

1 the purposes designated, are hereby appropriated from the several
2 accounts and funds named to the designated state agencies and offices
3 for employee compensation and other expenses, for capital projects, and
4 for other specified purposes, including the payment of any final
5 judgments arising out of such activities, for the period ending June
6 30, 2013.

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

9 (a) "Fiscal year 2012" or "FY 2012" means the fiscal year ending
10 June 30, 2012.

11 (b) "Fiscal year 2013" or "FY 2013" means the fiscal year ending
12 June 30, 2013.

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

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

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

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

24 (g) "LEAP" means the legislative evaluation and accountability
25 program committee.

26 **2011-2013 FISCAL BIENNIUM**

27 **GENERAL GOVERNMENT AGENCIES--OPERATING**

28 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
29 **HISTORIC PRESERVATION**

30 Motor Vehicle Account--State Appropriation \$402,000

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

1 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
2 **COMMISSION**

3 Grade Crossing Protective Account--State Appropriation \$504,000

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

5 Motor Vehicle Account--State Appropriation \$1,711,000

6 Puget Sound Ferry Operations Account--State
7 Appropriation \$104,000

8 TOTAL APPROPRIATION \$1,815,000

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

11 (1) \$169,000 of the motor vehicle account--state appropriation is
12 provided solely for the office of regulatory assistance integrated
13 permitting project.

14 (2) The office of financial management shall study the available
15 data regarding statewide transit, bicycle, and pedestrian trips and
16 recommend additional performance measures that will effectively measure
17 the state's performance in increasing transit ridership and bicycle and
18 pedestrian trips. The office of financial management shall report its
19 findings and recommendations to the transportation committees of the
20 legislature by November 15, 2011, and integrate the new performance
21 measures into the report prepared by the office of financial management
22 pursuant to RCW 47.04.280 regarding progress towards achieving
23 Washington state's transportation system policy goals.

24 (3) The office of financial management shall ensure the
25 implementation of chapter . . . (House Bill No. 1511), Laws of 2011
26 (efficiency in the ferry system) as it relates to transferring the
27 responsibilities of the marine employees' commission to the public
28 employment relations commission.

29 (4) \$840,000 of the motor vehicle account--state appropriation is
30 provided out of funds set aside out of statewide fuel taxes distributed
31 to counties according to 46.68.120(3) solely for the office of
32 financial management to contract with the Washington state association
33 of counties to identify, evaluate, and implement performance measures
34 associated with county transportation activities. The performance
35 measures must include, at a minimum, those related to safety, system
36 preservation, mobility, environmental protection, and project

1 completion. A report on the county transportation performance
2 implementation project must be provided to the transportation
3 committees of the legislature by December 31, 2012.

4 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
5 **COMMISSION**

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

7 The appropriation in this section is subject to the following
8 conditions and limitations: The entire appropriation in this section
9 is provided solely for road maintenance purposes.

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

11 Motor Vehicle Account--State Appropriation \$1,425,000

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

14 (1) \$351,000 of the motor vehicle account--state appropriation is
15 provided solely for costs associated with the motor fuel quality
16 program.

17 (2) \$901,000 of the motor vehicle account--state appropriation is
18 provided solely to test the quality of biofuel. The department must
19 test fuel quality at the biofuel manufacturer, distributor, and
20 retailer.

21 NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF GENERAL**
22 **ADMINISTRATION**

23 State Patrol Highway Account--State Appropriation \$600,000

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

26 (1) \$600,000 of the state patrol highway account--state
27 appropriation is provided solely for costs associated with the
28 preengineering communication team consultant's contract and
29 reimbursement for agency management of the consultant's contract. This
30 is the maximum amount the department may expend for this purpose.

31 (2) To assist and support the Washington state patrol in its
32 efforts to convert to the narrowbanding requirements established by the
33 federal communications commission, the department must convene,
34 coordinate, and lead a preengineering communication team to work in

1 conjunction with a consultant that specializes in emergency radio
2 communications. The consultant selected must be independent of any
3 equipment vendor and have prior experience with first responder
4 agencies. In addition to the person coordinating the team, who must be
5 appointed by the department from within the department, there must be
6 six other team members. The president of the senate and the speaker of
7 the house of representatives shall each select two members, one from
8 each caucus, to be on the preengineering communication team. There
9 must also be one member from the Washington state patrol and one member
10 from the state interoperability executive committee appointed by the
11 respective agency. The members of the preengineering communication
12 team may consult with other communication specialists and work with
13 agency and legislative staff as required. The consultant must provide
14 a draft public safety radio network architecture and coverage
15 assessment by December 1, 2011, to the preengineering communication
16 team, and a final public safety radio network architecture and coverage
17 assessment by December 31, 2011, to the office of financial management,
18 the president of the senate, and the speaker of the house of
19 representatives.

20 (3) The final report must:

21 (a) Review the existing documentation and publications available
22 from the state interoperability executive committee;

23 (b) Analyze existing state agencies, cities, counties, and private
24 entities network and infrastructure inventory and detail the required
25 reprogramming and replacement status of the components;

26 (c) Document radio coverage requirements and current radio network
27 operations;

28 (d) Review existing or planned state, local, and private entities
29 communication systems for opportunities to partner with those entities
30 to mitigate coverage issues;

31 (e) Redesign the system to address coverage and performance gaps,
32 after meeting narrowbanding requirements;

33 (f) Leverage existing communication systems at the state and local
34 levels along with private entities to take advantage of existing or
35 planned infrastructure;

36 (g) Provide engineering opportunities within budget constraints to
37 ensure that the most recent technology and equipment is being used to

1 best serve state, local, and private entities strategically for future
2 communication platforms;

3 (h) Recommend communication plans and designs to be considered for
4 radio specifications, performance, and interoperability;

5 (i) Develop a migration plan and cost analysis, including
6 schedules;

7 (j) Develop a request for proposals that will encourage multiple
8 proposals;

9 (k) Identify the required elements that should be included in a
10 request for proposal to ensure that the equipment chosen can be
11 integrated with different manufacturers and different protocols for
12 flexibility and cost efficiency for future equipment purchasing while
13 considering performance and communication systems compatibility; and

14 (l) Develop a budget proposal with the elements described in this
15 subsection that provides options and considers state, local, and
16 private entities systems that are already in place, or planned to be in
17 place, for partnering opportunities.

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

20 Motor Vehicle Account--State Appropriation \$513,000

21 NEW SECTION. **Sec. 108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

22 Motor Vehicle Account--State Appropriation \$505,000

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

25 (1) \$505,000 of the motor vehicle account--state appropriation is
26 provided solely to provide support for the transportation executive
27 information system.

28 (2) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
29 (department of enterprise services) is enacted, the department shall
30 execute an interagency agreement with the department of transportation
31 to transfer the time, leave, and labor distribution system project
32 responsibility and the project funding arrangements that are contained
33 in this act. Upon completion of this project, the statewide financial
34 systems staff in collaboration with the state treasurer's office must
35 establish a repayment schedule to reimburse the transportation accounts

1 for the proportionate startup costs that should be borne by other state
2 agencies.

3 **TRANSPORTATION AGENCIES--OPERATING**

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

6	Highway Safety Account--State Appropriation	\$3,003,000
7	Highway Safety Account--Federal Appropriation	\$42,625,000
8	Highway Safety Account--Local Appropriation	\$50,000
9	School Zone Safety Account--State Appropriation	\$3,340,000
10	TOTAL APPROPRIATION	\$49,018,000

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

13 (1) \$460,000 of the highway safety account--state appropriation is
14 provided solely for the implementation of chapter . . . (Substitute
15 House Bill No. 1167), Laws of 2011 (expanding provisions related to
16 driving a motor vehicle while under the influence of alcohol or drugs).
17 If chapter . . . (Substitute House Bill No. 1167), Laws of 2011 is not
18 enacted by June 30, 2011, the amount provided in this subsection
19 lapses.

20 (2) \$22,000,000 of the highway safety account--federal
21 appropriation is provided solely for federal funds that may be
22 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the
23 2011-2013 fiscal biennium.

24 (3) \$1,673,900 of the highway safety account--federal appropriation
25 is provided solely for the conclusion of the target zero trooper pilot
26 program, which the commission has developed and implemented in
27 collaboration with the Washington state patrol. The pilot program must
28 continue to demonstrate the effectiveness of intense, high visibility,
29 driving under the influence enforcement in Washington. The commission
30 shall continue to apply to the national highway traffic safety
31 administration for federal highway safety grants to cover the cost of
32 the pilot program.

33 (4) The commission may oversee pilot projects implementing the use
34 of automated traffic safety cameras to detect speed violations within
35 cities west of the Cascade mountains that have a population over one

1 hundred ninety-five thousand. For the purposes of pilot projects in
2 this subsection, no more than one automated traffic safety camera may
3 be used to detect speed violations within any one jurisdiction.

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

6 (b) In order to ensure adequate time in the 2011-2013 fiscal
7 biennium to evaluate the effectiveness of the pilot projects, any
8 projects authorized by the commission must be authorized by December
9 31, 2011.

10 (c) By January 1, 2013, the commission shall provide a report to
11 the legislature regarding the use, public acceptance, outcomes, and
12 other relevant issues regarding automated traffic safety cameras
13 demonstrated by the pilot projects.

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

15 Rural Arterial Trust Account--State Appropriation	\$948,000
16 Motor Vehicle Account--State Appropriation	\$2,161,000
17 County Arterial Preservation Account--State	
18 Appropriation	\$1,480,000
19 TOTAL APPROPRIATION	\$4,589,000

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

21 Urban Arterial Trust Account--State Appropriation	\$1,854,000
22 Transportation Improvement Account--State	
23 Appropriation	\$1,857,000
24 TOTAL APPROPRIATION	\$3,711,000

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

26 Motor Vehicle Account--State Appropriation	\$1,610,000
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27 The appropriation in this section is subject to the following
28 conditions and limitations:

29 (1) \$425,000 of the motor vehicle account--state appropriation is
30 for the joint transportation committee to conduct a study to evaluate
31 the potential for financing state transportation projects using
32 innovative financing methods, including public-private partnerships.
33 The study must compare the costs, advantages, and disadvantages of
34 various forms of public-private partnerships with conventional
35 financing. Projects to be evaluated include Interstate 405, state

1 route number 509, state route number 167, and the Columbia river
2 crossing. At a minimum, for each project the study must evaluate
3 whether public-private partnerships are in the public interest,
4 including the advantage and disadvantage of risk allocation and the
5 effects of private versus public financing on the state's bonding
6 capacity, and the study must identify the funding models that are most
7 advantageous to the state. The committee shall issue a report of its
8 evaluation to the house of representatives and senate transportation
9 committees by December 16, 2011.

10 (2) \$200,000 of the motor vehicle account--state appropriation is
11 from the cities statewide fuel tax distributions under RCW 46.68.110(2)
12 for the joint transportation committee to study and make
13 recommendations on RCW 90.03.525. The study must include: (a) An
14 inventory of state highways subject to the federal clean water act (40
15 C.F.R. Parts 122 through 124) (national pollutant discharge elimination
16 system) that are within city boundaries; (b) a survey of cities that
17 impose storm water fees or charges to the department of transportation,
18 or otherwise manage storm water runoff from state highways within their
19 jurisdiction; (c) case studies from a representative cross-section of
20 cities on how the department and cities have used RCW 90.03.525; and
21 (d) recommendations on how to achieve efficiencies in the cost and
22 management of state highway storm water runoff within cities under RCW
23 90.03.525.

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

25 Motor Vehicle Account--State Appropriation	\$1,975,000
26 Multimodal Transportation Account--State Appropriation	\$112,000
27 TOTAL APPROPRIATION	\$2,087,000

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

30 (1) In accordance with the actions taken by the legislature in
31 chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and
32 pursuant to RCW 43.135.055 and 47.60.315, during the 2011-2013 fiscal
33 biennium, the transportation commission is authorized to review and, if
34 necessary, modify the schedule of fares for the Washington state ferry
35 system, as required under RCW 47.60.315. For purposes of this
36 subsection, "modify" includes increases or decreases to the schedule.

1 The transportation commission shall not implement a fuel surcharge in
2 the 2011-2013 fiscal biennium.

3 (2) In accordance with the actions taken by the legislature in
4 chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and
5 pursuant to RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal
6 biennium, the transportation commission is authorized to review and, if
7 necessary, modify the schedule of toll charges applicable to the Tacoma
8 Narrows bridge, taking into consideration the recommendations of the
9 citizen advisory committee created under RCW 47.46.091, as required
10 under RCW 47.46.100. For purposes of this subsection, "modify"
11 includes increases or decreases to the schedule.

12 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
13 **INVESTMENT BOARD**

14 Motor Vehicle Account--State Appropriation \$656,000

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

20 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

21 Vehicle Licensing Fraud Account--State Appropriation \$100,000
22 State Patrol Highway Account--State
23 Appropriation \$349,689,000
24 State Patrol Highway Account--Federal
25 Appropriation \$10,903,000
26 State Patrol Highway Account--Private/Local
27 Appropriation \$3,369,000
28 TOTAL APPROPRIATION \$364,061,000

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

31 (1) Washington state patrol officers engaged in off-duty uniformed
32 employment providing traffic control services to the department of
33 transportation or other state agencies may use state patrol vehicles
34 for the purpose of that employment, subject to guidelines adopted by
35 the chief of the Washington state patrol. The Washington state patrol
36 must be reimbursed for the use of the vehicle at the prevailing state

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

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

15 (3) Within existing resources, the Washington state patrol shall
16 make every reasonable effort to increase the enrollment in each academy
17 class that commences during the 2011-2013 fiscal biennium to fifty-five
18 cadets.

19 (4) The Washington state patrol shall collaborate with the
20 Washington traffic safety commission to implement the target zero
21 trooper pilot program referenced in section 201(3) of this act.

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

31 (6) \$12,655,000 of the total appropriation is provided solely for
32 automobile fuel in the 2011-2013 fiscal biennium.

33 (7) \$7,421,000 of the total appropriation is provided solely for
34 the purchase of pursuit vehicles.

35 (8) \$6,611,000 of the total appropriation is provided solely for
36 vehicle repair and maintenance costs of vehicles used for highway
37 purposes.

1 (9) \$1,724,000 of the total appropriation is provided solely for
2 the purchase of mission vehicles used for highway purposes in the
3 commercial vehicle and traffic investigation sections of the Washington
4 state patrol.

5 (10) \$75,000 of the state patrol highway account--state
6 appropriation is provided solely for the implementation of chapter ...
7 (Engrossed Second Substitute Senate Bill No. 5000), Laws of 2011
8 (mandating a twelve-hour impound hold on motor vehicles used by persons
9 arrested for driving under the influence). If chapter ... (Engrossed
10 Second Substitute Senate Bill No. 5000), Laws of 2011 is not enacted by
11 June 30, 2011, the amount provided in this subsection lapses.

12 (11) \$1,718,000 of the state patrol highway account--state
13 appropriation is provided solely for the mobile office platform.

14 (12) The Washington state patrol is directed to request a waiver
15 from the federal communications commission by August 1, 2011, to extend
16 the time frame necessary for conversion to narrowbanding from January
17 1, 2013, to January 1, 2014. The basis for the extension is to
18 provide: Additional time for preengineering to identify existing state
19 and local infrastructure that the state can leverage to assist in
20 mitigating any communication gaps after the conversion; opportunities
21 for partnering between agencies at the state and local levels; and
22 additional refinement of the costs of the proposal.

23 (13) \$100,000 of the vehicle licensing fraud account--state
24 appropriation is provided solely to support the vehicle license fraud
25 program. Expenditures from the amount provided in this subsection may
26 not exceed \$4,167 per month.

27 (14) During the 2011-2013 fiscal biennium, the Washington state
28 patrol shall continue to perform traffic accident investigations on
29 Thurston county roads, and shall work with Thurston county to
30 transition the traffic accident investigations on Thurston county roads
31 to Thurston county by July 1, 2013.

32 **NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING**

33 Marine Fuel Tax Refund Account--State Appropriation	\$32,000
34 Motorcycle Safety Education Account--State	
35 Appropriation	\$4,411,000
36 Wildlife Account--State Appropriation	\$859,000
37 Highway Safety Account--State Appropriation	\$147,220,000

1	Highway Safety Account--Federal Appropriation	\$2,884,000
2	Motor Vehicle Account--State Appropriation	\$77,182,000
3	Motor Vehicle Account--Private/Local Appropriation	\$1,663,000
4	Motor Vehicle Account--Federal Appropriation	\$242,000
5	Department of Licensing Services Account--State	
6	Appropriation	\$5,851,000
7	Ignition Interlock Device Revolving Account--State	
8	Appropriation	\$1,315,000
9	TOTAL APPROPRIATION	\$241,659,000

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

12 (1) \$11,688,000 of the highway safety account--state appropriation
13 is provided solely for costs associated with: Issuing enhanced
14 drivers' licenses and identicards at the enhanced licensing services
15 offices; extended hours at those licensing services offices; cross-
16 border tourism education; and other education campaigns. This is the
17 maximum amount the department may expend for this purpose.

18 (2) \$1,315,000 of the ignition interlock device revolving account--
19 state appropriation is provided solely for the department to assist
20 indigent persons with the costs of installing, removing, and leasing
21 the device, and applicable licensing pursuant to RCW 46.68.340.

22 (3) \$1,738,000 of the department of licensing services account--
23 state appropriation is provided solely for purchasing equipment for the
24 field licensing service offices and subagent offices.

25 (4) The department shall prepare a report to the legislature on the
26 residency verification process it implemented in November 2010. The
27 process is designed to ensure that individuals who receive a Washington
28 state driver's license or identicard are Washington state residents.
29 The report must outline the verification process and outcomes for
30 driver's license and identicard applicants who do not provide a social
31 security number. The report must include (a) a list of the documents
32 that suffice to show proof of residency; (b) a description of how the
33 department verifies the documents; (c) a description of the process for
34 issuing a temporary authorization to drive; (d) the number and
35 percentage of driver's license and identicard applicants without a
36 social security number by month from November 2010 through October
37 2011; and (e) the number and percentage of applicants without a social
38 security number that are issued or denied a driver's license or

1 identicard from November 2010 through October 2011. The report must be
2 submitted to the transportation committees of the legislature by
3 November 15, 2011.

4 (5) \$282,000 of the motor vehicle account--private/local
5 appropriation is provided solely for implementation of chapter ...
6 (House Bill No. 1536), Laws of 2011 (congestion reduction charge) or
7 chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011
8 (congestion reduction charge). If chapter ... (House Bill No. 1536),
9 Laws of 2011 or chapter ... (Engrossed Substitute Senate Bill No.
10 5457), Laws of 2011 is not enacted by June 30, 2011, the amount
11 provided in this subsection lapses.

12 (6) \$66,000 of the highway safety account--state appropriation is
13 provided solely for implementation of chapter ... (Substitute House
14 Bill No. 1237), Laws of 2011 (selective service registration). Funding
15 for chapter ... (Substitute House Bill No. 1237), Laws of 2011 assumes
16 a financial contribution from the selective service system. If chapter
17 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by
18 June 30, 2011, the amount provided in this subsection lapses.

19 (7) \$253,000 of the highway safety account--state appropriation is
20 provided solely for implementation of chapter ... (Engrossed Substitute
21 House Bill No. 1635), Laws of 2011 (drivers' licenses, identicards).
22 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011
23 is not enacted by June 30, 2011, the amount provided in this subsection
24 lapses.

25 (8) \$107,000 of the highway safety account--state appropriation is
26 provided solely for implementation of chapter ... (Engrossed Second
27 Substitute House Bill No. 1789), Laws of 2011 (DUI accountability). If
28 chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of
29 2011 is not enacted by June 30, 2011, the amount provided in this
30 subsection lapses.

31 (9) \$229,000 of the department of licensing services account--state
32 appropriation is provided solely for a phased implementation of chapter
33 ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel
34 quick title). Funding is contingent upon revenues associated with the
35 vessel and vehicle quick title program paying all direct and indirect
36 expenditures associated with the department's implementation of chapter
37 ... (Substitute House Bill No. 1046), Laws of 2011. If chapter ...

1 (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June
2 30, 2011, the amount provided in this subsection lapses.

3 (10) Funding in this section is sufficient to implement chapter ...
4 (House Bill No. 1577), Laws of 2011 (driver's license and identicard
5 applicants), or similar legislation, if enacted.

6 (11) \$647,000 of the highway safety account--state appropriation is
7 provided solely for the implementation of chapter ... (House Bill No.
8 1229), Laws of 2011 (commercial drivers). If chapter ... (House Bill
9 No. 1229), Laws of 2011 (commercial drivers) is not enacted by June 30,
10 2012, the amount provided in this subsection lapses.

11 NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--**
12 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

13	High Occupancy Toll Lanes Operations Account--State	
14	Appropriation	\$1,295,000
15	Motor Vehicle Account--State Appropriation	\$551,000
16	Tacoma Narrows Toll Bridge Account--State	
17	Appropriation	\$23,652,000
18	State Route Number 520 Corridor Account--State	
19	Appropriation	\$27,295,000
20	State Route Number 520 Civil Penalties	
21	Account--State Appropriation	\$4,622,000
22	TOTAL APPROPRIATION	\$57,415,000

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

25 (1) The department shall make detailed quarterly expenditure
26 reports available to the transportation commission and to the public on
27 the department's web site using current department resources. The
28 reports must include a summary of revenue generated by tolls on the
29 Tacoma Narrows bridge and state route number 520 bridge and an itemized
30 depiction of the use of that revenue.

