
22 additive to ultra-low sulfur diesel for lubricity, provided that the
23 use of a lubricity additive is warranted and that the use of biodiesel
24 is comparable in performance and cost with other available lubricity
25 additives. The amount of biodiesel added to the ultra-low sulfur
26 diesel fuel shall be not less than two percent.

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

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

1 (4) For the 2009-2011 fiscal biennium, the Washington state ferries
2 is required to use a minimum of five percent biodiesel B5 blend as
3 compared to total volume of all diesel purchases made by the Washington
4 state ferries for the operation of the Washington state ferries diesel-
5 powered vessels so long as the per gallon price of diesel containing a
6 five percent biodiesel blend level does not exceed the per gallon price
7 of diesel by more than five percent. If the per gallon price of diesel
8 containing a five percent biodiesel blend level exceeds the per gallon
9 price of diesel by more than five percent, the requirements of this
10 section do not apply to vessel fuel purchases by the Washington state
11 ferries.

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

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

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

19 **Sec. 702.** RCW 47.12.080 and 1984 c 7 s 121 are each amended to
20 read as follows:

21 (1) The secretary of transportation may transfer and convey to the
22 United States, its agencies or instrumentalities, to any other state
23 agency, to any county or city or port district of this state, or to any
24 public utility company, any unused state-owned real property under the
25 jurisdiction of the department of transportation when, in the judgment
26 of the secretary of transportation and the attorney general, the
27 transfer and conveyance is consistent with public interest. Whenever
28 the secretary makes an agreement for any such transfer or conveyance,
29 and the attorney general concurs therein, the secretary shall execute
30 and deliver unto the grantee a deed of conveyance, easement, or other
31 instrument, duly acknowledged, as shall be necessary to fulfill the
32 terms of the aforesaid agreement. All moneys paid to the state of
33 Washington under any of the provisions hereof shall be deposited in the
34 motor vehicle fund.

35 (2) Through the end of the 2009-2011 fiscal biennium, the
36 department shall transfer and convey the unused, state-owned real
37 property as directed in section 215(2) of this act.

1 **Sec. 703.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
2 read as follows:

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

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

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

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

20 **Sec. 704.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
21 read as follows:

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

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

28 (2) All moneys received by the department from internal and
29 external sources for the purposes of conducting advanced environmental
30 mitigation; and

31 (3) Interest gained from the management of the advanced
32 environmental mitigation revolving account.

33 (4) During the 2009-2011 fiscal biennium, the legislature may
34 transfer from the advanced environmental mitigation revolving account
35 to the multimodal transportation account such amounts as reflect the
36 excess fund balance of the advanced environmental mitigation revolving
37 account.

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MISCELLANEOUS

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

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

(End of bill)

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