31 (2) \$17,786,000 of the state route number 520 corridor
32 account--state appropriation is provided solely for nonvendor costs
33 associated with tolling the state route number 520 bridge. Funds from
34 the state route number 520 corridor account--state appropriation shall
35 not be used to pay for items prohibited by Executive Order 1057,
36 including subscriptions to technical publications, employee educational

1 expenses, professional membership dues and fees, employee recognition
2 and safety awards, meeting meals and light refreshments, commute trip
3 reduction incentives, and employee travel.

4 (3) The department shall report quarterly on the civil penalty
5 process to the office of financial management and the house of
6 representatives and senate transportation committees beginning
7 September 30, 2011. The reports must include a summary table for each
8 toll facility that includes: The number of notices of civil penalty
9 issued; the number of recipients who pay before the notice becomes a
10 penalty; the number of recipients who request a hearing and the number
11 who do not respond; workload costs related to hearings; the cost and
12 effectiveness of debt collection activities; and revenues generated
13 from notices of civil penalty.

14 (4) \$164,000 of the state route number 520 corridor account--state
15 appropriation and \$259,000 of the Tacoma Narrows toll bridge account--
16 state appropriation are provided solely for benchmark studies for
17 tolling operations. These studies are to determine the costs of
18 tolling operations activities so that efficiencies may be identified
19 and future costs may be reduced.

20 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **INFORMATION TECHNOLOGY--PROGRAM C**

22	Transportation Partnership Account--State	
23	Appropriation	\$1,460,000
24	Motor Vehicle Account--State Appropriation	\$67,745,000
25	Multimodal Transportation Account--State	
26	Appropriation	\$3,607,000
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	\$1,460,000
29	TOTAL APPROPRIATION	\$74,272,000

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

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

1 to encourage coordination and integration of information used by the
2 department and other state agencies and to avoid duplication.

3 (2) \$210,000 of the motor vehicle account--state appropriation is
4 provided solely to continue compliance with storm water permit
5 requirements.

6 (3) \$502,000 of the motor vehicle account--state appropriation is
7 provided solely to provide support for the transportation executive
8 information system.

9 (4) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
10 (department of enterprise services) is enacted, the department shall
11 execute an interagency agreement with the department of enterprise
12 services to transfer the time, leave, and labor distribution system
13 project responsibility and the funds appropriated for this project in
14 this section.

15 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**
16 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
17 Motor Vehicle Account--State Appropriation \$25,851,000

18 The appropriation in this section is subject to the following
19 conditions and limitations: \$850,000 of the motor vehicle account--
20 state appropriation is provided solely to continue compliance with
21 storm water permit requirements.

22 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
23 **AVIATION--PROGRAM F**
24 Aeronautics Account--State Appropriation \$6,066,000
25 Aeronautics Account--Federal Appropriation \$2,150,000
26 TOTAL APPROPRIATION \$8,216,000

27 The appropriations in this section are subject to the following
28 conditions and limitations: \$200,000 of the aeronautics account--state
29 appropriation is a reappropriation provided solely to complete runway
30 preservation projects.

31 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**
33 Motor Vehicle Account--State Appropriation \$47,918,000
34 Motor Vehicle Account--Federal Appropriation \$500,000
35 Multimodal Transportation Account--State

1	Appropriation	\$250,000
2	TOTAL APPROPRIATION	\$48,668,000

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

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

13 (2) \$3,754,000 of the motor vehicle account--state appropriation is
14 provided solely to continue compliance with storm water permit
15 requirements.

16 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **ECONOMIC PARTNERSHIPS--PROGRAM K**

18	Motor Vehicle Account--State Appropriation	\$602,000
19	Multimodal Transportation Account--State Appropriation	\$50,000
20	TOTAL APPROPRIATION	\$652,000

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

23 (1) \$50,000 of the multimodal transportation account--state
24 appropriation is provided solely for the department to develop and
25 implement public-private partnerships at high priority terminals as
26 identified in the January 12, 2009, final report on joint development
27 opportunities at Washington state ferries terminals.

28 (2) \$30,000 of the motor vehicle account--state appropriation is
29 provided solely for the continuation of a pilot project allowing
30 advertisements and sponsorships on select web pages. The pilot project
31 must be organized under the partnership model described in the
32 department's web site monetizing feasibility study. Once operational,
33 the pilot project must operate for at least twelve consecutive months.
34 After twelve months of continuous operation, the department shall
35 provide a report with recommendations on whether to continue project
36 operations to the office of financial management and the chairs of the
37 transportation committees of the legislature. The department may end

1 the pilot project after less than twelve consecutive months of
2 operation if insufficient bids or proposals are received from potential
3 sponsors or advertisers. For the purpose of this subsection, if a
4 consultant contract is warranted, the consultant contract is deemed a
5 revenue generation activity as that term is construed in section
6 602(2), chapter 3, Laws of 2010.

7 (3) The department shall conduct a study on the potential to
8 generate revenue from both on-premise and off-premise outdoor
9 advertising signs that are erected or maintained adjacent and visible
10 to the interstate system highways, primary system highways, or scenic
11 system highways. The study must provide the following recommendation
12 and evaluations: An evaluation of the market for outdoor advertising
13 signs, including an evaluation of the number of potential advertisers
14 and the amount charged by other jurisdictions for sign permits; a
15 recommendation for a revised fee structure that recognizes the market
16 value for both off-premise and on-premise signs and considers charging
17 differential fees based on the size and type of sign; and an evaluation
18 of public-private partnership opportunities related to outdoor
19 advertising signs. In addition, the study must consider how outdoor
20 advertising signs can accommodate new technologies without providing
21 too much distraction for drivers.

22 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
23 **HIGHWAY MAINTENANCE--PROGRAM M**

24	Motor Vehicle Account--State Appropriation	\$380,327,000
25	Motor Vehicle Account--Federal Appropriation	\$7,000,000
26	TOTAL APPROPRIATION	\$387,327,000

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

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

34 (2) The department shall request an unanticipated receipt for any
35 federal moneys received for emergency snow and ice removal and shall
36 place an equal amount of the motor vehicle account--state appropriation

1 into unallotted status. This exchange shall not affect the amount of
2 funding available for snow and ice removal.

3 (3) \$7,000,000 of the motor vehicle account--federal appropriation
4 is for unanticipated federal funds that may be received during the
5 2011-2013 fiscal biennium. Upon receipt of the funds, the department
6 shall provide a report on the use of the funds to the transportation
7 committees of the legislature and the office of financial management.

8 (4) The department may work with the department of corrections to
9 utilize corrections crews for the purposes of litter pickup on state
10 highways.

11 (5) \$6,884,000 of the motor vehicle account--state appropriation is
12 provided solely for the high priority maintenance backlog.

13 (6) \$317,000 of the motor vehicle account--state appropriation is
14 provided solely for maintaining a new active traffic management system
15 on Interstate 5, Interstate 90, and state route number 520. The
16 department shall track the costs associated with these systems on a
17 corridor basis and report to the legislative transportation committees
18 on the cost and benefits of the system by December 1, 2011.

19 (7) \$4,530,000 of the motor vehicle account--state appropriation is
20 provided solely to continue compliance with storm water permit
21 requirements.

22 (8) \$7,000,000 of the motor vehicle account--state appropriation is
23 provided solely for third-party damages to the highway system where the
24 responsible party is known and reimbursement is anticipated.

25 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
26 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

27 Motor Vehicle Account--State Appropriation	\$50,166,000
28 Motor Vehicle Account--Federal Appropriation	\$2,050,000
29 Motor Vehicle Account--Private/Local Appropriation	\$127,000
30 TOTAL APPROPRIATION	\$52,343,000

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

33 (1) \$6,000,000 of the motor vehicle account--state appropriation is
34 provided solely for low-cost enhancements. The department shall give
35 priority to low-cost enhancement projects that improve safety or
36 provide congestion relief. The department shall prioritize low-cost
37 enhancement projects on a statewide rather than regional basis. By

1 September 1st of each even-numbered year, the department shall provide
2 a report to the legislature listing all low-cost enhancement projects
3 prioritized on a statewide rather than regional basis completed in the
4 prior year.

5 (2) \$145,000 of the motor vehicle account--state appropriation is
6 provided solely for the department to continue a pilot tow truck
7 incentive program and to expand the program to other areas of the
8 state. The department may provide incentive payments to towing
9 companies that meet clearance goals on accidents that involve heavy
10 trucks.

11 (3) The department shall track the costs associated with active
12 traffic management systems on a corridor basis and report to the
13 legislative transportation committees on the cost and benefits of the
14 system by December 31, 2011.

15 (4) During the 2011-2013 biennium, the department shall implement
16 a pilot program that expands private transportation providers' access
17 to high occupancy vehicle lanes. Under the pilot program, when the
18 department reserves a portion of a highway based on the number of
19 passengers in a vehicle, the following vehicles must be authorized to
20 use the reserved portion of the highway if the vehicle has the capacity
21 to carry eight or more passengers, regardless of the number of
22 passengers in the vehicle: (a) Auto transportation company vehicles
23 regulated under chapter 81.68 RCW; (b) passenger charter carrier
24 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
25 stretch limousines and stretch sport utility vehicles as defined under
26 department rules; (c) private nonprofit transportation provider
27 vehicles regulated under chapter 81.66 RCW; and (d) private employer
28 transportation service vehicles. For purposes of this subsection,
29 "private employer transportation service" means regularly scheduled,
30 fixed-route transportation service that is offered by an employer for
31 the benefit of its employees. By June 30, 2013, the department shall
32 report to the transportation committees of the legislature on whether
33 private transportation provider use of high occupancy vehicle lanes
34 under the pilot program reduces the speeds of high occupancy vehicle
35 lanes. Nothing in this subsection is intended to authorize the
36 conversion of public infrastructure to private, for-profit purposes or
37 to otherwise create an entitlement or other claim by private users to

1 public infrastructure. If chapter ... (Substitute Senate Bill No.
2 5791), Laws of 2011 is enacted by June 30, 2011, this subsection is
3 null and void.

4 (5) \$9,000,000 of the motor vehicle account--state appropriation is
5 provided solely for the department's incident response program.

6 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
7 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

8	Motor Vehicle Account--State Appropriation	\$28,430,000
9	Motor Vehicle Account--Federal Appropriation	\$30,000
10	Multimodal Transportation Account--State	
11	Appropriation	\$973,000
12	TOTAL APPROPRIATION	\$29,433,000

13 The appropriations in this section are subject to the following
14 conditions and limitations: The department shall utilize existing
15 resources and customer service staff to develop and implement new
16 policies and procedures to ensure compliance with new federal passenger
17 vessel Americans with disabilities act requirements.

18 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

20	Motor Vehicle Account--State Appropriation	\$23,194,000
21	Motor Vehicle Account--Federal Appropriation	\$21,885,000
22	Multimodal Transportation Account--State	
23	Appropriation	\$662,000
24	Multimodal Transportation Account--Federal	
25	Appropriation	\$3,559,000
26	Multimodal Transportation Account--Private/Local	
27	Appropriation	\$100,000
28	TOTAL APPROPRIATION	\$49,400,000

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

31 (1) \$70,000 of the motor vehicle account--state appropriation is a
32 reappropriation provided solely for a corridor study of state route
33 number 516 from the eastern border of Maple Valley to state route
34 number 167 to determine whether improvements are needed and the costs
35 of any needed improvements.

1 (2) By October 1, 2011, the department shall make recommendations
2 to the office of financial management and the transportation committees
3 of the legislature on cost savings that can be achieved through
4 consolidating reporting and planning functions within the department.

5 (3) Within available resources, the department must collaborate
6 with the affected metropolitan planning organizations, regional
7 transportation planning organizations, and transit agencies to develop
8 a plan to reduce vehicle demand, increase public transportation
9 options, and reduce vehicle miles traveled on corridors affected by
10 growth at Joint Base Lewis-McChord.

11 (4) \$750,000 of the multimodal transportation account--federal
12 appropriation is provided solely for the Whatcom council of governments
13 to continue their work and support of the international mobility and
14 trade corridor project.

15 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
16 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

17 Motor Vehicle Account--State Appropriation	\$86,121,000
18 Motor Vehicle Account--Federal Appropriation	\$400,000
19 Multimodal Transportation Account--State Appropriation . . .	\$3,320,000
20 TOTAL APPROPRIATION	\$89,841,000

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

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

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

29 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
30 DIVISION OF RISK MANAGEMENT FEES \$1,506,000

31 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE
32 AUDITOR \$153,000

33 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
34 ADMINISTRATION \$13,100,000

35 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
36 PERSONNEL \$12,402,000

37 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY

1	PREMIUMS AND ADMINISTRATION	\$44,163,000
2	(f) FOR ARCHIVES AND RECORDS MANAGEMENT	\$541,000
3	(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS	
4	ENTERPRISES	\$1,311,000
5	(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS	
6	PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT	\$1,111,000
7	(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE	
8	DEPARTMENT OF INFORMATION SERVICES	\$539,000
9	(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
10	GENERAL'S OFFICE	\$9,451,000
11	(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
12	GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT	
13	LITIGATION	\$237,000
14	(l) FOR WORKER COMPENSATION CHARGES	\$2,496,000
15	(m) FOR DATA CENTER RATE INCREASE	\$2,759,000
16	(n) FOR OFFICE OF FINANCIAL MANAGEMENT INFORMATION	
17	TECHNOLOGY SERVICES	\$72,000

18 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **PUBLIC TRANSPORTATION--PROGRAM V**

20	Rural Mobility Grant Program Account--State	
21	Appropriation	\$17,000,000
22	Regional Mobility Grant Program Account--State	
23	Appropriation	\$48,942,000
24	Multimodal Transportation Account--State	
25	Appropriation	\$42,617,000
26	Multimodal Transportation Account--Federal	
27	Appropriation	\$2,582,000
28	Multimodal Transportation Account--Private/Local	
29	Appropriation	\$1,027,000
30	State Vehicle Parking Account--State Appropriation	\$452,000
31	TOTAL APPROPRIATION	\$112,620,000

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

34 (1) \$25,000,000 of the multimodal transportation account--state
35 appropriation is provided solely for a grant program for special needs
36 transportation provided by transit agencies and nonprofit providers of
37 transportation.

1 (a) \$5,500,000 of the amount provided in this subsection is
2 provided solely for grants to nonprofit providers of special needs
3 transportation. Grants for nonprofit providers must be based on need,
4 including the availability of other providers of service in the area,
5 efforts to coordinate trips among providers and riders, and the cost
6 effectiveness of trips provided.

7 (b) \$19,500,000 of the amount provided in this subsection is
8 provided solely for grants to transit agencies to transport persons
9 with special transportation needs. To receive a grant, the transit
10 agency must have a maintenance of effort for special needs
11 transportation that is no less than the previous year's maintenance of
12 effort for special needs transportation. Grants for transit agencies
13 shall be prorated based on the amount expended for demand response
14 service and route deviated service in calendar year 2009 as reported in
15 the "Summary of Public Transportation - 2009" published by the
16 department of transportation. No transit agency may receive more than
17 thirty percent of these distributions.

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

20 (a) \$8,500,000 of the rural mobility grant program account--state
21 appropriation is provided solely for grants for those transit systems
22 serving small cities and rural areas as identified in the "Summary of
23 Public Transportation - 2009" published by the department of
24 transportation. Noncompetitive grants must be distributed to the
25 transit systems serving small cities and rural areas in a manner
26 similar to past disparity equalization programs. If the funding
27 provided in this subsection (2)(a) exceeds the amount required for
28 recipient counties to reach eighty percent of the average per capita
29 sales tax, funds in excess of that amount may be used for the
30 competitive grant process established in (b) of this subsection.

31 (b) \$8,500,000 of the rural mobility grant program account--state
32 appropriation is provided solely to providers of rural mobility service
33 in areas not served or underserved by transit agencies through a
34 competitive grant process.

35 (3)(a) \$6,000,000 of the multimodal transportation account--state
36 appropriation is provided solely for a vanpool grant program for: (a)
37 Public transit agencies to add vanpools or replace vans; and (b)
38 incentives for employers to increase employee vanpool use. The grant

1 program for public transit agencies will cover capital costs only;
2 operating costs for public transit agencies are not eligible for
3 funding under this grant program. Additional employees may not be
4 hired from the funds provided in this section for the vanpool grant
5 program, and supplanting of transit funds currently funding vanpools is
6 not allowed. The department shall encourage grant applicants and
7 recipients to leverage funds other than state funds.

8 (b) At least \$1,600,000 of the amount provided in this subsection
9 must be used for vanpool grants in congested corridors.

10 (c) \$520,000 of the amount provided in this subsection is provided
11 solely for the purchase of additional vans for use by vanpools serving
12 soldiers and civilian employees at Joint Base Lewis-McChord.

13 (4) \$120,000 of the multimodal transportation account--state
14 appropriation is a reappropriation provided solely for a grant for a
15 flexible carpooling pilot project program to be administered and
16 monitored by the department.

17 (5) \$3,470,000 of the regional mobility grant program account--
18 state appropriation is reappropriated and provided solely for the
19 regional mobility grant projects identified on the LEAP Transportation
20 Document 2007-B, as developed April 20, 2007, or the LEAP
21 Transportation Document 2006-D, as developed March 8, 2006. The
22 department shall continue to review all projects receiving grant awards
23 under this program at least semiannually to determine whether the
24 projects are making satisfactory progress.

25 (6) \$5,472,000 of the regional mobility grant program account--
26 state appropriation is a reappropriation provided solely for the
27 regional mobility grant projects identified in LEAP Transportation
28 Document 2009-B, as developed April 24, 2009. The department shall
29 review all projects receiving grant awards under this program at least
30 semiannually to determine whether the projects are making satisfactory
31 progress.

32 (7) \$40,000,000 of the regional mobility grant program
33 account--state appropriation is provided solely for the regional
34 mobility grant projects identified in LEAP Transportation Document
35 2011-B, as developed March 21, 2011, except for providing funding to
36 the Lakewood to Seattle Commuter Rail Expansion - Vehicles project by
37 moving the NW Market/45th Street Transit Priority Corridor Improvements
38 project from the funded portion of the LEAP Transportation Document

1 2011-B, as developed March 21, 2011, to the top of the unfunded portion
2 of the LEAP Transportation Document 2011-B, as developed March 21,
3 2011, and providing the funding for the NW Market/45th Street Transit
4 Priority Corridor Improvements project to the Lakewood to Seattle
5 Commuter Rail Expansion - Vehicles project. The department shall
6 review all projects receiving grant awards under this program at least
7 semiannually to determine whether the projects are making satisfactory
8 progress. Any project that has been awarded funds, but does not report
9 activity on the project within one year of the grant award, must be
10 reviewed by the department to determine whether the grant should be
11 terminated. The department shall promptly close out grants when
12 projects have been completed, and any remaining funds available must be
13 used only to fund projects identified in LEAP Transportation Document
14 2011-B, as developed March 21, 2011. The department shall provide
15 annual status reports on December 15, 2011, and December 15, 2012, to
16 the office of financial management and the transportation committees of
17 the legislature regarding the projects receiving the grants. It is the
18 intent of the legislature to appropriate funds through the regional
19 mobility grant program only for projects that will be completed on
20 schedule.

21 (8) Funds provided for the commute trip reduction program may also
22 be used for the growth and transportation efficiency center program.

23 (9) An affected urban growth area that has not previously
24 implemented a commute trip reduction program is exempt from the
25 requirements in RCW 70.94.527 if a solution to address the state
26 highway deficiency that exceeds the person hours of delay threshold has
27 been funded and is in progress during the 2011-2013 fiscal biennium.

28 (10) \$2,309,000 of the multimodal transportation account--state
29 appropriation is provided solely for the tri-county connection service
30 for Island, Skagit, and Whatcom transit agencies.

31 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **MARINE--PROGRAM X**

33 Puget Sound Ferry Operations Account--State
34 Appropriation \$472,107,000

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

1 (1) \$135,694,000 of the Puget Sound ferry operations account--state
2 appropriation is provided solely for auto ferry vessel operating fuel
3 in the 2011-2013 fiscal biennium. All fuel purchased by the Washington
4 state ferries at the Harbor Island truck terminal for the operation of
5 the Washington state ferries diesel powered vessels must be a minimum
6 of five percent biodiesel blend so long as the per gallon price of
7 diesel containing a five percent biodiesel blend level does not exceed
8 the per gallon price of diesel by more than five percent.

9 (2) The office of financial management budget instructions require
10 agencies to recast enacted budgets into activities. The Washington
11 state ferries shall include a greater level of detail in its 2013-2015
12 omnibus transportation appropriations act request, as determined
13 jointly by the office of financial management, the Washington state
14 ferries, and the legislative transportation committees.

15 (3) \$6,000,000 of the Puget Sound ferry operations account--state
16 appropriation is provided solely for commercial insurance for ferry
17 assets.

18 (4) \$150,000 of the Puget Sound ferry operations account--state
19 appropriation is provided solely for the department to increase
20 recreation and tourist ridership on the Port Townsend-Coupeville ferry
21 route by entering into agreements for marketing and outreach strategies
22 with local economic development or tourism agencies. The department
23 shall identify the number of tourist and recreation riders on the Port
24 Townsend-Coupeville ferry route both before and after implementation of
25 marketing and outreach strategies developed through the agreements.
26 The department shall report results of the marketing and outreach
27 strategies to the transportation committees of the legislature by
28 October 15, 2012.

29 (5) The legislature finds that measuring the performance of the
30 Washington state ferries requires the measurement of quality,
31 timeliness, and unit cost of services delivered to customers.
32 Consequently, the department must develop a set of metrics that measure
33 that performance and report to the transportation committees of the
34 legislature and to the office of financial management on the
35 development of these measurements along with recommendations to the
36 2012 legislature on which measurements must become a part of the next
37 omnibus transportation appropriations act. The report required in this

1 subsection is null and void if chapter ... (Substitute House Bill No.
2 1516), Laws of 2011 (state ferry system management) is enacted.

3 (6) \$706,000 of the Puget Sound ferry operations account--state
4 appropriation is provided solely for terminal operations to implement
5 new federal passenger vessel Americans with disabilities act
6 requirements.

7 (7) The Washington state ferries shall participate in the
8 facilities study included in section 604 of this act and shall include
9 an investigation and identification of less costly relocation options
10 for the Seattle headquarters office. Until September 1, 2012, the
11 department may not enter into a lease renewal for the Seattle
12 headquarters office.

13 (8) The department shall continue to investigate the use of liquid
14 natural gas on existing vessels as well as the planned 144-car class
15 vessels including, but not limited to: The fuel consumption benefits
16 of liquid natural gas when compared with diesel; a review of United
17 States coast guard required regulations for storage and transport of
18 liquid natural gas; security risks and strategies to reduce risk; the
19 impact of liquid natural gas on vessel performance, including the
20 impact on speed and travel times; the impact on marine insurance costs;
21 and the capital costs associated with either retrofitting existing
22 vessels or incorporating design changes into the 144-car vessel
23 designs. A report is due to the legislature by December 31, 2011.

24 (9) Beginning in fiscal year 2012, the Washington state ferries
25 shall implement and begin using a costless collar fuel hedging and
26 purchasing plan to reduce and stabilize the cost of fuel in the ferry
27 system as recommended in the 2003 fuel hedging study by the Washington
28 state ferries. Savings from the fuel hedging and purchasing plan must
29 be used to preserve winter weekend (Friday, Saturday, and Sunday)
30 service on the Anacortes-Sidney, Interisland, and Fauntleroy-Vashon-
31 Southworth ferry routes.

32 (10) Appropriations in this section assume vessel operations
33 reductions totaling \$3,950,000. Prior to implementing the assumed
34 reductions, the department is to consult with captains and other
35 Washington state ferry employees as well as the ferry advisory
36 committees to determine reductions that impact the fewest number of
37 riders. Reductions must be identified and implementation must begin no
38 later than fall 2011.

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

2 State Patrol Highway Account--State Appropriation \$2,171,000

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

5 (1) \$653,000 of the state patrol highway account--state
6 appropriation is provided solely for the following minor works
7 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for
8 water and sewer upgrades and repairs; \$210,000 for emergency backup
9 system replacement; \$85,000 for chiller replacement; and \$83,000 for
10 roof replacements.

11 (2) \$1,097,000 of the state patrol highway account--state
12 appropriation is provided solely to connect the Washington state patrol
13 academy to the new sewer line and reclaimed water line. This funding
14 completes the infrastructure for the sewer and reclaimed water on the
15 academy property, along with the decommissioning of the eight existing
16 septic systems and drain fields.

17 (3) \$421,000 of the state patrol highway account--state
18 appropriation is provided solely for the reappropriation from the 2009-
19 2011 fiscal biennium to the 2011-2013 fiscal biennium for the Shelton
20 regional project.

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

22 Rural Arterial Trust Account--State Appropriation \$38,917,000

23 Motor Vehicle Account--State Appropriation \$874,000

24 County Arterial Preservation Account--State
25 Appropriation \$29,360,000

26 TOTAL APPROPRIATION \$69,151,000

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

29 (1) \$874,178 of the motor vehicle account--state appropriation may
30 be used for county ferry projects as developed pursuant to RCW
31 47.56.725(4).

32 (2) \$5,000,000 of the rural arterial trust account--state
33 appropriation is provided solely for additional grants for county road
34 preservation projects as approved by the county road administration
35 board. The county road administration board must work with the
36 department of transportation highways and local program to assist the
37 department in developing a program to assist counties in efforts to

1 recover from federally declared emergencies, by providing
2 capitalization advances and local match for federal emergency funding.
3 County road administration board funds may no longer be used for this
4 purpose.

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

6 Small City Pavement and Sidewalk Account--State

7 Appropriation \$1,883,000

8 Urban Arterial Trust Account--State Appropriation \$110,582,000

9 Transportation Improvement Account--State

10 Appropriation \$82,997,000

11 TOTAL APPROPRIATION \$195,462,000

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

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

17 (2) The urban arterial trust account--state appropriation includes
18 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
19 47.26.420.

20 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

22 Motor Vehicle Account--State Appropriation \$3,146,000

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

25 (1) \$1,364,000 of the motor vehicle account--state appropriation is
26 provided solely for the Olympic region site acquisition debt service
27 payments and administrative costs associated with capital improvement
28 and preservation project and financial management.

29 (2) \$1,382,000 of the motor vehicle account--state appropriation is
30 provided solely for high priority safety projects that are directly
31 linked to employee safety and environmental risk.

32 (3) \$400,000 of the motor vehicle account--state appropriation is
33 provided solely to continue compliance with storm water permit
34 requirements.

1 (4) The department shall, on a quarterly basis beginning July 1,
2 2011, provide to the office of financial management and the legislature
3 reports providing the status on each active project funded in part or
4 whole by the transportation 2003 account (nickel account) or the
5 transportation partnership account. Funding provided at a programmatic
6 level for transportation partnership account and transportation 2003
7 account (nickel account) projects relating to bridge rail, guard rail,
8 fish passage barrier removal, and roadside safety projects should be
9 reported on a programmatic basis. Projects within this programmatic
10 level funding should be completed on a priority basis and scoped to be
11 completed within the current programmatic budget. Report formatting
12 and elements must be consistent with the October 2009 quarterly project
13 report.

14 (5) The transportation 2003 account (nickel account)--state
15 appropriation includes up to \$403,727,000 in proceeds from the sale of
16 bonds authorized by RCW 47.10.861.

17 (6) The transportation partnership account--state appropriation
18 includes up to \$1,424,968,000 in proceeds from the sale of bonds
19 authorized in RCW 47.10.873.

20 (7) The multimodal transportation account--state appropriation
21 includes up to \$34,703,000 in proceeds from the sale of bonds
22 authorized in RCW 47.10.867.

23 (8) The motor vehicle account--state appropriation includes up to
24 \$51,965,000 in proceeds from the sale of bonds authorized in RCW
25 47.10.843.

26 (9) The state route number 520 corridor account--state
27 appropriation includes up to \$51,965,000 in proceeds from the sale of
28 bonds authorized in RCW 47.10.879.

29 (10) \$391,000 of the motor vehicle account--state appropriation and
30 \$4,027,000 of the motor vehicle account--federal appropriation are
31 provided solely for the US 2 High Priority Safety project (100224I).
32 Expenditure of these funds is for safety projects on state route number
33 2 between Monroe and Gold Bar, which may include median rumble strips,
34 traffic cameras, and electronic message signs.

35 (11) \$8,000 of the motor vehicle account--federal appropriation and
36 \$1,000 of the motor vehicle account--state appropriation are provided
37 solely for the Westview school noise wall (project WESTV).

1 (12) \$8,321,000 of the transportation partnership account--state
2 appropriation and \$16,679,000 of the motor vehicle account--federal
3 appropriation are provided solely for the I-5/Columbia River Crossing
4 project (400506A). Of this amount, \$200,000 of the transportation
5 partnership account--state appropriation is provided solely for the
6 department to work with the department of archaeology and historic
7 preservation to ensure that the cultural resources investigation is
8 properly conducted on the Columbia river crossing project. This
9 project must be conducted with active archaeological management and
10 result in one report that spans the single cultural area in Oregon and
11 Washington. Additionally, the department shall establish a scientific
12 peer review of independent archaeologists that are knowledgeable about
13 the region and its cultural resources. No funding from any account may
14 be expended until written confirmation has been received by the
15 department that the state of Oregon is providing an equal amount of
16 additional funding to the project.

17 (13) \$4,188,000 of the transportation partnership account--state
18 appropriation, \$599,000 of the motor vehicle account--federal
19 appropriation, and \$101,000 of the transportation 2003 account (nickel
20 account)--state appropriation are provided solely for project 109040Q,
21 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
22 project, as indicated in the LEAP transportation document referenced in
23 subsection (1) of this section.

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

35 (15) 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 (16) Within the amounts provided in this section, \$1,438,000 of the
2 transportation partnership account--state appropriation and \$20,581,000
3 of the motor vehicle account--federal appropriation are provided solely
4 for project 600010A, as identified in the LEAP transportation document
5 in subsection (1) of this section: NSC-North Spokane corridor design,
6 right-of-way, and construction - new alignment. Any savings realized
7 on project 600001A, as identified in the LEAP transportation document
8 in subsection (1) of this section: US 395/NSC-Francis Avenue to
9 Farwell Road - New Alignment, must be applied to project 600010A.

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

17 (18) With the department's 2012 supplemental budget submittal, the
18 department shall provide a report that provides:

19 (a) The amount of state funding that has been reappropriated from
20 the 2009-2011 fiscal biennium into the 2011-2013 fiscal biennium; and

21 (b) For each project, the amount of cost savings or increases in
22 state funding that have been identified as compared to the enacted
23 2011-2013 biennial transportation budget.

24 (19) The department shall apply for the competitive portion of
25 federal transit administration funds for eligible transit-related costs
26 of the state route number 520 bridge replacement and HOV project and
27 the Columbia river crossing project. The federal funds described in
28 this subsection must not include those federal transit administration
29 funds distributed by formula. The department shall provide a report
30 regarding this effort to the legislature by October 1, 2011.

31 (20) \$181,000 of the motor vehicle account--federal appropriation
32 and \$17,000 of the motor vehicle account--state appropriation are
33 provided solely for the Alaskan Way Viaduct - Automatic Shutdown
34 project (L1000034).

35 (21) \$2,134,000 of the motor vehicle account--federal appropriation
36 and \$47,000 of the motor vehicle account--state appropriation are
37 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
38 Build New Highway project (501210T).

1 (22) \$165,000 of the motor vehicle account--federal appropriation
2 and \$7,000 of the motor vehicle account--state appropriation are
3 provided solely for the Express Lanes System Concept Study project
4 (800020A). The department's final report on the study to the joint
5 transportation committee is due by June 30, 2011.

6 (23) \$294,000 of the motor vehicle account--federal appropriation
7 and \$13,000 of the motor vehicle account--state appropriation are
8 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
9 Road project (301639C). The frontage road must be built for driving
10 speeds of no more than thirty-five miles per hour.

11 (24) \$306,000 of the motor vehicle account--state appropriation is
12 provided solely for a traffic signal at the intersection of state route
13 number 7 and state route number 702 (300738A).

14 (25) \$435,000 of the motor vehicle account--state appropriation is
15 provided solely for environmental work on the Belfair Bypass project
16 (300344C).

17 (26) The legislature finds that state route number 522 corridor
18 provides an important link between Interstates 5 and 405 and will be
19 impacted by diversion from tolling elsewhere in the region. As such,
20 the legislature intends to provide additional funding for the corridor
21 as a priority in the next revenue package. The state will work with
22 the affected cities and the federal government to secure the necessary
23 resources to address the needs of this critical corridor.

24 (27) \$5,000 of the motor vehicle account--state appropriation is
25 provided solely for the US 12/SR 122/Mossyrock - Intersection project
26 (401212R) for safety improvements.

27 (28) \$932,000 of the motor vehicle account--federal appropriation
28 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
29 project (209790B).

30 (29) If a planned roundabout in the vicinity of state route number
31 526 and 84th Street SW would divert commercial traffic onto
32 neighborhood streets, the department may not proceed with improvements
33 at state route number 526 and 84th Street SW until the traffic impacts
34 in the vicinity of state route number 526 and 40th Avenue West are
35 addressed.

36 (30) \$2,244,000 of the motor vehicle account--federal appropriation
37 and \$46,000 of the motor vehicle account--state appropriation are

1 provided solely for the ITS Advanced Traveler Information System
2 project in Whatcom county (100589B).

3 (31) \$870,000 of the motor vehicle account--federal appropriation
4 and \$25,000 of the motor vehicle account--state appropriation are
5 provided solely for the US 97/Cameron Lake Road intersection
6 improvements project in Okanogan county (209700W).

7 (32) \$107,000 of the motor vehicle account--federal appropriation
8 and \$27,000 of the motor vehicle account--state appropriation are
9 provided solely for the SR 9/SR 204 Intersection Improvement project
10 (L2000040).

11 (33) \$980,000 of the motor vehicle account--federal appropriation
12 and \$20,000 of the motor vehicle account--state appropriation are
13 provided solely for the SR 167/Tolling Feasibility Study project
14 (316718S). By January 2012, the department must prepare a traffic and
15 revenue analysis and finance plan for the state route number 167
16 extension project in Pierce county. For the project, the department
17 must:

18 (a) Confer with the mayors, city councils, county officials, area
19 legislators, and port commissions of jurisdictions in the vicinity of
20 the project regarding the implementation of tolling and the impacts
21 that the implementation of tolling might have on the operation of the
22 corridor and adjacent local streets;

23 (b) Conduct public work sessions and open houses to provide
24 information to citizens regarding implementation of tolling and to
25 solicit citizen views;

26 (c) Regularly report to the Washington state transportation
27 commission regarding the progress of the study for the purpose of
28 guiding the commission's toll setting on the project; and

29 (d) Provide a report to the governor and the legislature by January
30 2012.

31 (34) \$361,000 of the transportation partnership account--state
32 appropriation and \$1,245,000 of the transportation 2003 account (nickel
33 account)--state appropriation are provided solely for project 0BI4ENV,
34 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in
35 the LEAP transportation document referenced in subsection (1) of this
36 section. Funds may be used only for environmental mitigation work that
37 is required by permits that were issued for projects funded by the
38 transportation partnership account or transportation 2003 account

1 (nickel account). As part of the 2012 budget submittal, the department
2 shall provide a list of all projects and associated amounts that are
3 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

4 (35)(a) Within available funds, a tolling advisory committee for
5 the state route number 520 bridge replacement and HOV program is
6 established to monitor and provide advice to the state tolling
7 authority on all matters related to the development and implementation
8 of toll operations in the corridor and the imposition of tolls
9 including, but not limited to: (i) The feasibility of providing
10 discounts; (ii) the trade-off of lower tolls versus the early
11 retirement of debt; (iii) consideration of variable or time-of-day
12 pricing; and (iv) other matters that may arise in the implementation of
13 toll operations.

14 (b) The tolling advisory committee must be comprised of seven
15 members, including two elected officials residing in legislative
16 districts on the east side of Lake Washington that are affected by the
17 state route number 520 bridge replacement and HOV program, two elected
18 officials residing in legislative districts on the west side of Lake
19 Washington that are affected by the state route number 520 bridge
20 replacement and HOV program, and three permanent residents of the
21 affected project area. The governor shall appoint the members of the
22 tolling advisory committee.

23 (c) No toll charge may be imposed or modified unless the tolling
24 advisory committee has been given at least twenty days to review and
25 comment on any proposed toll charge schedule. In setting toll charge
26 rates, the commission shall consider any recommendations of the tolling
27 advisory committee.

28 (36) The department shall consider using the city of Mukilteo's
29 off-site mitigation program in the event any projects on state route
30 number 525 or 526 require environmental mitigation.

31 (37) \$422,000 of the motor vehicle account--federal appropriation
32 and \$17,000 of the motor vehicle account--state appropriation are
33 provided solely for the SR 539/SR 9 Advanced Traveler Information
34 System project (100011P).

35 (38) \$500,000 of the motor vehicle account--state appropriation is
36 provided solely for the I-90 Comprehensive Tolling Study project
37 (100067T).

1 (39) \$687,000 of the motor vehicle account--federal appropriation,
2 \$16,308,000 of the motor vehicle account--private/local appropriation,
3 and \$22,000 of the motor vehicle account--state appropriation are
4 provided solely for the US 2/Bickford Avenue - Intersection Safety
5 Improvements project (100210E).

6 (40) \$1,756,000 of the motor vehicle account--federal appropriation
7 and \$45,000 of the motor vehicle account--state appropriation are
8 provided solely for the SR 539/Horton Road - Access Management project
9 (153900M).

10 (41) \$2,305,000 of the motor vehicle account--federal appropriation
11 and \$60,000 of the motor vehicle account--state appropriation are
12 provided solely for the SR 97/North of Riverside - Northbound Passing
13 Lane project (209700Y).

14 (42) \$372,000 of the motor vehicle account--federal appropriation
15 and \$40,000 of the motor vehicle account--state appropriation are
16 provided solely for the US 97/North of Brewster - Passing Lane project
17 (209703H).

18 (43) \$253,444,000 of the transportation partnership account--state
19 appropriation and \$66,034,000 of the transportation 2003 account
20 (nickel account)--state appropriation are provided solely for the I-
21 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). Funds may
22 not be used to renovate any buildings until a real estate procurement
23 and management plan as outlined in section 604 of this act is complete.

24 (44) \$2,000,000 of the motor vehicle account--federal appropriation
25 and \$14,000 of the motor vehicle account--state appropriation are
26 provided solely for the I-5/Vicinity of Center Drive - Interchange
27 Improvements project (300596L).

28 (45) \$108,000 of the motor vehicle account--federal appropriation
29 and \$3,000 of the motor vehicle account--state appropriation are
30 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -
31 Install Ramp Meters project (300596M).

32 (46) \$1,323,000 of the motor vehicle account--federal appropriation
33 and \$28,000 of the motor vehicle account--state appropriation are
34 provided solely for the US 12/Schouweiler Road - Study project
35 (301288B).

36 (47) \$1,572,000 of the motor vehicle account--federal appropriation
37 and \$40,000 of the motor vehicle account--state appropriation are

1 provided solely for the I-5/Lewis County Detour for Freight Mobility -
2 ITS Projects project (400012I).

3 (48) \$194,000 of the motor vehicle account--federal appropriation
4 and \$9,000 of the motor vehicle account--state appropriation are
5 provided solely for the I-82/Red Mountain Vicinity - Predesign Analysis
6 project (508208M).

7 (49) Any savings realized on project 509009B, as identified in the
8 LEAP transportation document in subsection (1) of this section: I-
9 90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor Improvement,
10 must remain on the Hyak to Easton corridor and may be used for the next
11 phases. \$590,000 of the funds appropriated for the I-90/Snoqualmie
12 Pass East - Hyak to Keechelus Dam - Corridor Improvement project
13 (509009B) may be used to purchase land currently owned by the state
14 parks department. Funds may not be used to build or improve buildings
15 until a real estate procurement and management plan as outlined in
16 section 604 of this act is complete.

17 (50) \$9,422,000 of the motor vehicle account--federal appropriation
18 and \$193,000 of the motor vehicle account--state appropriation are
19 provided solely for the I-90/Sullivan Road to Barker Road - Additional
20 Lanes project (609049N).

21 (51) \$1,019,460,000 of the state route number 520 corridor
22 account--state appropriation, \$226,809,000 of the transportation
23 partnership account--state appropriation, and \$1,360,000 of the motor
24 vehicle account--private/local appropriation are provided solely for
25 the SR 520/Bridge Replacement and HOV project (8BI1003). Funds may not
26 be used to construct a new traffic management center until a real
27 estate procurement and management plan as outlined in section 604 of
28 this act is complete.

29 (52) The Tacoma Narrows toll bridge account--state appropriation is
30 provided solely for the deferred sales tax expense on the construction
31 of the new Tacoma Narrows bridge (L1000051).

32 (53) If the department determines that all or a portion of real
33 property or an interest in real property that was acquired through
34 condemnation within the previous ten years is no longer necessary for
35 a transportation purpose, the former owner has a right of repurchase as
36 described in this subsection. For the purposes of this subsection,
37 "former owner" means the person or entity from whom the department
38 acquired title. At least ninety days prior to the date on which the

1 property is intended to be sold by the department, the department must
 2 mail notice of the planned sale to the former owner of the property at
 3 the former owner's last known address or to a forwarding address if
 4 that owner has provided the department with a forwarding address. If
 5 the former owner of the property's last known address, or forwarding
 6 address if a forwarding address has been provided, is no longer the
 7 former owner of the property's address, the right of repurchase is
 8 extinguished. If the former owner notifies the department within
 9 thirty days of the date of the notice that the former owner intends to
 10 repurchase the property, the department shall proceed with the sale of
 11 the property to the former owner for fair market value and shall not
 12 list the property for sale to other owners. If the former owner does
 13 not provide timely written notice to the department of the intent to
 14 exercise a repurchase right, or if the sale to the former owner is not
 15 completed within seven months of the date of notice that the former
 16 owner intends to repurchase the property, the right of repurchase is
 17 extinguished.

18 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
 19 **PRESERVATION--PROGRAM P**

20 Transportation Partnership Account--State

21	Appropriation	\$34,182,000
22	Motor Vehicle Account--State Appropriation	\$96,790,000
23	Motor Vehicle Account--Federal Appropriation	\$607,489,000
24	Motor Vehicle Account--Private/Local Appropriation	\$19,253,000
25	TOTAL APPROPRIATION	\$757,714,000

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

28 (1) Except as provided otherwise in this section, the entire
 29 transportation 2003 account (nickel account) appropriation and the
 30 entire transportation partnership account appropriation are provided
 31 solely for the projects and activities as listed by fund, project, and
 32 amount in LEAP Transportation Document 2011-1 as developed March 21,
 33 2011, Program - Highway Preservation Program (P). However, limited
 34 transfers of specific line-item project appropriations may occur
 35 between projects for those amounts listed subject to the conditions and
 36 limitations in section 603 of this act.

1 (2) The department shall apply for surface transportation program
2 enhancement funds to be expended in lieu of or in addition to state
3 funds for eligible costs of projects in programs I and P.

4 (3) The department shall, on a quarterly basis beginning July 1,
5 2011, provide to the office of financial management and the legislature
6 reports providing the status on each active project funded in part or
7 whole by the transportation 2003 account (nickel account) or the
8 transportation partnership account. Funding provided at a programmatic
9 level for transportation partnership account projects relating to
10 seismic bridges must be reported on a programmatic basis. Projects
11 within this programmatic level funding must be completed on a priority
12 basis and scoped to be completed within the current programmatic
13 budget. The department shall work with the office of financial
14 management and the transportation committees of the legislature to
15 agree on report formatting and elements. Elements must include, but
16 not be limited to, project scope, schedule, and costs. The department
17 shall also provide the information required under this subsection on a
18 quarterly basis.

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

25 (5) \$28,000 of the motor vehicle account--federal appropriation is
26 provided solely for the SR 104/Hood Canal bridge - replace east half
27 project, identified as project 310407B in the LEAP transportation
28 document described in subsection (1) of this section.

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

33 (7) \$277,000 of the motor vehicle account--federal appropriation
34 and \$10,000 of the motor vehicle account--state appropriation are
35 provided solely for the environmental impact statement and preliminary
36 planning for the replacement of the state route number 9 Snohomish
37 river bridge (project L2000018).

1 (8) \$223,000 of the motor vehicle account--federal appropriation
2 and \$27,000 of the motor vehicle account--state appropriation are
3 provided solely for the SR 410/Nile Valley Landslide - Establish
4 Interim Detour project (541002R).

5 (9) \$14,119,000 of the motor vehicle account--federal appropriation
6 and \$2,204,000 of the motor vehicle account--state appropriation are
7 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
8 Route project (541002T).

9 (10) \$1,907,000 of the motor vehicle account--federal appropriation
10 and \$60,000 of the motor vehicle account--state appropriation are
11 provided solely for the SR 21/Kettle River to Malo paving project in
12 Ferry county (602117A).

13 (11) With the approval of the office of financial management, funds
14 may be transferred from program P to program Z for the purposes of
15 providing capitalization advances and local match for federal emergency
16 funding. After the receipt of federal funds for the identified
17 emergencies, program Z shall transfer sufficient funds to program P to
18 replace amounts used for capitalization advances on a dollar-for-dollar
19 basis.

20 (12) \$2,733,000 of the motor vehicle account--federal appropriation
21 and \$114,000 of the motor vehicle account--state appropriation are
22 provided solely for the SR 167/Puyallup River Bridge - Bridge
23 Replacement project (316725A).

24 (13) \$9,641,000 of the motor vehicle account--federal
25 appropriation, \$2,000,000 of the motor vehicle account--private/local
26 appropriation, and \$361,000 of the motor vehicle account--state
27 appropriation are provided solely for the SR 21/Keller Ferry - Replace
28 Boat project (602110J).

29 (14) \$632,000 of the motor vehicle account--federal appropriation
30 and \$18,000 of the motor vehicle account--state appropriation are
31 provided solely for the SR 21/1.1 Miles North of Rin Con Creek Road to
32 Canada - Paving project (602118D).

33 (15) \$295,000 of the motor vehicle account--federal appropriation
34 and \$5,000 of the motor vehicle account--state appropriation are
35 provided solely for the SR 906/Travelers Rest - Building Renovation
36 project (090600A).

37 (16) The motor vehicle account--state appropriation includes up to

1 \$39,657,000 in proceeds from the sale of bonds authorized in RCW
2 47.10.843.

3 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

5	Motor Vehicle Account--State Appropriation	\$7,039,000
6	Motor Vehicle Account--Federal Appropriation	\$5,600,000
7	TOTAL APPROPRIATION	\$12,639,000

8 The appropriations in this section are subject to the following
9 conditions and limitations: \$1,000,000 of the motor vehicle account--
10 state appropriation for project 000005Q is provided solely for state
11 matching funds for federally selected competitive grants or
12 congressional earmark projects. These moneys must be placed into
13 reserve status until such time as federal funds are secured that
14 require a state match.

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

17	Puget Sound Capital Construction Account--State	
18	Appropriation	\$67,499,000
19	Puget Sound Capital Construction Account--Federal	
20	Appropriation	\$57,620,000
21	Transportation 2003 Account (Nickel Account)--State	
22	Appropriation	\$55,038,000
23	Transportation Partnership Account--State	
24	Appropriation	\$12,536,000
25	Multimodal Transportation Account--State	
26	Appropriation	\$43,265,000
27	TOTAL APPROPRIATION	\$235,958,000

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

30 (1) \$68,516,000 of the Puget Sound capital construction account--
31 state appropriation, \$57,620,000 of the Puget Sound capital
32 construction account--federal appropriation, \$12,536,000 of the
33 transportation partnership account--state appropriation, \$55,083,000 of
34 the transportation 2003 account (nickel account)--state appropriation,
35 and \$43,265,000 of the multimodal transportation account--state
36 appropriation are provided solely for ferry capital projects, project

1 support, and administration as listed in LEAP Transportation Document
2 ALL PROJECTS 2011-2 as developed March 21, 2011, Program - Ferries
3 Construction Program (W). Of the total appropriation, a maximum of
4 \$10,214,000 may be used for administrative support (projects 998901J
5 and 998951A), a maximum of \$6,421,000 may be used for terminal project
6 support (project L000007), and a maximum of \$3,707,000 may be used for
7 vessel project support (project L2000006). Of the total appropriation,
8 \$7,167,000 is provided solely for a reservation system and associated
9 communications projects (L200041 and L2000042).

10 (2) \$9,711,000 of the multimodal transportation account--state
11 appropriation, \$20,906,000 of the transportation 2003 account (nickel
12 account)--state appropriation, and \$1,537,000 of the Puget Sound
13 capital construction account--state appropriation are provided solely
14 for the construction of the third Kwa-da-Tabil 64-car class vessel that
15 is to be delivered during the 2011-2013 fiscal biennium (project
16 944470A).

17 (3) \$33,404,000 of the multimodal transportation account--state
18 appropriation, \$18,069,000 of the transportation 2003 account (nickel
19 account)--state appropriation, \$2,000,000 of the Puget Sound capital
20 construction account--state appropriation, and \$11,500,000 of the
21 transportation partnership account--state appropriation are provided
22 solely for the acquisition of one 144-car vessel in fiscal year 2013,
23 assuming new and sufficient resources are available (project L1000031).
24 The department shall use as much already procured equipment as is
25 practicable on the 144-car vessel.

26 (4) \$1,979,000 of the Puget Sound capital construction
27 account--state appropriation is provided solely for emergency capital
28 costs (project 999910K).

29 (5) The department shall provide to the office of financial
30 management and the legislature quarterly reports providing the status
31 on each project listed in this section and in the project lists
32 submitted pursuant to this act and on any additional projects for which
33 the department has expended funds during the 2011-2013 fiscal biennium.
34 Elements must include, but not be limited to, project scope, schedule,
35 and costs. The department shall also provide the information required
36 under this subsection via the transportation executive information
37 system. The quarterly report regarding the status of projects

1 identified on the list referenced in subsection (1) of this section
2 must be developed according to an earned value method of project
3 monitoring.

4 (6) The department shall review and adjust its capital program
5 staffing levels to ensure staffing is at the most efficient level
6 necessary to implement the capital program in the omnibus
7 transportation appropriations act. The review must include a
8 comparison to the findings of the 2009 capital staffing levels report.
9 The Washington state ferries shall report this review and adjustment to
10 the office of financial management and the house and senate
11 transportation committees of the legislature by July 2012.

12 (7) \$3,779,000 of the total appropriation is provided solely for
13 continued permitting work on the Mukilteo ferry terminal (project
14 952515P). The department shall seek additional federal funding for
15 this project. Prior to beginning terminal improvements, the department
16 shall report to the legislature on the final environmental impact
17 statement by December 31, 2012. The report must include an overview of
18 the costs and benefits of each of the alternatives considered, as well
19 as an identification of costs and a funding plan for the preferred
20 alternative.

21 (8) The department shall work with the department of archaeology
22 and historic preservation to ensure that the cultural resources
23 investigation is properly conducted on all large ferry terminal
24 projects. These projects must be conducted with active archaeological
25 management. Additionally, the department shall establish a scientific
26 peer review of independent archaeologists that are knowledgeable about
27 the region and its cultural resources.

28 (9) The department shall conduct an analysis of the Eagle Harbor
29 slips to determine the cost benefit of replacing or repairing existing
30 structures with new structures including, but not limited to, dolphins
31 and wingwalls. A report on this analysis is due to the legislature by
32 December 31, 2011.

33 (10) The department shall review all terminal project cost
34 estimates to identify projects where similar design requirements could
35 result in reduced preliminary engineering or miscellaneous items costs.
36 The department shall report to the legislature by September 1, 2011.
37 The report must include estimated cost savings by reducing repetitive
38 design costs or miscellaneous costs, or both, applied to projects.

1 (11) The Puget Sound capital construction account--state
2 appropriation includes up to \$57,516,000 in proceeds from the sale of
3 bonds authorized in RCW 47.10.843.

4 (12) The multimodal transportation account--state appropriation
5 includes up to \$28,247,000 in proceeds from the sale of bonds
6 authorized in RCW 47.10.867.

7 (13) The Puget Sound capital construction account--state
8 appropriation reflects the reduction of three terminal positions.

9 (14) The department shall continue to provide service to Sidney,
10 British Columbia and shall explore the option of purchasing a foreign
11 built vehicle and passenger ferry vessel either with safety of life at
12 sea (SOLAS) certification or the ability to be retrofitted for SOLAS
13 certification to operate solely on the Anacortes to Sidney, British
14 Columbia route currently served by vessels of the Washington state
15 ferries fleet. The vessel should have the capability of carrying at
16 least one hundred standard vehicles and approximately four hundred to
17 five hundred passengers. Further, the department shall explore the
18 possibilities of contracting a commercial company to operate the vessel
19 exclusively on this route so long as the contractor's employees
20 assigned to the vessel are represented by the same employee
21 organizations as the Washington state ferries. The department shall
22 report back to the transportation committees of the legislature
23 regarding: The availability of a vessel; the cost of the vessel,
24 including transport to the Puget Sound region; and the need for any
25 statutory changes for the operation of the Sydney, British Columbia
26 service by a private company.

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

29	Essential Rail Assistance Account--State	
30	Appropriation	\$1,000,000
31	Transportation Infrastructure Account--State	
32	Appropriation	\$5,838,000
33	Multimodal Transportation Account--State	
34	Appropriation	\$54,037,000
35	Multimodal Transportation Account--Federal	
36	Appropriation	\$352,006,000
37	Multimodal Transportation Account--Private/Local	

1 Appropriation \$1,292,000
2 TOTAL APPROPRIATION \$414,173,000

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

5 (1)(a) Except as provided otherwise in this section, the entire
6 appropriations in this section are provided solely for the projects and
7 activities as listed by project and amount in LEAP Transportation
8 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -
9 Rail Capital Program (Y).

10 (b) Within the amounts provided in this section, \$800,000 of the
11 transportation infrastructure account--state appropriation is for a
12 low-interest loan through the freight rail investment bank program to
13 the Port of Everett (BIN 722810A) for a new rail track to connect a
14 cement loading facility to the mainline. The department shall issue
15 the loan referenced in this subsection (1)(b) with a repayment period
16 of no more than ten years, and only so much interest as is necessary to
17 recoup the department's costs to administer the loan.

18 (c) Within the amounts provided in this section, \$2,103,000 of the
19 transportation infrastructure account--state appropriation is for the
20 department to provide low-interest loans through the freight rail
21 investment bank program for specific projects listed as recipients of
22 these loans in the LEAP transportation document identified in
23 subsection (1)(a) of this section.

24 (d) Within the amounts provided in this section, \$2,899,000 of the
25 transportation infrastructure account--state appropriation is for the
26 department to provide low-interest loans through the freight rail
27 investment bank program for eligible projects that applied for, but did
28 not receive, funds through the statewide emergent freight rail
29 assistance program.

30 (e) The department shall issue freight rail investment bank program
31 loans with a repayment period of no more than ten years, and only so
32 much interest as is necessary to recoup the department's costs to
33 administer the loans.

34 (f) Within the amounts provided in this section, \$1,754,000 of the
35 multimodal transportation account--state appropriation and \$1,000,000
36 of the essential rail assistance account--state appropriation are for
37 statewide emergent freight rail assistance projects identified in the

1 LEAP transportation document identified in subsection (1)(a) of this
2 section.

3 (2)(a) The department shall issue a call for projects for the
4 freight rail investment bank program and the emergent freight rail
5 assistance program, and shall evaluate the applications according to
6 the cost-benefit methodology developed during the 2008 interim using
7 the legislative priorities specified in (c) of this subsection. By
8 November 1, 2012, the department shall submit a prioritized list of
9 recommended projects to the office of financial management and the
10 transportation committees of the legislature.

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

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

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

26 (ii) Self-sustaining economic development that creates family-wage
27 jobs;

28 (iii) Preservation of transportation corridors that would otherwise
29 be lost;

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

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

34 (vi) Mitigation of impacts of increased rail traffic on
35 communities.

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

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

29 (5) The department shall provide quarterly reports to the office of
30 financial management and the transportation committees of the
31 legislature regarding applications that the department submits for
32 federal funds and the status of such applications.

33 (6) The department shall, on a quarterly basis, provide to the
34 office of financial management and the legislature reports providing
35 the status on active projects identified in the LEAP transportation
36 document described in subsection (1)(a) of this section. Report
37 formatting and elements must be consistent with the October 2009
38 quarterly project report.

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

5 (8) \$297,537,000 of the multimodal transportation account--federal
6 appropriation and \$4,476,000 of the multimodal transportation account--
7 state appropriation are provided solely for expenditures related to the
8 passenger high speed rail grant. At one and one-half percent of the
9 total project funds, the multimodal state funds are provided solely for
10 expenditures that are not federally reimbursable. Funding in this
11 subsection is the initial portion of a multiyear high speed rail
12 program awarded to Washington state from the high speed intercity
13 passenger rail program under the American recovery and reinvestment
14 act. Funding will allow for two additional round trips between Seattle
15 and Portland, and other rail improvements.

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

18	Highway Infrastructure Account--State Appropriation	\$207,000
19	Highway Infrastructure Account--Federal	
20	Appropriation	\$1,602,000
21	Freight Mobility Investment Account--State	
22	Appropriation	\$11,347,000
23	Transportation Partnership Account--State	
24	Appropriation	\$6,035,000
25	Motor Vehicle Account--State Appropriation	\$3,521,000
26	Motor Vehicle Account--Federal Appropriation	\$28,541,000
27	Freight Mobility Multimodal Account--State	
28	Appropriation	\$8,648,000
29	Freight Mobility Multimodal Account--Local	
30	Appropriation	\$4,581,000
31	Multimodal Transportation Account--State	
32	Appropriation	\$14,932,000
33	Passenger Ferry Account--State Appropriation	\$1,115,000
34	TOTAL APPROPRIATION	\$80,529,000

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

1 (1) The department shall, on a quarterly basis, provide status
2 reports to the legislature on the delivery of projects as outlined in
3 the project lists incorporated in this section. For projects funded by
4 new revenue in the 2003 and 2005 transportation packages, reporting
5 elements shall include, but not be limited to, project scope, schedule,
6 and costs. Other projects may be reported on a programmatic basis.
7 The department shall also provide the information required under this
8 subsection on a quarterly basis via the transportation executive
9 information system.

10 (2) \$1,115,000 of the passenger ferry account--state appropriation
11 is provided solely for near and long-term costs of capital improvements
12 and operating expenses that are consistent with the business plan
13 approved by the governor for passenger ferry service.

14 (3) The department shall apply for surface transportation program
15 enhancement funds to be expended in lieu of or in addition to state
16 funds for eligible costs of projects in local programs, program Z
17 capital.

18 (4) Federal funds may be transferred from program Z to programs I
19 and P and state funds must be transferred from programs I and P to
20 program Z to replace those federal funds in a dollar-for-dollar match.
21 Fund transfers authorized under this subsection shall not affect
22 project prioritization status. Appropriations must initially be
23 allotted as appropriated in this act. The department may not transfer
24 funds as authorized under this subsection without approval of the
25 office of financial management. The department shall submit a report
26 on those projects receiving fund transfers to the office of financial
27 management and the transportation committees of the legislature by
28 December 1, 2011, and December 1, 2012.

29 (5) The city of Winthrop may utilize a design-build process for the
30 Winthrop bike path project (202005A). Of the amount appropriated in
31 this section for this project, \$500,000 of the multimodal
32 transportation account-- state appropriation is contingent upon the
33 state receiving from the city of Winthrop \$500,000 in federal funds
34 awarded to the city of Winthrop by its local planning organization.

35 (6) \$11,557,000 of the multimodal transportation account--state
36 appropriation, \$12,136,000 of the motor vehicle account--federal
37 appropriation, and \$5,195,000 of the transportation partnership
38 account--state appropriation are provided solely for the pedestrian and

1 bicycle safety program projects and safe routes to schools program
2 projects identified in LEAP Transportation Document 2011-A, pedestrian
3 and bicycle safety program projects and safe routes to schools program
4 projects, as developed March 21, 2011, LEAP Transportation Document
5 2009-A, pedestrian and bicycle safety program projects and safe routes
6 to school projects, as developed March 30, 2009, LEAP Transportation
7 Document 2007-A, pedestrian and bicycle safety program projects and
8 safe routes to schools program projects, as developed April 20, 2007,
9 and LEAP Transportation Document 2006-B, pedestrian and bicycle safety
10 program projects and safe routes to schools program projects, as
11 developed March 8, 2006. Projects must be allocated funding based on
12 order of priority. The department shall review all projects receiving
13 grant awards under this program at least semiannually to determine
14 whether the projects are making satisfactory progress. Any project
15 that has been awarded funds, but does not report activity on the
16 project within one year of the grant award must be reviewed by the
17 department to determine whether the grant should be terminated. The
18 department shall promptly close out grants when projects have been
19 completed, and identify where unused grant funds remain because actual
20 project costs were lower than estimated in the grant award.

21 (7) Except as provided otherwise in this section, the entire
22 appropriations in this section are provided solely for the projects and
23 activities as listed by project and amount in LEAP Transportation
24 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -
25 Local Program (Z).

26 (8) For the 2011-2013 project appropriations, unless otherwise
27 provided in this act, the director of financial management may
28 authorize a transfer of appropriation authority between projects
29 managed by the freight mobility strategic investment board in order for
30 the board to manage project spending and efficiently deliver all
31 projects in the respective program.

32 (9) \$267,000 of the motor vehicle account--state appropriation and
33 \$2,859,000 of the motor vehicle account--federal appropriation are
34 provided solely for completion of the US 101 northeast peninsula safety
35 rest area and associated roadway improvements east of Port Angeles at
36 the Deer Park scenic view point (project 3LP187A). The department must
37 surplus any right-of-way previously purchased for this project near

1 Sequim. Approval to proceed with construction is contingent on surplus
2 of previously purchased right-of-way.

3 (10) Up to \$3,650,000 of the motor vehicle account--federal
4 appropriation and \$23,000 of the motor vehicle account--state
5 appropriation are provided solely to reimburse the cities of Kirkland
6 and Redmond for pavement and bridge deck rehabilitation on state route
7 number 908 (project 1LP611A). These funds may not be expended unless
8 the cities sign an agreement stating that the cities agree to take
9 ownership of state route number 908 in its entirety and agree that the
10 payment of these funds represents the entire state commitment to the
11 cities for state route number 908 expenditures.

12 (11) The department must work with cities and counties to develop
13 a comparison of direct and indirect labor costs, overhead rates, and
14 other costs for high cost bridge inspections charged by the state,
15 counties, and other entities. The comparison is due to the
16 transportation committees of the legislature on September 1, 2011.

17 (12) The appropriations in this section include funding to counties
18 to assist them in efforts to recover from federally declared
19 emergencies, by providing capitalization advances and local match for
20 federal emergency funding as determined by the department. The
21 department must specifically identify any such selected projects and
22 shall annually notify the transportation committees of the legislature
23 of the selected projects.

24 (13) With the approval of the office of financial management, funds
25 may be transferred from program P to program Z for the purposes of
26 providing capitalization advances and local match for federal emergency
27 funding. After the receipt of federal funds for the identified
28 emergencies, program Z shall transfer sufficient funds to program P to
29 replace amounts used for capitalization advances on a dollar-for-dollar
30 basis.

31 (14) With each department budget submittal, the department shall
32 provide an update on the status of the repayment of the twenty million
33 dollars of unobligated federal funds authority advanced by the
34 department in September 2010 to the city of Tacoma for the Murray
35 Morgan/11th Street bridge project.

36 (15) \$225,000 of the multimodal transportation account--state
37 appropriation is provided solely for the Shell Valley emergency road
38 and bicycle/pedestrian path (project L1000036).

1 (16) \$150,000 of the motor vehicle account--state appropriation is
2 provided solely for flood reduction solutions on state route number 522
3 caused by the lower McAleer and Lyon creek basins (project L1000041).

4 NEW SECTION. **Sec. 311. CERTIFICATES OF PARTICIPATION**

5 The following agencies may enter into financial contracts, paid
6 from appropriated funds of the agency, for the purposes indicated and
7 in not more than the principal amounts indicated, plus financing
8 expenses and required reserves pursuant to chapter 39.94 RCW.
9 Expenditures made by an agency for one of the indicated purposes before
10 the issue date of the authorized financial contract and any
11 certificates of participation therein are intended to be reimbursed
12 from proceeds of the financial contract and any certificates of
13 participation therein to the extent provided in the agency's financing
14 plan.

15 (1) Washington state patrol: Enter into a financing contract for
16 up to \$20,400,000 plus financing expenses and required reserves
17 pursuant to chapter 39.94 RCW for the Washington state patrol's
18 narrowbanding communication project to convert the state patrol's
19 existing communication system from 25 MHz to 12.5 MHz as required by
20 the federal communications commission. This authorization is subject
21 to approval by the legislature during the 2012 legislative session.
22 The funding must be used for the replacement of portable radios that
23 must be replaced, upgrading the land mobile radio infrastructure, and
24 completing the system integration and engineering required as outlined
25 in the preengineering report to the 2012 legislature. The office of
26 financial management must place any funding related to the Washington
27 state patrol's narrowbanding project in this act in unallotted status
28 until the legislature takes action and grants approval in the 2012
29 legislative session.

30 (2) Washington state patrol: Enter into a financing contract for
31 up to \$5,574,000 plus financing expenses and required reserves pursuant
32 to chapter 39.94 RCW for the Washington state patrol's mobile office
33 platform concept with in-car computer, the statewide electronic ticket
34 and online reporting application, and the digital video system. The
35 maximum financeable term will be for five years.

36 (3) Department of transportation: Enter into a financing contract
37 for up to \$10,824,000 plus financing expenses and required reserves

1 pursuant to chapter 39.94 RCW for the time, leave, and labor
2 distribution system. The project would purchase, configure, and
3 implement an off-the-shelf enterprise solution for automating time and
4 attendance reporting. The financing must include the acquisition of
5 property with the awarded vendor contract signed prior to the issuance
6 of financing. The department is required to receive from its vendor or
7 vendors explicit permission to grant a security interest in information
8 system property. It will be necessary to include in the system
9 purchase or license documents special provisions that permit the
10 department to grant the required security interest and permit
11 assignment by the certificate of participation trustee to another user
12 notwithstanding any other provision in the system purchase or license
13 documents to the contrary. The maximum financeable term will be for
14 seven years.

15 (4) Department of licensing: Enter into a financing contract for
16 up to \$7,414,000 plus financing expenses and required reserves pursuant
17 to chapter 39.94 RCW for the replacement of the prorated and fuel tax
18 systems with an off-the-shelf product that has proven industry
19 acceptance, and includes the fuel tax, the international fuel tax
20 agreement, and the international registration plan systems. The
21 department is required to receive from its vendor or vendors explicit
22 permission to grant a security interest in information system property.
23 It will be necessary to include in the system purchase or license
24 documents special provisions that permit the department to grant the
25 required security interest and permit assignment by the certificate of
26 participation trustee to another user notwithstanding any other
27 provision in the system purchase or license documents to the contrary.
28 The maximum financeable term will be for seven years.

29 **TRANSFERS AND DISTRIBUTIONS**

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

34 Toll Bond Retirement Account--State
35 Appropriation \$34,492,000

1	Transportation Partnership Account--State	
2	Appropriation	\$7,872,000
3	Highway Bond Retirement Account--State	
4	Appropriation	\$882,100,000
5	Ferry Bond Retirement Account--State	
6	Appropriation	\$31,801,000
7	State Route Number 520 Corridor Account--State	
8	Appropriation	\$2,018,000
9	Transportation Improvement Board Bond Retirement	
10	Account--State Appropriation	\$16,544,000
11	Nondebt-Limit Reimbursable Account Appropriation	\$24,185,000
12	Motor Vehicle Account--State Appropriation	\$726,000
13	Urban Arterial Trust Account--State Appropriation	\$29,000
14	Transportation Improvement Account--State Appropriation	\$15,000
15	Multimodal Transportation Account--State	
16	Appropriation	\$345,000
17	Transportation 2003 Account (Nickel Account)--State	
18	Appropriation	\$2,323,000
19	TOTAL APPROPRIATION	\$1,002,450,000

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

23	State Route Number 520 Corridor Account--State	
24	Appropriation	\$322,000
25	Transportation Partnership Account--State	
26	Appropriation	\$1,325,000
27	Motor Vehicle Account--State Appropriation	\$125,000
28	Transportation 2003 Account (Nickel Account)--State	
29	Appropriation	\$391,000
30	Urban Arterial Trust Account--State Appropriation	\$3,000
31	Transportation Improvement Account--State Appropriation	\$2,000
32	Multimodal Transportation Account--State	
33	Appropriation	\$59,000
34	TOTAL APPROPRIATION	\$2,227,000

35 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**

1 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
2 **MVFT BONDS AND TRANSFERS**

3 Motor Vehicle Account--State Appropriation:
4 For transfer to the Puget Sound Capital Construction
5 Account \$72,016,000

6 The department of transportation is authorized to sell up to
7 \$72,016,000 in bonds authorized by RCW 47.10.843 for vessel and
8 terminal acquisition, major and minor improvements, and long lead-time
9 materials acquisition for the Washington state ferries. Of the
10 authorized amounts, \$14,500,000 is provided solely for expenditures
11 made during the fiscal biennium ending June 30, 2011.

12 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
13 **FOR DISTRIBUTION**

14 Motor Vehicle Account--State Appropriation for
15 motor vehicle fuel tax distributions to cities
16 and counties \$478,155,000

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

18 Motor Vehicle Account--State
19 Appropriation: For motor vehicle fuel tax
20 refunds and statutory transfers \$1,246,357,000

21 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**
22 **TRANSFERS**

23 Motor Vehicle Account--State
24 Appropriation: For motor vehicle fuel tax
25 refunds and transfers \$127,984,000

26 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**
27 **TRANSFERS**

28 (1) Tacoma Narrows Toll Bridge Account--State
29 Appropriation: For transfer to the Motor Vehicle
30 Account--State \$2,008,000

31 (2) Motor Vehicle Account--State Appropriation:
32 For transfer to the Puget Sound Ferry Operations
33 Account--State \$78,000,000

34 (3) Recreational Vehicle Account--State

1 Appropriation: For transfer to the Motor Vehicle
2 Account--State \$1,450,000
3 (4) License Plate Technology Account--State
4 Appropriation: For transfer to the Highway Safety
5 Account--State \$3,200,000
6 (5) Multimodal Transportation Account--State
7 Appropriation: For transfer to the Puget Sound
8 Ferry Operations Account--State \$3,000,000
9 (6) Department of Licensing Services Account--State
10 Appropriation: For transfer to the Motor Vehicle
11 Account--State \$400,000
12 (7) Advanced Right-of-Way Account: For transfer
13 to the Motor Vehicle Account--State \$5,000,000
14 (8) State Route Number 520 Civil Penalties
15 Account--State Appropriation: For transfer to the
16 State Route Number 520 Corridor Account--State \$754,000
17 (9) Regional Mobility Grant Program Account--State
18 Appropriation: For transfer to the Multimodal
19 Transportation Account--State \$1,000,000
20 (10) Motor Vehicle Account--State Appropriation:
21 For transfer to the State Patrol Highway
22 Account--State \$10,000,000
23 (11) State Route Number 520 Corridor
24 Account--State Appropriation: For transfer
25 to the Motor Vehicle Account--State \$2,435,000
26 (12) Rural Mobility Grant Program Account--State
27 Appropriation: For transfer to the Multimodal
28 Transportation Account--State \$3,000,000
29 (13) Motor Vehicle Account--State Appropriation:
30 For transfer to the Special Category C Account--State \$1,500,000
31 (14) Highway Safety Account--State Appropriation:
32 For transfer to the Motor Vehicle Account--State \$30,000,000
33 (15) State Patrol Highway Account--State
34 Appropriation: For transfer to the Vehicle
35 Licensing Fraud Account--State \$100,000
36 (16) The transfers identified in this section are subject to the
37 following conditions and limitations:

1 (a) The amount transferred in subsection (1) of this section
2 represents repayment of operating loans and reserve payments provided
3 to the Tacoma Narrows toll bridge account from the motor vehicle
4 account in the 2005-2007 fiscal biennium and represents toll revenue
5 collected from toll violations.

6 (b) Any cash balance in the waste tire removal account in excess of
7 one million dollars must be transferred to the motor vehicle account
8 for the purpose of road wear-related maintenance on state and local
9 public highways.

10 (c) The transfer in subsection (8) of this section represents toll
11 revenue collected from toll violations.

12 (d) The amount transferred in subsection (3) of this section shall
13 not exceed the expenditures incurred from the motor vehicle account--
14 state appropriation for the recreational vehicle sanitary disposal
15 systems program.

16 **NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS**

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

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

33 **COMPENSATION**

1 NEW SECTION. **Sec. 501. COMPENSATION--REVISE PENSION CONTRIBUTION**

2 **RATES**

3	Aeronautics Account--State	(\$27,000)
4	County Arterial Preservation Account--State	(\$18,000)
5	Department of Licensing Services Account--State	(\$26,000)
6	High Occupancy Toll Lanes Operations Account--State	(\$10,000)
7	Highway Safety Account--Federal	(\$37,000)
8	Highway Safety Account--State	(\$1,400,000)
9	Motor Vehicle Account--Private/Local	(\$3,000)
10	Motor Vehicle Account--State	(\$7,023,000)
11	Motorcycle Safety Education Account--State	(\$15,000)
12	Multimodal Transportation Account--State	(\$119,000)
13	Pilotage Account--Non-Appropriation	(\$5,000)
14	Puget Sound Ferry Operations Account--State	(\$3,861,000)
15	Rural Arterial Trust Account--State	(\$12,000)
16	Tacoma Narrows Toll Bridge Account--State	(\$29,000)
17	Transportation Improvement Account--State	(\$17,000)
18	Urban Arterial Trust Account--State	(\$17,000)
19	State Wildlife Account--State	(\$12,000)
20	State Patrol Highway Account--State	(\$1,392,000)

21 Appropriations are adjusted to reflect savings resulting from
22 changes to pension plans under chapter ... (House Bill No. 2021), Laws
23 of 2011. The office of financial management shall update agency
24 appropriations schedules to reflect the changes to funding levels in
25 this section as identified by agency and fund in LEAP transportation
26 document GL2-2011, as developed on March 23, 2011. From the applicable
27 accounts, the office of financial management shall adjust allotments to
28 the respective agencies and programs by an amount that conforms with
29 funding adjustments enacted in the 2011-2013 omnibus operating
30 appropriations act. Any allotment reductions under this section must
31 be placed in reserve status and remain unexpended.

32 NEW SECTION. **Sec. 502. SALARY ADJUSTMENT**

33	Aeronautics Account--State	(\$44,000)
34	County Arterial Preservation Account--State	(\$32,000)
35	Department of Licensing Services Account--State	(\$44,000)
36	High Occupancy Toll Lanes Operations Account--State	(\$16,000)
37	Highway Safety Account--Federal	(\$72,000)

1	Highway Safety Account--State	(\$2,387,000)
2	Motor Vehicle Account--Private/Local	(\$4,000)
3	Motor Vehicle Account--State	(\$11,972,000)
4	Motorcycle Safety Education Account--State	(\$27,000)
5	Multimodal Transportation Account--State	(\$204,000)
6	Pilotage Account--Non-Appropriation	(\$8,000)
7	Puget Sound Ferry Operations Account--State	(\$452,000)
8	Rural Arterial Trust Account--State	(\$20,000)
9	Tacoma Narrows Toll Bridge Account--State	(\$50,000)
10	Transportation Improvement Account--State	(\$28,000)
11	Urban Arterial Trust Account--State	(\$28,000)
12	State Wildlife Account--State	(\$20,000)
13	State Patrol Highway Account--State	(\$2,554,000)

14 The appropriation in this section must be expended solely for the
15 purposes designated in this section and is subject to the following
16 conditions and limitations:

17 (1) The appropriation in this section is provided solely for a
18 three percent salary reduction effective July 1, 2011, through June 30,
19 2013, for all employees of the executive, legislative, and judicial
20 branches, including employees in the Washington management service and
21 employees exempt from merit system rules, except for:

22 (a) Elected officials whose salaries are set by the commission on
23 salaries for elected officials;

24 (b) Student employees at state institutions of higher education;

25 (c) Faculty employees at state institutions of higher education,
26 provided that appropriations to higher education institutions are
27 reduced in an amount reflecting a three percent reduction in faculty
28 salary expenditures;

29 (d) Certificated employees of the state school for the blind and
30 the center for childhood deafness and hearing loss;

31 (e) Commissioned officers of the Washington state patrol
32 represented by the state patrol troopers' association and the
33 Washington state patrol lieutenants' association;

34 (f) Represented ferry workers of the Washington state department of
35 transportation, provided that other reductions are included in section
36 504 of this act;

37 (g) Employees whose salary is less than \$2,500 per month; and

38 (h) Employees as specified in subsection (3) of this section.

1 (2) For employees subject to the three percent reduction in salary
2 under subsection (1) of this section, employees will receive temporary
3 salary reduction leave of up to 5.2 hours per month. The director of
4 personnel shall adopt rules governing the accrual and use of temporary
5 salary reduction leave.

6 (3) The appropriation also reflects a three percent cost saving in
7 expenditures as specified in section 505 of this act.

8 (4) The department of retirement systems shall include any forgone
9 salary or lost work hours under subsections (1) and (3) of this section
10 in the final average compensation of employees affected for purposes of
11 calculating retirement benefits, as specified in executive request
12 legislation, chapter . . . (House Bill No. . . .), Laws of 2011 and
13 chapter . . . (Senate Bill No. . . .), Laws of 2011.

14 (5) The appropriation from dedicated funds and accounts must be
15 made in the amounts specified and from the dedicated funds and accounts
16 specified in LEAP Transportation Document GLK-2011, as developed on
17 March 23, 2011, which is incorporated by reference. The office of
18 financial management shall allocate the moneys appropriated in this
19 section in the amounts specified and to the state agencies specified in
20 LEAP Transportation Document GLK-2011, as developed on March 23, 2011,
21 and adjust appropriation schedules accordingly.

22 NEW SECTION. **Sec. 503. COLLECTIVE BARGAINING AGREEMENTS**

23 Provisions or terms and conditions of collective bargaining
24 agreements contained in this act are described in general terms. The
25 collective bargaining agreements or terms and conditions contained in
26 sections 501, 502, and 503 through 510 of this act may also be funded
27 by expenditures from nonappropriated accounts. If positions are funded
28 with lidded grants or dedicated fund sources with insufficient revenue,
29 additional funding from other sources is not provided.

30 NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**
31 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU, METAL TRADES, OPEIU,**
32 **MEBA-UL MEBA-L, MM&P-WS, MM&P**

33 (1) Agreements have been reached between the governor and the
34 following unions effective July 1, 2011: Inlandboatmen's union of the
35 pacific; Puget Sound metal trades council; office and professional
36 employees international union local no. 8; marine engineers' beneficial

1 association (unlicensed engine room employees); marine engineers'
2 beneficial association (licensed engineer officers); master, mates, and
3 pilots marine operations watch supervisors; and master, mates, and
4 pilots, under chapter 47.64 RCW for the 2011-2013 fiscal biennium
5 subject to union internal processes and procedures.

6 (2) Funding is reduced to reflect a reduction to overtime
7 calculation, travel pay for relief employees, and reduced vacation
8 leave accruals.

9 (3) Except for office and professional employees international
10 union local no. 8, funding is reduced to reflect a three percent
11 temporary salary reduction for all employees for fiscal years 2012 and
12 2013 through June 29, 2013. Entry level rates for employees under the
13 inlandboatmen's union of the pacific are not subject to the three
14 percent temporary salary reduction.

15 (4) For employees covered under the office and professional
16 employees international union local no. 8 agreement, funding is reduced
17 to reflect a three percent temporary salary reduction for all employees
18 making \$2,500 or more per month for fiscal years 2012 and 2013 through
19 June 29, 2013. Temporary salary reduction leave is granted for
20 employees covered under the office and professional employees
21 international union local no. 8 agreement for the term of the 2011-2013
22 agreement.

23 (5) Effective June 30, 2013, the salary schedules effective July 1,
24 2009, through June 29, 2011, will be reinstated for all of the
25 agreements.

26 (6) Appropriations in this act reflect funding to staff vessels
27 according to United States coast guard certificates of inspection per
28 the agreement noted in subsection (1) of this section.

29 NEW SECTION. **Sec. 505. GENERAL GOVERNMENT COLLECTIVE BARGAINING**
30 **AGREEMENTS**

31 Agreements have been reached between the governor and the
32 Washington federation of state employees and the international
33 federation of professional and technical engineers local 17 under
34 chapter 41.80 RCW for the 2011-2013 fiscal biennium subject to union
35 internal processes/procedures. Funding is reduced to reflect a three
36 percent temporary salary reduction for all employees making \$2,500 or
37 more per month covered under the agreements for fiscal years 2012 and

1 2013 through June 29, 2013. Effective June 30, 2013, the salary
2 schedules effective July 1, 2009, through June 30, 2011, will be
3 reinstated. Temporary salary reduction leave is granted for the term
4 of the 2011-2013 agreement.

5 NEW SECTION. **Sec. 506. COLLECTIVE BARGAINING AGREEMENT--WSP**
6 **TROOPERS ASSOCIATION**

7 No agreement has been reached between the governor and the
8 Washington state patrol trooper's association under chapter 41.56 RCW
9 for the 2011-2013 fiscal biennium. Appropriations for the Washington
10 state patrol in this act are sufficient to fund the provisions of the
11 2009-2011 agreement.

12 NEW SECTION. **Sec. 507. COLLECTIVE BARGAINING AGREEMENTS--WSP**
13 **LIEUTENANTS ASSOCIATION**

14 No agreement has been reached between the governor and the
15 Washington state patrol lieutenant's association under chapter 41.56
16 RCW for the 2011-2013 fiscal biennium. Appropriations for the
17 Washington state patrol in this act are sufficient to fund the
18 provisions of the 2009-2011 agreement.

19 NEW SECTION. **Sec. 508. COMPENSATION--NONREPRESENTED EMPLOYEES--**
20 **INSURANCE BENEFITS**

21 Appropriations in this act for state agencies are sufficient to
22 fund nonrepresented state employee health benefits for state agencies
23 and are subject to the following conditions and limitations:

24 (1)(a) The monthly employer funding rate for insurance benefit
25 premiums, public employees' benefits board administration, and the
26 uniform medical plan shall not exceed \$850 per eligible employee for
27 fiscal year 2012. For fiscal year 2013, the monthly employer funding
28 rate shall not exceed \$850 per eligible employee.

29 (b) In order to achieve the level of funding provided for health
30 benefits, the public employees' benefits board shall require any or all
31 of the following: Employee premium copayments; increases in point-of-
32 service cost sharing; the implementation of managed competition; or
33 make other changes to benefits consistent with RCW 41.05.065.

34 (c) The health care authority shall deposit any moneys received on
35 behalf of the uniform medical plan as a result of rebates on

1 prescription drugs, audits of hospitals, subrogation payments, or any
2 other moneys recovered as a result of prior uniform medical plan claims
3 payments, into the public employees' and retirees' insurance account to
4 be used for insurance benefits. Such receipts shall not be used for
5 administrative expenditures.

6 (2) The health care authority, subject to the approval of the
7 public employees' benefits board, shall provide subsidies for health
8 benefit premiums to eligible retired or disabled public employees and
9 school district employees who are eligible for medicare, pursuant to
10 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
11 \$150.00 per month.

12 NEW SECTION. **Sec. 509. COMPENSATION--REPRESENTED EMPLOYEES**
13 **OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

14 Appropriations in this act for state agencies are sufficient to
15 fund health benefits for represented state employees outside the super
16 coalition on health benefits and are subject to the following
17 conditions and limitations:

18 (1)(a) The monthly employer funding rate for insurance benefit
19 premiums, public employees' benefits board administration, and the
20 uniform medical plan shall not exceed \$850 per eligible employee for
21 fiscal year 2012. For fiscal year 2013, the monthly employer funding
22 rate shall not exceed \$850 per eligible employee.

23 (b) In order to achieve the level of funding provided for health
24 benefits, the public employees' benefits board shall require any or all
25 of the following: Employee premium copayments; increases in point-of-
26 service cost sharing; the implementation of managed competition; or
27 make other changes to benefits consistent with RCW 41.05.065.

28 (c) The health care authority shall deposit any moneys received on
29 behalf of the uniform medical plan as a result of rebates on
30 prescription drugs, audits of hospitals, subrogation payments, or any
31 other moneys recovered as a result of prior uniform medical plan claims
32 payments, into the public employees' and retirees' insurance account to
33 be used for insurance benefits. Such receipts shall not be used for
34 administrative expenditures.

35 (2) The health care authority, subject to the approval of the
36 public employees' benefits board, shall provide subsidies for health
37 benefit premiums to eligible retired or disabled public employees and

1 school district employees who are eligible for medicare, pursuant to
2 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
3 \$150.00 per month.

4 NEW SECTION. **Sec. 510. COMPENSATION--REPRESENTED EMPLOYEES--**
5 **SUPER COALITION--INSURANCE BENEFITS**

6 The collective bargaining agreement negotiated with the super
7 coalition under chapter 41.80 RCW includes employer premiums at eighty-
8 five percent of the total weighted average of the projected health care
9 premiums across all plans and tiers. Appropriations in this act for
10 state agencies are sufficient to fund state employees health benefits
11 for employees represented by the super coalition on health benefits and
12 are subject to the following conditions and limitations:

13 (1)(a) The monthly employer funding rate for insurance benefit
14 premiums, public employees' benefits board administration, and the
15 uniform medical plan shall not exceed \$850 per eligible employee for
16 fiscal year 2012. For fiscal year 2013, the monthly employer funding
17 rate shall not exceed \$850 per eligible employee.

18 (b) In order to achieve the level of funding provided for health
19 benefits, the public employees' benefits board shall require any or all
20 of the following: Employee premium copayments; increases in point-of-
21 service cost sharing; the implementation of managed competition; or
22 make other changes to benefits consistent with RCW 41.05.065.

23 (c) The health care authority shall deposit any moneys received on
24 behalf of the uniform medical plan as a result of rebates on
25 prescription drugs, audits of hospitals, subrogation payments, or any
26 other moneys recovered as a result of prior uniform medical plan claims
27 payments, into the public employees' and retirees' insurance account to
28 be used for insurance benefits. Such receipts shall not be used for
29 administrative expenditures.

30 (2) The health care authority, subject to the approval of the
31 public employees' benefits board, shall provide subsidies for health
32 benefit premiums to eligible retired or disabled public employees and
33 school district employees who are eligible for medicare, pursuant to
34 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
35 \$150.00 per month.

36 NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE**

1 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

2 No agreements have been reached between the governor and service
3 employees international union local no. 6 and the ferry agents,
4 supervisors, and project administrators association under chapter 47.64
5 RCW for the 2011-2013 fiscal biennium. Appropriations in this act
6 reflect funding to maintain the provisions or terms and conditions of
7 the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013
8 appropriations are reduced to reflect management priorities in
9 collective bargaining.

10 **IMPLEMENTING PROVISIONS**

11 NEW SECTION. **Sec. 601. STAFFING LEVELS**

12 (1) As the department of transportation completes delivery of the
13 projects funded by the 2003 and 2005 transportation revenue packages,
14 it is clear that the current staffing levels necessary to deliver these
15 projects are not sustainable into the future. Therefore, the
16 department is directed to quickly move forward to develop and implement
17 new business practices so that a smaller, more nimble state workforce
18 can effectively and efficiently deliver transportation improvement
19 programs as they are approved in the future, in strong partnership with
20 the private sector, while protecting the public's interests and assets.

21 (2) To this end, the department of transportation is directed to
22 reduce the size of its engineering and technical workforce to a level
23 sustained by current law revenue levels currently estimated at two
24 thousand FTEs by the end of the 2013-2015 fiscal biennium. The
25 department's current two thousand eight hundred FTE engineering and
26 technical workforce levels for highway construction will be reduced in
27 the 2011-2013 fiscal biennium, with a target of two thousand four
28 hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by
29 June 30, 2015.

30 (3) In order to successfully deliver the highway construction
31 program as funded, the department of transportation may continue to
32 contract out engineering and technical services. In addition, the
33 department may continue the incentive program for retirements and
34 employee separations. The department shall report quarterly to the
35 office of financial management and the transportation committees of the

1 legislature on its progress and plans to reduce highway construction
2 workforce levels to two thousand FTEs by June 2015. This report must
3 also be posted on the department's web site.

4 NEW SECTION. **Sec. 602. VOLUNTARY RETIREMENT, SEPARATION, AND**
5 **DOWNSHIFTING INCENTIVES**

6 As a management tool to reduce costs and make more effective use of
7 resources, while improving employee productivity and morale, agencies
8 may implement a voluntary retirement, separation, and/or downshifting
9 incentive program that is cost neutral or results in cost savings over
10 a two-year period following the commencement of the program, provided
11 that such a program is approved by the director of financial
12 management.

13 Agencies participating in this authorization may offer voluntary
14 retirement, separation, and/or downshifting incentives and options
15 according to procedures and guidelines established by the office of
16 financial management, in consultation with the department of personnel
17 and the department of retirement systems. The options may include, but
18 are not limited to, financial incentives for: Voluntary separation or
19 retirement, voluntary leave-without-pay, voluntary workweek or work
20 hour reduction, voluntary downward movement, or temporary separation
21 for development purposes. An employee does not have a contractual
22 right to a financial incentive offered pursuant to this section.

23 Offers must be reviewed and monitored jointly by the department of
24 personnel and the department of retirement systems. Agencies are
25 required to submit a report by June 30, 2013, to the legislature and
26 the office of financial management on the outcome of their approved
27 incentive program. The report must include information on the details
28 of the program, including resulting service delivery changes, agency
29 efficiencies, the cost of the incentive per participant, the total cost
30 to the state, and the projected or actual net dollar savings over the
31 2011-2013 fiscal biennium.

32 NEW SECTION. **Sec. 603. FUND TRANSFERS**

33 (1) The transportation 2003 projects or improvements and the 2005
34 transportation partnership projects or improvements are listed in LEAP
35 Transportation Document 2011-1 as developed March 21, 2011, which
36 consists of a list of specific projects by fund source and amount over

1 a sixteen year period. Current fiscal biennium funding for each
2 project is a line item appropriation, while the outer year funding
3 allocations represent a sixteen year plan. The department is expected
4 to use the flexibility provided in this section to assist in the
5 delivery and completion of all transportation partnership account and
6 transportation 2003 (nickel) account projects on the LEAP lists
7 referenced in this act. For the 2011-2013 project appropriations,
8 unless otherwise provided in this act, the director of financial
9 management may authorize a transfer of appropriation authority between
10 projects funded with transportation 2003 account (nickel account)
11 appropriations or transportation partnership account appropriations in
12 order to manage project spending and efficiently deliver all projects
13 in the respective program under the following conditions and
14 limitations:

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

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

20 (c) Each transfer between projects may only occur if the director
21 of financial management finds that any resulting change will not hinder
22 the completion of the projects as approved by the legislature. Until
23 the legislature reconvenes to consider the 2012 supplemental budget,
24 any unexpended 2009-2011 appropriation balance as approved by the
25 office of financial management, in consultation with the legislative
26 staff of the house of representatives and senate transportation
27 committees, may be considered when transferring funds between projects;

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

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

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

35 (g) Transfers between projects may be made by the department of
36 transportation until the transfer amount by project exceeds two hundred
37 fifty thousand dollars, or ten percent of the project, whichever is

1 less. These transfers must be reported quarterly to the director of
2 financial management and the chairs of the house of representatives and
3 senate transportation committees.

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

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

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

17 **NEW SECTION. Sec. 604. FACILITIES PLANNING**

18 (1) The department of transportation shall prepare a plan to
19 improve the oversight of real estate procurement and management
20 practices across all departmental programs and regions. The plan must
21 be submitted to the governor and the joint transportation committee by
22 September 1, 2012. The plan must include:

23 (a) An inventory of all currently owned and leased office space,
24 tunnel and bridge operations and maintenance facilities, and traffic
25 management centers;

26 (b) A list of all facilities that will be needed for tunnel and
27 bridge operations or maintenance in the next ten years and the funding
28 source that is assumed for these facilities;

29 (c) A list of all buildings that are planned to be renovated or
30 remodeled in the next ten years and the funding source that is assumed
31 for these facility improvements;

32 (d) A list of options for consolidating staff, equipment, and
33 operations activities to reduce costs. This list must include an
34 evaluation of the costs and benefits of owning properties as compared
35 to leasing them; and

36 (e) A process and plan for regularly evaluating needs for office

1 space, tunnel and bridge operations and maintenance facilities, and
2 traffic management.

3 (2) Until September 1, 2012, the department may not enter into new
4 leases or acquire property for office needs without first consulting
5 with the office of financial management and the joint transportation
6 committee.

7 **NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION**

8 As part of its budget submittal, the department shall provide an
9 annual update to the report provided to the legislature and office of
10 financial management in 2008 that:

11 (1) Compares the original project cost estimates approved in the
12 2003 and 2005 project lists to the completed cost of the project, or
13 the most recent legislatively approved budget and total project costs
14 for projects not yet completed;

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

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

19 (4) Identifies highway projects that have lost significant local or
20 regional contributions that were essential to completing the project;
21 and

22 (5) Identifies contingency amounts allocated to projects.

23 **NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION**

24 The department is given the authority to provide up to \$3,000,000
25 in toll credits to Kitsap transit for its role in new passenger-only
26 ferry service and ferry corridor-related projects. The number of toll
27 credits provided to Kitsap transit must be equal to, but no more than,
28 the number sufficient to meet federal match requirements for grant
29 funding for passenger-only ferry service, but shall not exceed the
30 amount authorized in this section.

31 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

32 **Sec. 701.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to
33 read as follows:

1 There is hereby created in the motor vehicle fund the RV account.
2 All moneys hereafter deposited in said account shall be used by the
3 department of transportation for the construction, maintenance, and
4 operation of recreational vehicle sanitary disposal systems at safety
5 rest areas in accordance with the department's highway system plan as
6 prescribed in chapter 47.06 RCW. During the ((2007-2009—and))
7 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
8 from the RV account to the motor vehicle fund such amounts as reflect
9 the excess fund balance of the RV account to accomplish the purposes
10 identified in this section.

11 **Sec. 702.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to
12 read as follows:

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

17 (1) Provisions that specify unsolicited proposals must meet
18 predetermined criteria;

19 (2) Provisions governing procedures for the cessation of
20 negotiations and consideration;

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

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

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

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

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

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

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

7 The commission may not accept or consider any unsolicited proposals
8 before July 1, (~~(2011)~~) 2013.

9 NEW SECTION. **Sec. 703.** To the extent that any appropriation
10 authorizes expenditures of state funds from the motor vehicle account,
11 special category C account, Tacoma Narrows toll bridge account,
12 transportation 2003 account (nickel account), transportation
13 partnership account, transportation improvement account, Puget Sound
14 capital construction account, multimodal transportation account, state
15 route number 520 corridor account, or other transportation capital
16 project account in the state treasury for a state transportation
17 program that is specified to be funded with proceeds from the sale of
18 bonds authorized in chapter 47.10 RCW, the legislature declares that
19 any such expenditures made prior to the issue date of the applicable
20 transportation bonds for that state transportation program are intended
21 to be reimbursed from proceeds of those transportation bonds in a
22 maximum amount equal to the amount of such appropriation.

23 **Sec. 704.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to
24 read as follows:

25 The license plate technology account is created in the state
26 treasury. All receipts collected under RCW 46.17.015 must be deposited
27 into this account. Expenditures from this account must support current
28 and future license plate technology and systems integration upgrades
29 for both the department and correctional industries. Moneys in the
30 account may be spent only after appropriation. Additionally, the
31 moneys in this account may be used to reimburse the motor vehicle
32 account for any appropriation made to implement the digital license
33 plate system. During the (~~(2009-2011)~~) 2011-2013 fiscal biennium, the
34 legislature may transfer from the license plate technology account to
35 the highway safety account such amounts as reflect the excess fund
36 balance of the license plate technology account.

1 **Sec. 705.** RCW 47.01.380 and 2009 c 470 s 705 are each amended to
2 read as follows:

3 The department shall not commence construction on any part of the
4 state route number 520 bridge replacement and HOV project until a
5 record of decision has been reached providing reasonable assurance that
6 project impacts will be avoided, minimized, or mitigated as much as
7 practicable to protect against further adverse impacts on neighborhood
8 environmental quality as a result of repairs and improvements made to
9 the state route number 520 bridge and its connecting roadways, and that
10 any such impacts will be addressed through engineering design choices,
11 mitigation measures, or a combination of both. The requirements of
12 this section shall not apply to off-site pontoon construction
13 supporting the state route number 520 bridge replacement and HOV
14 project. The requirements of this section shall not apply during the
15 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia.

16 **Sec. 706.** RCW 47.56.876 and 2010 c 248 s 5 are each amended to
17 read as follows:

18 (1) A special account to be known as the state route number 520
19 civil penalties account is created in the state treasury. All state
20 route number 520 bridge replacement and HOV program civil penalties
21 generated from the nonpayment of tolls on the state route number 520
22 corridor must be deposited into the account, as provided under RCW
23 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
24 appropriation. Expenditures from the account may be used to fund any
25 project within the state route number 520 bridge replacement and HOV
26 program, including mitigation. During the 2011-2013 fiscal biennium,
27 the legislature may transfer from the state route number 520 civil
28 penalties account to the state route number 520 corridor account such
29 amounts as reflect the excess fund balance of the state route number
30 520 civil penalties account. Funds transferred must be used solely for
31 capital expenditures for the state route number 520 bridge replacement
32 and HOV project (8BI1003).

33 (2) This section is contingent on the enactment by June 30, 2010,
34 of either chapter 249, Laws of 2010 or chapter . . . (Substitute House
35 Bill No. 2897), Laws of 2010, but if the enacted bill does not
36 designate the department as the toll penalty adjudicating agency, this
37 section is null and void.

1 **Sec. 707.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161
2 s 604 are each reenacted and amended to read as follows:

3 (1) The department must review and either approve or reject special
4 license plate applications submitted by sponsoring organizations.

5 (2) Duties of the department include but are not limited to the
6 following:

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

11 (b) Report annually to the senate and house of representatives
12 transportation committees on the special license plate applications
13 that were considered by the department;

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

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

24 (3) Except as provided in RCW 46.18.245, in order to assess the
25 effects and impact of the proliferation of special license plates, the
26 legislature declares a temporary moratorium on the issuance of any
27 additional plates until July 1, (~~2011~~) 2013. During this period of
28 time, the department is prohibited from accepting, reviewing,
29 processing, or approving any applications. Additionally, a special
30 license plate may not be enacted by the legislature during the
31 moratorium, unless the proposed license plate has been approved by the
32 board before February 15, 2005.

33 **Sec. 708.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
34 read as follows:

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

1 used for carrying out the provisions of law relating to driver
2 licensing, driver improvement, financial responsibility, cost of
3 furnishing abstracts of driving records and maintaining such case
4 records, and to carry out the purposes set forth in RCW 43.59.010.
5 During the ((2007-2009 and)) 2009-2011 and 2011-2013 fiscal biennia,
6 the legislature may transfer from the highway safety fund to the motor
7 vehicle fund and the multimodal transportation account such amounts as
8 reflect the excess fund balance of the highway safety fund.

9 **Sec. 709.** RCW 46.68.--- and 2011 c ... (SHB 1897) s 1 are each
10 amended to read as follows:

11 (1) The rural mobility grant program account is created in the
12 state treasury. Moneys in the account may be spent only after
13 appropriation. Expenditures from the account may be used only for the
14 grants provided under section 2 ((of this act)), chapter ... (SHB
15 1897), Laws of 2011.

16 (2) Beginning September 2011, by the last day of September,
17 December, March, and June of each year, the state treasurer shall
18 transfer from the multimodal transportation account to the rural
19 mobility grant program account two million five hundred thousand
20 dollars.

21 (3) During the 2011-2013 fiscal biennium, the legislature may
22 transfer from the rural mobility grant program account to the
23 multimodal transportation account such amounts as reflect the excess
24 fund balance of the rural mobility grant program account.

25 **Sec. 710.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to
26 read as follows:

27 The department of licensing services account is created in the
28 motor vehicle fund. All receipts from service fees received under RCW
29 46.17.025 must be deposited into the account. Moneys in the account
30 may be spent only after appropriation. Expenditures from the account
31 may be used only for:

- 32 (1) Information and service delivery systems for the department;
33 (2) Reimbursement of county licensing activities; and
34 (3) County auditor or other agent and subagent support including,
35 but not limited to, the replacement of department-owned equipment in
36 the possession of county auditors or other agents and subagents

1 appointed by the director. During the ((2007-2009 and 2009-2011))
2 2011-2013 fiscal ((biennia)) biennium, the legislature may transfer
3 from the department of licensing services account such amounts as
4 reflect the excess fund balance of the account.

5 **Sec. 711.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to
6 read as follows:

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

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

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

23 (4) For the 2009-2011 and 2011-2013 fiscal ((biennium)) biennia,
24 all fuel purchased by the Washington state ferries at the Harbor Island
25 truck terminal for the operation of the Washington state ferries diesel
26 powered vessels must be a minimum of five percent biodiesel blend so
27 long as the per gallon price of diesel containing a five percent
28 biodiesel blend level does not exceed the per gallon price of diesel by
29 more than five percent. If the per gallon price of diesel containing
30 a five percent biodiesel blend level exceeds the per gallon price of
31 diesel by more than five percent, the requirements of this section do
32 not apply to vessel fuel purchases by the Washington state ferries.

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

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

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

4 **Sec. 712.** RCW 47.06B.900 and 2009 c 515 s 17 are each amended to
5 read as follows:

6 The agency council on coordinated transportation is terminated on
7 June 30, (~~(2011, as provided in RCW 47.06B.901)~~) 2013.

8 **Sec. 713.** RCW 47.06B.901 and 2009 c 515 s 18 are each amended to
9 read as follows:

10 The following acts or parts of acts, as now existing or hereafter
11 amended, are each repealed, effective June 30, (~~(2012)~~) 2014:

12 (1) RCW 47.06B.010 and 2009 c 515 s 3, 2007 c 421 s 1, 1999 c 385
13 s 1, & 1998 c 173 s 1;

14 (2) RCW 47.06B.012 and 1999 c 385 s 2;

15 (3) RCW 47.06B.020 and 2009 c 515 s 4, 2007 c 421 s 2, & 1998 c 173
16 s 2;

17 (4) RCW 47.06B.030 and (~~(2009 c 515 s 5,)~~) 2007 c 421 s 3, 1999 c
18 385 s 5, & 1998 c 173 s 3;

19 (5) RCW 47.06B.040 and 2007 c 421 s 4 & 1999 c 385 s 6;

20 (6) RCW 47.06B.050 and 2009 c 515 s 8 & 2007 c 421 s 6;

21 (7) RCW 47.06B.060;

22 (~~(8) ((Section 2 of this act;~~

23 ~~(9) Section 6 of this act;~~

24 ~~(10) Section 7 of this act;~~

25 ~~(11))~~) RCW 47.06B.070;

26 (~~(12))~~) (9) RCW 47.06B.075; and

27 (~~(13))~~) (10) RCW 47.06B.080.

28 **Sec. 714.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to
29 read as follows:

30 (1) The department may provide for the establishment, construction,
31 and operation of a pilot project of high occupancy toll lanes on state
32 route 167 high occupancy vehicle lanes within King county. The
33 department may issue, buy, and redeem bonds, and deposit and expend
34 them; secure and remit financial and other assistance in the

1 construction of high occupancy toll lanes, carry insurance, and handle
2 any other matters pertaining to the high occupancy toll lane pilot
3 project.

4 (2) Tolls for high occupancy toll lanes will be established as
5 follows:

6 (a) The schedule of toll charges for high occupancy toll lanes must
7 be established by the transportation commission and collected in a
8 manner determined by the commission.

9 (b) Toll charges shall not be assessed on transit buses and vanpool
10 vehicles owned or operated by any public agency.

11 (c) The department shall establish performance standards for the
12 state route 167 high occupancy toll lane pilot project. The department
13 must automatically adjust the toll charge, using dynamic tolling, to
14 ensure that toll-paying single-occupant vehicle users are only
15 permitted to enter the lane to the extent that average vehicle speeds
16 in the lane remain above forty-five miles per hour at least ninety
17 percent of the time during peak hours. The toll charge may vary in
18 amount by time of day, level of traffic congestion within the highway
19 facility, vehicle occupancy, or other criteria, as the commission may
20 deem appropriate. The commission may also vary toll charges for
21 single-occupant inherently low-emission vehicles such as those powered
22 by electric batteries, natural gas, propane, or other clean burning
23 fuels.

24 (d) The commission shall periodically review the toll charges to
25 determine if the toll charges are effectively maintaining travel time,
26 speed, and reliability on the highway facilities.

27 (3) The department shall monitor the state route 167 high occupancy
28 toll lane pilot project and shall annually report to the transportation
29 commission and the legislature on operations and findings. At a
30 minimum, the department shall provide facility use data and review the
31 impacts on:

- 32 (a) Freeway efficiency and safety;
- 33 (b) Effectiveness for transit;
- 34 (c) Person and vehicle movements by mode;
- 35 (d) Ability to finance improvements and transportation services
36 through tolls; and

37 (e) The impacts on all highway users. The department shall analyze
38 aggregate use data and conduct, as needed, separate surveys to assess

1 usage of the facility in relation to geographic, socioeconomic, and
2 demographic information within the corridor in order to ascertain
3 actual and perceived questions of equitable use of the facility.

4 (4) The department shall modify the pilot project to address
5 identified safety issues and mitigate negative impacts to high
6 occupancy vehicle lane users.

7 (5) Authorization to impose high occupancy vehicle tolls for the
8 state route 167 high occupancy toll pilot project expires if either of
9 the following two conditions apply:

10 (a) If no contracts have been let by the department to begin
11 construction of the toll facilities associated with this pilot project
12 within four years of July 24, 2005; or

13 (b) (~~Four years after toll collection begins under this section~~)
14 If high occupancy vehicle tolls are being collected on June 30, 2013.

15 (6) The department of transportation shall adopt rules that allow
16 automatic vehicle identification transponders used for electronic toll
17 collection to be compatible with other electronic payment devices or
18 transponders from the Washington state ferry system, other public
19 transportation systems, or other toll collection systems to the extent
20 that technology permits.

21 (7) The conversion of a single existing high occupancy vehicle lane
22 to a high occupancy toll lane as proposed for SR-167 must be taken as
23 the exception for this pilot project.

24 (8) A violation of the lane restrictions applicable to the high
25 occupancy toll lanes established under this section is a traffic
26 infraction.

27 (9) Procurement activity associated with this pilot project shall
28 be open and competitive in accordance with chapter 39.29 RCW.

29 **Sec. 715.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to
30 read as follows:

31 (1) Any ferry employee organization certified as the bargaining
32 representative shall be the exclusive representative of all ferry
33 employees in the bargaining unit and shall represent all such employees
34 fairly.

35 (2) A ferry employee organization or organizations and the governor
36 may each designate any individual as its representative to engage in
37 collective bargaining negotiations.

1 (3) Negotiating sessions, including strategy meetings of the
2 employer or employee organizations, mediation, and the deliberative
3 process of arbitrators are exempt from the provisions of chapter 42.30
4 RCW. Hearings conducted by arbitrators may be open to the public by
5 mutual consent of the parties.

6 (4) Terms of any collective bargaining agreement may be enforced by
7 civil action in Thurston county superior court upon the initiative of
8 either party.

9 (5) Ferry system employees or any employee organization shall not
10 negotiate or attempt to negotiate directly with anyone other than the
11 person who has been appointed or authorized a bargaining representative
12 for the purpose of bargaining with the ferry employees or their
13 representative.

14 (6)(a) Within ten working days after the first Monday in September
15 of every odd-numbered year, the parties shall attempt to agree on an
16 interest arbitrator to be used if the parties are not successful in
17 negotiating a comprehensive collective bargaining agreement. If the
18 parties cannot agree on an arbitrator within the ten-day period, either
19 party may request a list of seven arbitrators from the federal
20 mediation and conciliation service. The parties shall select an
21 interest arbitrator using the coin toss/alternate strike method within
22 thirty calendar days of receipt of the list. Immediately upon
23 selecting an interest arbitrator, the parties shall cooperate to
24 reserve dates with the arbitrator for potential arbitration between
25 August 1st and September 15th of the following even-numbered year. The
26 parties shall also prepare a schedule of at least five negotiation
27 dates for the following year, absent an agreement to the contrary. The
28 parties shall execute a written agreement before November 1st of each
29 odd-numbered year setting forth the name of the arbitrator and the
30 dates reserved for bargaining and arbitration. This subsection (6)(a)
31 imposes minimum obligations only and is not intended to define or limit
32 a party's full, good faith bargaining obligation under other sections
33 of this chapter.

34 (b) The negotiation of a proposed collective bargaining agreement
35 by representatives of the employer and a ferry employee organization
36 shall commence on or about February 1st of every even-numbered year.

37 (c) For negotiations covering the 2009-2011 biennium and subsequent
38 biennia, the time periods specified in this section, and in RCW

1 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of
2 all agreements on or before October 1st of the even-numbered year next
3 preceding the biennial budget period during which the agreement should
4 take effect. These time periods may only be altered by mutual
5 agreement of the parties in writing. Any such agreement and any
6 impasse procedures agreed to by the parties under RCW 47.64.200 must
7 include an agreement regarding the new time periods that will allow
8 final resolution by negotiations or arbitration by October 1st of each
9 even-numbered year.

10 (7) It is the intent of this section that the collective bargaining
11 agreement or arbitrator's award shall commence on July 1st of each odd-
12 numbered year and shall terminate on June 30th of the next odd-numbered
13 year to coincide with the ensuing biennial budget year, as defined by
14 RCW 43.88.020(7), to the extent practical. It is further the intent of
15 this section that all collective bargaining agreements be concluded by
16 October 1st of the even-numbered year before the commencement of the
17 biennial budget year during which the agreements are to be in effect.
18 After the expiration date of a collective bargaining agreement
19 negotiated under this chapter, all of the terms and conditions
20 specified in the collective bargaining agreement remain in effect until
21 the effective date of a subsequently negotiated agreement, not to
22 exceed one year from the expiration date stated in the agreement.
23 Thereafter, the employer may unilaterally implement according to law.

24 (8) The office of financial management shall conduct a salary
25 survey, for use in collective bargaining and arbitration, which must be
26 conducted through a contract with a firm nationally recognized in the
27 field of human resources management consulting.

28 (9)(a) The governor shall submit a request either for funds
29 necessary to implement the collective bargaining agreements including,
30 but not limited to, the compensation and fringe benefit provisions or
31 for legislation necessary to implement the agreement, or both.
32 Requests for funds necessary to implement the collective bargaining
33 agreements shall not be submitted to the legislature by the governor
34 unless such requests:

35 (i) Have been submitted to the director of the office of financial
36 management by October 1st before the legislative session at which the
37 requests are to be considered; and

1 (ii) Have been certified by the director of the office of financial
2 management as being feasible financially for the state.

3 (b) The governor shall submit a request either for funds necessary
4 to implement the arbitration awards or for legislation necessary to
5 implement the arbitration awards, or both. Requests for funds
6 necessary to implement the arbitration awards shall not be submitted to
7 the legislature by the governor unless such requests:

8 (i) Have been submitted to the director of the office of financial
9 management by October 1st before the legislative session at which the
10 requests are to be considered; and

11 (ii) Have been certified by the director of the office of financial
12 management as being feasible financially for the state.

13 (c) The legislature shall approve or reject the submission of the
14 request for funds necessary to implement the collective bargaining
15 agreements or arbitration awards as a whole for each agreement or
16 award. Except as provided in subsection (11) of this section, the
17 legislature shall not consider a request for funds to implement a
18 collective bargaining agreement or arbitration award unless the request
19 is transmitted to the legislature as part of the governor's budget
20 document submitted under RCW 43.88.030 and 43.88.060. If the
21 legislature rejects or fails to act on the submission, either party may
22 reopen all or part of the agreement and award or the exclusive
23 bargaining representative may seek to implement the procedures provided
24 for in RCW 47.64.210 and 47.64.300.

25 (10) If, after the compensation and fringe benefit provisions of an
26 agreement are approved by the legislature, a significant revenue
27 shortfall occurs resulting in reduced appropriations, as declared by
28 proclamation of the governor or by resolution of the legislature, both
29 parties shall immediately enter into collective bargaining for a
30 mutually agreed upon modification of the agreement.

31 (11) For the collective bargaining agreements negotiated for the
32 2011-2013 fiscal biennium, the legislature may consider a request for
33 funds to implement a collective bargaining agreement even if the
34 request for funds is not transmitted to the legislature as part of the
35 governor's budget document submitted under RCW 43.88.030 and 43.88.060.

36 **Sec. 716.** RCW 47.64.270 and 2010 c 283 s 13 are each amended to
37 read as follows:

1 (1) The employer and one coalition of all the exclusive bargaining
2 representatives subject to this chapter and chapter 41.80 RCW shall
3 conduct negotiations regarding the dollar amount expended on behalf of
4 each employee for health care benefits.

5 (2) Absent a collective bargaining agreement to the contrary, the
6 department of transportation shall provide contributions to insurance
7 and health care plans for ferry system employees and dependents, as
8 determined by the state health care authority, under chapter 41.05 RCW.

9 (3) The employer and employee organizations may collectively
10 bargain for insurance plans other than health care benefits, and
11 employer contributions may exceed that of other state agencies as
12 provided in RCW 41.05.050.

13 (4) For the 2011-2013 fiscal biennium, a collective bargaining
14 agreement related to employee health care benefits negotiated between
15 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
16 dollar amount expended on behalf of each employee must be a separate
17 agreement for which the governor may request funds necessary to
18 implement the agreement. If such an agreement is negotiated and funded
19 by the legislature, this agreement supersedes any terms and conditions
20 of an expired 2009-2011 biennial collective bargaining agreement under
21 this chapter regarding health care benefits.

22 **Sec. 717.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
23 read as follows:

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

26 (a) The appropriate local legislative authority must first enact an
27 ordinance allowing for their use to detect one or more of the
28 following: Stoplight, railroad crossing, or school speed zone
29 violations. At a minimum, the local ordinance must contain the
30 restrictions described in this section and provisions for public notice
31 and signage. Cities and counties using automated traffic safety
32 cameras before July 24, 2005, are subject to the restrictions described
33 in this section, but are not required to enact an authorizing
34 ordinance.

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

1 (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated
2 traffic safety cameras may be used to detect speed violations for the
3 purposes of ((~~section 201(2), chapter 470, Laws of 2009~~)) section
4 201(4) of this act if the local legislative authority first enacts an
5 ordinance authorizing the use of cameras to detect speed violations.

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

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

26 (f) The registered owner of a vehicle is responsible for an
27 infraction under RCW 46.63.030(1)(e) unless the registered owner
28 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
29 car business, satisfies the conditions under subsection (3) of this
30 section. If appropriate under the circumstances, a renter identified
31 under subsection (3)(a) of this section is responsible for an
32 infraction.

33 (g) Notwithstanding any other provision of law, all photographs,
34 microphotographs, or electronic images prepared under this section are
35 for the exclusive use of law enforcement in the discharge of duties
36 under this section and are not open to the public and may not be used
37 in a court in a pending action or proceeding unless the action or
38 proceeding relates to a violation under this section. No photograph,

1 microphotograph, or electronic image may be used for any purpose other
2 than enforcement of violations under this section nor retained longer
3 than necessary to enforce this section.

4 (h) All locations where an automated traffic safety camera is used
5 must be clearly marked by placing signs in locations that clearly
6 indicate to a driver that he or she is entering a zone where traffic
7 laws are enforced by an automated traffic safety camera.

8 (i) If a county or city has established an authorized automated
9 traffic safety camera program under this section, the compensation paid
10 to the manufacturer or vendor of the equipment used must be based only
11 upon the value of the equipment and services provided or rendered in
12 support of the system, and may not be based upon a portion of the fine
13 or civil penalty imposed or the revenue generated by the equipment.

14 (2) Infractions detected through the use of automated traffic
15 safety cameras are not part of the registered owner's driving record
16 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
17 by the use of automated traffic safety cameras under this section shall
18 be processed in the same manner as parking infractions, including for
19 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
20 However, the amount of the fine issued for an infraction generated
21 through the use of an automated traffic safety camera shall not exceed
22 the amount of a fine issued for other parking infractions within the
23 jurisdiction.

24 (3) If the registered owner of the vehicle is a rental car
25 business, the law enforcement agency shall, before a notice of
26 infraction being issued under this section, provide a written notice to
27 the rental car business that a notice of infraction may be issued to
28 the rental car business if the rental car business does not, within
29 eighteen days of receiving the written notice, provide to the issuing
30 agency by return mail:

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

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

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

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

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

10 (5) For the purposes of this section, "automated traffic safety
11 camera" means a device that uses a vehicle sensor installed to work in
12 conjunction with an intersection traffic control system, a railroad
13 grade crossing control system, or a speed measuring device, and a
14 camera synchronized to automatically record one or more sequenced
15 photographs, microphotographs, or electronic images of the rear of a
16 motor vehicle at the time the vehicle fails to stop when facing a
17 steady red traffic control signal or an activated railroad grade
18 crossing control signal, or exceeds a speed limit in a school speed
19 zone as detected by a speed measuring device. During the ((2009-2011))
20 2011-2013 fiscal biennium, an automated traffic safety camera includes
21 a camera used to detect speed violations for the purposes of ((~~section~~
22 ~~201(2), chapter 470, Laws of 2009.~~

23 ~~(6) During the 2009-2011 fiscal biennium, this section does not~~
24 ~~apply to automated traffic safety cameras for the purposes of section~~
25 ~~218(2), chapter 470, Laws of 2009)) section 201(4) of this act.~~

26 **Sec. 718.** RCW 47.28.030 and 2010 c 283 s 9 and 2010 c 5 s 11 are
27 each reenacted and amended to read as follows:

28 (1)(a) A state highway shall be constructed, altered, repaired, or
29 improved, and improvements located on property acquired for
30 right-of-way purposes may be repaired or renovated pending the use of
31 such right-of-way for highway purposes, by contract or state forces.
32 The work or portions thereof may be done by state forces when the
33 estimated costs thereof are less than fifty thousand dollars and
34 effective July 1, 2005, sixty thousand dollars.

35 (b) When delay of performance of such work would jeopardize a state
36 highway or constitute a danger to the traveling public, the work may be

1 done by state forces when the estimated cost thereof is less than
2 eighty thousand dollars and effective July 1, 2005, one hundred
3 thousand dollars.

4 (c) When the department of transportation determines to do the work
5 by state forces, it shall enter a statement upon its records to that
6 effect, stating the reasons therefor.

7 (d) To enable a larger number of small businesses and veteran,
8 minority, and women contractors to effectively compete for department
9 of transportation contracts, the department may adopt rules providing
10 for bids and award of contracts for the performance of work, or
11 furnishing equipment, materials, supplies, or operating services
12 whenever any work is to be performed and the engineer's estimate
13 indicates the cost of the work would not exceed eighty thousand dollars
14 and effective July 1, 2005, one hundred thousand dollars.

15 (2) The rules adopted under this section:

16 (a) Shall provide for competitive bids to the extent that
17 competitive sources are available except when delay of performance
18 would jeopardize life or property or inconvenience the traveling
19 public; and

20 (b) Need not require the furnishing of a bid deposit nor a
21 performance bond, but if a performance bond is not required then
22 progress payments to the contractor may be required to be made based on
23 submittal of paid invoices to substantiate proof that disbursements
24 have been made to laborers, material suppliers, mechanics, and
25 subcontractors from the previous partial payment; and

26 (c) May establish prequalification standards and procedures as an
27 alternative to those set forth in RCW 47.28.070, but the
28 prequalification standards and procedures under RCW 47.28.070 shall
29 always be sufficient.

30 (3) The department of transportation shall comply with such goals
31 and rules as may be adopted by the office of minority and women's
32 business enterprises to implement chapter 39.19 RCW with respect to
33 contracts entered into under this chapter. The department may adopt
34 such rules as may be necessary to comply with the rules adopted by the
35 office of minority and women's business enterprises under chapter 39.19
36 RCW.

37 (4)(a) For the period of March 15, 2010, through June 30, 2011, and

1 during the 2011-2013 fiscal biennium, work for less than one hundred
2 twenty thousand dollars may be performed on ferry vessels and terminals
3 by state forces.

4 (b) The department shall hire a disinterested, third party to
5 conduct an independent analysis to identify methods of reducing out-of-
6 service times for vessel maintenance, preservation, and improvement
7 projects. The analysis must include options that consider
8 consolidating work while vessels are at shipyards by having state
9 forces perform services traditionally performed at Eagle Harbor at the
10 shipyard and decreasing the allowable time at shipyards. The analysis
11 must also compare the out-of-service vessel times of performing
12 services by state forces versus contracting out those services which in
13 turn must be used to form a recommendation as to what the threshold of
14 work performed on ferry vessels and terminals by state forces should
15 be. This analysis must be presented to the transportation committees
16 of the senate and house of representatives by December 1, 2010.

17 (c) The department shall develop a proposed ferry vessel
18 maintenance, preservation, and improvement program and present it to
19 the transportation committees of the senate and house of
20 representatives by December 1, 2010. The proposed program must:

21 (i) Improve the basis for budgeting vessel maintenance,
22 preservation, and improvement costs and for projecting those costs into
23 a sixteen-year financial plan;

24 (ii) Limit the amount of planned out-of-service time to the
25 greatest extent possible, including options associated with department
26 staff as well as commercial shipyards; and

27 (iii) Be based on the service plan in the capital plan, recognizing
28 that vessel preservation and improvement needs may vary by route.

29 (d) In developing the proposed ferry vessel maintenance,
30 preservation, and improvement program, the department shall consider
31 the following, related to reducing vessel out-of-service time:

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

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

37 (iii) The costs compared to benefits of staff performing

1 preservation or maintenance work, or both, while the vessel is
2 underway, tied up between sailings, or not deployed;

3 (iv) A review of the department's vessel maintenance, preservation,
4 and improvement program contracting process and contractual
5 requirements;

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

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

11 (vii) Coordination with required United States coast guard dry
12 dockings;

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

16 (ix) A method for evaluating the ongoing maintenance and
17 preservation costs associated with proposed improvement projects.

18 **Sec. 719.** RCW 47.60.355 and 2010 c 283 s 3 are each amended to
19 read as follows:

20 (1) Terminal and vessel preservation funding requests shall only be
21 for assets in the life-cycle cost model.

22 (2) Except for the 2011-2013 fiscal biennium, terminal and vessel
23 preservation funding requests that exceed five million dollars per
24 project must be accompanied by a predesign study. The predesign study
25 must include all elements required by the office of financial
26 management.

27 **Sec. 720.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to
28 read as follows:

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

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

35 (2) All moneys received by the department as rental income from

1 real properties that are not subject to federal aid reimbursement,
2 except moneys received from rental of capital facilities properties as
3 defined in chapter 47.13 RCW; and

4 (3) Any federal moneys available for acquisition of right-of-way
5 for future construction under the provisions of section 108 of Title
6 23, United States Code.

7 During the ((2007-2009--and)) 2009-2011 and 2011-2013 fiscal
8 biennia, the legislature may transfer from the advance right-of-way
9 revolving fund to the motor vehicle account amounts as reflect the
10 excess fund balance of the advance right-of-way revolving fund.

11 **2009-2011 FISCAL BIENNIUM**

12 **GENERAL GOVERNMENT AGENCIES--OPERATING**

13 **Sec. 801.** 2010 c 247 s 104 (uncodified) is amended to read as
14 follows:

15 **FOR THE MARINE EMPLOYEES COMMISSION**

16 Puget Sound Ferry Operations Account--State

17	Appropriation	(((\$440,000))
18		<u>\$470,000</u>

19 **TRANSPORTATION AGENCIES--OPERATING**

20 **Sec. 901.** 2010 c 247 s 204 (uncodified) is amended to read as
21 follows:

22 **FOR THE JOINT TRANSPORTATION COMMITTEE**

23	Motor Vehicle Account--State Appropriation	\$2,163,000
24	Multimodal Transportation Account--State Appropriation . .	(((\$400,000))
25		<u>\$350,000</u>
26	TOTAL APPROPRIATION	(((\$2,563,000))
27		<u>\$2,513,000</u>

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

30 (1) \$236,000 of the motor vehicle account--state appropriation is
31 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
32 analysis of mid-term and long-term transportation funding mechanisms

1 and methods. Elements of the study will include existing data and
2 trends, policy objectives, performance and evaluation criteria,
3 incremental transition strategies, and possibly, scaled testing.
4 Baseline data and methods assessment must be concluded by December 31,
5 2009. Performance criteria must be developed by June 30, 2010, and
6 recommended planning level alternative funding strategies must be
7 completed by December 31, 2010.

8 (2) \$200,000 of the motor vehicle account--state appropriation is
9 for the joint transportation committee to convene an independent expert
10 review panel to review the assumptions for toll operations costs used
11 by the department to model financial plans for tolled facilities. The
12 joint transportation committee shall work with staff from the senate
13 and the house of representatives transportation committees to identify
14 the scope of the review and to assure that the work performed meets the
15 needs of the house of representatives and the senate. The joint
16 transportation committee shall provide a report to the house of
17 representatives and senate transportation committees by September 1,
18 2009.

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

36 (4) The joint transportation committee shall perform a review of
37 the fuel tax refunds for nonhighway or off-road use of gasoline and
38 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.

1 The review must: Provide an overview of the off-road programs; analyze
2 historical funding and expenditures from the respective treasury
3 accounts; outline and provide process documentation on how the funds
4 are distributed to the treasury accounts; and document future
5 identified off-road, snowmobile, and marine funding needs. A report on
6 the joint transportation committee review must be presented to the
7 house of representatives and senate transportation committees by
8 December 31, 2010.

9 (5)(a) \$350,000 of the multimodal transportation account--state
10 appropriation is for the joint transportation committee to conduct a
11 study to establish a statewide blueprint for public transportation that
12 will serve to guide state investments in public transportation. At a
13 minimum, the study should include an assessment of unmet operating and
14 capital needs of public transportation agencies, the state role in
15 funding those unmet needs, and the priorities for state investments.
16 The report should include efficiency and accountability measures that
17 inform future state investment in public transportation to maximize
18 mobility, social, economic, and environmental benefits provided to the
19 state.

20 (b) The statewide blueprint for public transportation should serve
21 to guide state investments to support public transportation and address
22 unmet needs to improve service, access to public transportation, and
23 connectivity between public transportation providers across
24 jurisdictional boundaries. The blueprint must be consistent with the
25 state's transportation system policy goals provided in RCW 47.04.280
26 and the statewide transportation plan provided in RCW 47.01.071(4).

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

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

32 (ii) One member from each of the two largest caucuses of the house
33 of representatives;

34 (iii) One representative of the department of transportation's
35 public transportation division;

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

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

3 (vi) Two representatives from regional transportation planning
4 organizations, one representing eastern Washington and one representing
5 western Washington;

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

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

10 (ix) Two representatives of organizations that address primarily
11 environmental issues;

12 (x) One member of a collective bargaining organization that
13 primarily represents the interests of transit agency employees; and

14 (xi) Other individuals deemed appropriate.

15 Nonlegislative members of the advisory panel must seek
16 reimbursement for travel and other membership expenses through their
17 respective agencies or organizations. The committee may make
18 exceptions and approve certain expenses for good cause on a case-by-
19 case basis.

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

23 (6) The joint transportation committee shall work with the
24 department of licensing, the office of the code reviser, staff to the
25 legislative transportation committees, and other stakeholders to
26 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
27 evaluation must identify the unintended impacts of Senate Bill No. 6379
28 on policy and revenue collection, if any. The joint transportation
29 committee shall issue its evaluation, including corrective draft
30 legislation if needed, by December 1, 2010.

31 (7) \$125,000 of the motor vehicle account--state appropriation is
32 for the joint transportation committee to evaluate the preparation of
33 state-level transportation plans. The evaluation must include a review
34 of federal planning requirements, the Washington transportation plan
35 and statewide modal plan requirements, and transportation plan
36 requirements for regional and local entities. The evaluation must make
37 recommendations concerning the appropriate responsibilities for
38 preparation of plans, methods to develop plans more efficiently, and

1 the utility of the state-level planning documents. The committee shall
2 issue a report of its evaluation, including draft legislation if
3 required, to the house of representatives and senate transportation
4 committees by December 15, 2010.

5 (8)(a) \$200,000 of the motor vehicle account--state appropriation
6 is for the joint transportation committee to evaluate funding
7 assistance and services provided by the county road administration
8 board, transportation improvement board, freight mobility strategic
9 investment board, and the department of transportation's highway and
10 local programs division. In 2010, the governor recommended
11 consolidating small transportation agencies as part of an overall
12 effort to streamline state government, provide economies of scale, and
13 improve customer service. The evaluation may include recommendations
14 on consolidating the agencies within the department of transportation,
15 within another existing agency, or within a newly created agency. The
16 study may also make recommendations on restructuring grant programs to
17 generate efficiencies or other more efficient ways to distribute
18 associated revenues.

19 (b) The joint transportation committee shall form a policy work
20 group to oversee the evaluation. The work group must consist of
21 legislators appointed by the joint transportation committee and a
22 member of the governor's staff appointed by the governor.

23 (c) Any evaluation recommendations must be accompanied by a
24 detailed implementation plan. The plan must include details on the
25 recommended governance structure, accounts and program structure, and
26 transition process and associated costs. The plan must include a
27 proposed organization chart and proposed legislation to enact the
28 recommended changes. A preliminary evaluation must be made to the
29 joint transportation committee by November 15, 2010, and a final
30 evaluation is due on December 15, 2010.

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

33 (a) A comparison of medical, time-loss, vocational and disability
34 benefits available to injured workers, and costs payable by the state
35 of Washington and employees, under the federal Jones act and
36 Washington's industrial insurance act. The report must include
37 information regarding the experience of the Alaska marine highway
38 system; and

1 (b) A comparison of the processing time of grievances and hearings
2 at the personnel relations employment commission and the marine
3 employee commission. The review must also investigate whether the
4 necessary expertise exists at the personnel relations employment
5 commission to administer the grievances and hearings currently
6 administered by the marine employee commission.

7 ~~((10)(a) \$50,000 of the multimodal transportation account--state
8 appropriation is for the joint transportation committee to conduct an
9 analysis of the storm water permit requirements issued by the
10 department of ecology in February 2009 to determine the costs and
11 benefits of alternative options for the department of transportation to
12 meet the requirements. However, if the committee does not include the
13 analysis as part of its 2009-11 fiscal biennium work plan by April 15,
14 2010, the amount provided in this subsection lapses. The analysis must
15 include, at a minimum, an analysis of the following:~~

16 ~~(i) The department of transportation performing the functions of
17 the permit in house;~~

18 ~~(ii) The functions of the permit being consolidated within the
19 department of ecology or otherwise centralizing efforts for all state
20 agencies; and~~

21 ~~(iii) The use of an external firm or organization to meet the
22 requirements.~~

23 ~~(b) The committee shall provide a report to the legislature by
24 December 2010.)~~

25 **Sec. 902.** 2010 c 247 s 205 (uncodified) is amended to read as
26 follows:

27 **FOR THE TRANSPORTATION COMMISSION**

28 Motor Vehicle Account--State Appropriation	(((\$2,328,000))
	<u>\$2,157,000</u>
30 Multimodal Transportation Account--State Appropriation . .	(((\$112,000))
	<u>\$111,000</u>
32 TOTAL APPROPRIATION	(((\$2,440,000))
	<u>\$2,268,000</u>

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

36 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
37 the transportation commission shall periodically review and, if

1 necessary, modify the schedule of fares for the Washington state ferry
2 system. The transportation commission may increase ferry fares,
3 except no fare schedule modifications may be made prior to September 1,
4 2009. For purposes of this subsection, "modify" includes increases or
5 decreases to the schedule.

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

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

19 (4) The commission may name state ferry vessels consistent with its
20 authority to name state transportation facilities under RCW 47.01.420.
21 When naming or renaming state ferry vessels, the commission shall
22 investigate selling the naming rights and shall make recommendations to
23 the legislature regarding this option.

24 (5) \$350,000 of the motor vehicle account--state appropriation is
25 provided solely for consultant support services to assist the
26 commission in updating the statewide transportation plan. The updated
27 plan must be submitted to the legislature by December 1, 2010.

28 (6) If the commission considers implementing a ferry fuel
29 surcharge, it must first submit an analysis and business plan to the
30 office of financial management and either the joint transportation
31 committee or the transportation committees of the legislature. The
32 commission may impose a ferry fuel surcharge effective July 1, 2011.
33 When implementing a ferry fuel surcharge, the commission must regard
34 ferry fuel surcharges as fare policy changes and thus, ferry fuel
35 surcharges should be included in all public procedures and processes
36 currently used for fare pricing per RCW 47.60.290.

37 (7) The commission shall work with the department of
38 transportation's economic partnerships (Program K) in conducting a best

1 practices review of nontoll, public-private partnerships. The purpose
2 of this review is to identify the policies and procedures that would be
3 appropriate for application in Washington state. The commission must
4 report its findings and recommendations, including draft legislation if
5 warranted, to the house of representatives and senate transportation
6 committees by January 2011.

7 (8) As part of its development of the statewide transportation
8 plan, the commission shall review prioritized projects, including
9 preservation and maintenance projects, from regional transportation and
10 metropolitan planning organizations to identify statewide
11 transportation needs. The review should include a brief description
12 and status of each project along with the funding required and
13 associated timeline from start to completion. The commission shall
14 submit the review, along with recommendations, to the house of
15 representatives and senate transportation committees by January 2011.

16 **Sec. 903.** 2010 c 247 s 207 (uncodified) is amended to read as
17 follows:

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

19 State Patrol Highway Account--State	
20 Appropriation	((\$227,958,000))
21	<u>\$224,558,000</u>
22 State Patrol Highway Account--Federal	
23 Appropriation\$10,903,000
24 State Patrol Highway Account--Private/Local	
25 Appropriation	((\$867,000))
26	<u>\$939,000</u>
27 TOTAL APPROPRIATION	((\$239,728,000))
28	<u>\$236,400,000</u>

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

31 (1) Washington state patrol officers engaged in off-duty uniformed
32 employment providing traffic control services to the department of
33 transportation or other state agencies may use state patrol vehicles
34 for the purpose of that employment, subject to guidelines adopted by
35 the chief of the Washington state patrol. The Washington state patrol
36 shall be reimbursed for the use of the vehicle at the prevailing state
37 employee rate for mileage and hours of usage, subject to guidelines

1 developed by the chief of the Washington state patrol, and Cessna
2 pilots funded from the state patrol highway account who are certified
3 to fly the King Airs may pilot those aircraft for general fund purposes
4 with the general fund reimbursing the state patrol highway account an
5 hourly rate to cover the costs incurred during the flights since the
6 aviation section will no longer be part of the Washington state patrol
7 cost allocation system as of July 1, 2009.

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

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

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

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

27 (6) \$370,000 of the state patrol highway account--state
28 appropriation is provided solely for costs associated with the pilot
29 program described under section 218(2) of this act. The Washington
30 state patrol may incur costs related only to the assignment of cadets
31 and necessary computer equipment and to the reimbursement of the
32 Washington state department of transportation for contract costs. The
33 appropriation in this subsection must be funded from the portion of the
34 automated traffic safety camera fines deposited into the state patrol
35 highway account; however, if the fines deposited into the state patrol
36 highway account from automated traffic safety camera infractions do not
37 reach three hundred seventy thousand dollars, the department of
38 transportation shall remit funds necessary to the Washington state

1 patrol to ensure the completion of the pilot program. The Washington
2 state patrol may not incur overtime as a result of this pilot program.
3 The Washington state patrol shall not assign troopers to operate or
4 deploy the pilot program equipment used in the roadway construction
5 zones.

6 (7) If, as a result of lower than average rate of attrition among
7 troopers, the Washington state patrol postpones the year 2011 training
8 for trooper cadets beyond June 30, 2011, funding provided in section
9 207, chapter 470, Laws of 2009 for the class must be used to fund the
10 salaries and benefits associated with the existing commissioned
11 Washington state patrol troopers that are funded within the field
12 operations bureau.

13 (8) \$2,832,000 of the state patrol highway account--state
14 appropriation is provided solely for the aerial traffic enforcement
15 program. The Washington state patrol shall evaluate the costs
16 associated with aerial traffic highway enforcement to determine if the
17 costs are accurately apportioned between the state patrol highway
18 account and the general fund. It is the intent of the legislature that
19 the state patrol highway account incurs costs that result only from
20 highway enforcement activities and that the general fund incurs costs
21 associated with the King Airls. The Washington state patrol shall
22 report the results of the evaluation to the legislature by June 30,
23 2010.

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

27 (10) \$3,601,000 of the state patrol highway account--state
28 appropriation is provided solely for the costs associated with a basic
29 trooper class.

30 (11) The appropriations to the Washington state patrol must be
31 expended for the programs and in the amounts specified in this act.
32 However, after May 1, 2011, unless specifically prohibited, the state
33 patrol may transfer state patrol highway account--state appropriations
34 for the 2009-2011 fiscal biennium between operating programs after
35 approval by the director of the office of financial management.
36 However, the state patrol shall not transfer state moneys that are
37 provided solely for a specified purpose.

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

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

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

12 (7) (~~(\$345,000 of the state patrol highway account state~~
13 ~~appropriation is provided solely for the implementation of Engrossed~~
14 ~~Substitute House Bill No. 1445 (domestic partners/Washington state~~
15 ~~patrol retirement system). If Engrossed Substitute House Bill No. 1445~~
16 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~
17 ~~shall lapse)) The appropriations to the Washington state patrol must be
18 expended for the programs and in the amounts specified in this act.
19 However, after May 1, 2011, unless specifically prohibited, the state
20 patrol may transfer state patrol highway account--state appropriations
21 for the 2009-2011 fiscal biennium between operating programs after
22 approval by the director of the office of financial management.
23 However, the state patrol shall not transfer state moneys that are
24 provided solely for a specified purpose.~~

25 **Sec. 906.** 2010 c 247 s 211 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
28 **MAINTENANCE--PROGRAM B**

29	High Occupancy Toll Lanes Operations Account--State	
30	Appropriation	(((\$2,852,000))
31		<u>\$2,732,000</u>
32	Motor Vehicle Account--State Appropriation	(((\$575,000))
33		<u>\$2,945,000</u>
34	Tacoma Narrows Toll Bridge Account--State	
35	Appropriation\$26,543,000
36	State Route Number 520 Corridor Account--State	
37	Appropriation	(((\$28,000,000))

1		<u>\$1,236,000</u>
2	State Route Number 520 Civil Penalties	
3	Account--State Appropriation	((\$2,130,000))
4		<u>\$130,000</u>
5	TOTAL APPROPRIATION	((\$60,100,000))
6		<u>\$33,586,000</u>

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

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

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

20 (3) (~~(\$28,000,000)~~) \$1,236,000 of the state route number 520
21 corridor account--state appropriation is provided solely for the costs
22 directly related to tolling the state route number 520 floating bridge.
23 (~~(Of this amount, \$8,000,000 must be retained in unallotted status, and~~
24 ~~may only be released by the office of financial management after~~
25 ~~consultation with the joint transportation committee.))~~)

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

29 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil
30 penalties account--state appropriation and \$140,000 of the Tacoma
31 Narrows toll bridge account--state appropriation are provided solely
32 for expenditures related to the toll adjudication process. The amount
33 provided in this subsection is contingent on the enactment by June 30,
34 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
35 House Bill No. 2897; however, if the enacted bill does not specify the
36 department as the toll penalty adjudicating agency, the amounts
37 provided in this subsection lapse.

1 (6) The department shall review, and revise where appropriate,
2 current signage and ingress/egress locations on the state route number
3 167 high occupancy toll lanes pilot project. The department shall
4 continue to work with the Washington state patrol on educating the
5 public on the rules of the road related to crossing a double white
6 line. The department shall continue to monitor the performance of the
7 high occupancy toll lanes to ensure that driving conditions for high
8 occupancy vehicles that share these lanes are not significantly
9 changed.

10 (7) \$2,435,000 of the motor vehicle account--state appropriation is
11 provided solely to provide a reserve for state route number 520 tolling
12 operations. This appropriation must be held in unallotted status until
13 the office of financial management deems that revenues applicable to
14 the state route number 520 tolling operations are not sufficient to
15 cover the expenditures. Repayment of any expenditures must occur in
16 the 2011-2013 fiscal biennium.

17 **Sec. 907.** 2010 c 247 s 212 (uncodified) is amended to read as
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
20 **C**

21	Transportation Partnership Account--State	
22	Appropriation	((\$2,675,000))
23		<u>\$2,425,000</u>
24	Motor Vehicle Account--State Appropriation	((\$68,650,000))
25		<u>\$67,546,000</u>
26	Motor Vehicle Account--Federal Appropriation	\$240,000
27	Multimodal Transportation Account--State	
28	Appropriation	\$363,000
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation	((\$2,676,000))
31		<u>\$2,426,000</u>
32	TOTAL APPROPRIATION	((\$74,604,000))
33		<u>\$73,000,000</u>

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

36 (1) The department shall consult with the office of financial
37 management and the department of information services to: (a) Ensure

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 (4) \$573,000 of the motor vehicle account--state appropriation is
27 provided solely for the department to maintain the investment in the
28 electronic fare system at Washington's ferry terminals. Investment in
29 the electronic fare system must include the following: Replacement of
30 critical hardware components that are at risk of failure;
31 implementation of software to allow ORCA cards to be used for vehicles;
32 repair of the turnstiles to ensure that the turnstiles properly record
33 ORCA credit and debit card charges; and dedication of a communication
34 line for transmission of ORCA data to the clearinghouse.

35 **Sec. 908.** 2010 c 247 s 213 (uncodified) is amended to read as
36 follows:

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

3 Motor Vehicle Account--State Appropriation ((~~\$25,292,000~~))
4 \$24,639,000

5 **Sec. 909.** 2010 c 247 s 214 (uncodified) is amended to read as
6 follows:

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

8 Aeronautics Account--State Appropriation ((~~\$5,960,000~~))
9 \$5,761,000

10 Aeronautics Account--Federal Appropriation \$2,150,000

11 TOTAL APPROPRIATION ((~~\$8,110,000~~))
12 \$7,911,000

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

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

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

21 (3) Within the amounts provided in this section, the department
22 shall develop guidelines setting forth consultation procedures and a
23 process to assist counties and cities to identify land uses that may be
24 incompatible with airports and aircraft operations, and to encourage
25 and facilitate the adoption and implementation of comprehensive plan
26 policies and development regulations consistent with RCW 36.70.547 and
27 36.70A.510.

28 **Sec. 910.** 2010 c 247 s 215 (uncodified) is amended to read as
29 follows:

30 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
31 **SUPPORT--PROGRAM H**

32 Motor Vehicle Account--State Appropriation ((~~\$49,331,000~~))
33 \$45,219,000

34 Motor Vehicle Account--Federal Appropriation \$500,000

35 Multimodal Transportation Account--State
36 Appropriation \$250,000

1 TOTAL APPROPRIATION ((~~\$50,081,000~~))
2 \$45,969,000

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

5 (1) The department shall develop a plan for all current and future
6 surplus property parcels based on the recommendations from the surplus
7 property legislative work group that were presented to the senate
8 transportation committee on February 26, 2009. The plan must include,
9 at a minimum, strategies for maximizing the number of parcels sold, a
10 schedule that optimizes proceeds, a recommended cash discount, a plan
11 to report to the joint transportation committee, a recommendation for
12 regional incentives, and a recommendation for equivalent value
13 exchanges. This plan must accompany the department's 2010 supplemental
14 budget request. If the department determines that all or a portion of
15 real property or an interest in real property that was acquired through
16 condemnation within the previous ten years is no longer necessary for
17 a transportation purpose, the former owner has a right of repurchase as
18 described in this subsection. For the purposes of this subsection,
19 "former owner" means the person or entity from whom the department
20 acquired title. At least ninety days prior to the date on which the
21 property is intended to be sold by the department, the department must
22 mail notice of the planned sale to the former owner of the property at
23 the former owner's last known address or to a forwarding address if
24 that owner has provided the department with a forwarding address. If
25 the former owner of the property's last known address, or forwarding
26 address if a forwarding address has been provided, is no longer the
27 former owner of the property's address, the right of repurchase is
28 extinguished. If the former owner notifies the department within
29 thirty days of the date of the notice that the former owner intends to
30 repurchase the property, the department shall proceed with the sale of
31 the property to the former owner for fair market value and shall not
32 list the property for sale to other owners. If the former owner does
33 not provide timely written notice to the department of the intent to
34 exercise a repurchase right, or if the sale to the former owner is not
35 completed within seven months of the date of notice that the former
36 owner intends to repurchase the property, the right of repurchase is
37 extinguished. By December 1, 2010, the department shall report to the

1 legislative transportation committees on the individuals and entities
2 eligible to receive surplus property provided in RCW 47.12.063 to
3 determine the frequency with which the department transfers property to
4 those individuals and entities and the implications to the department.
5 It is the intent of the legislature that the list of individuals and
6 entities eligible to receive surplus property be periodically evaluated
7 to determine whether the list is appropriate and provides utility to
8 the department.

9 (2) The legislature recognizes that the Dryden pit site (WSDOT
10 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
11 property under the jurisdiction of the department of transportation,
12 and that the public would benefit significantly from the complete
13 enjoyment of the natural scenic beauty and recreational opportunities
14 available at the site. Therefore, pursuant to RCW 47.12.080, the
15 legislature declares that transferring the property to the department
16 of fish and wildlife for recreational use and fish and wildlife
17 restoration efforts is consistent with the public interest in order to
18 preserve the area for the use of the public and the betterment of the
19 natural environment. The department of transportation shall work with
20 the department of fish and wildlife, and shall transfer and convey the
21 Dryden pit site to the department of fish and wildlife as is for an
22 adjusted fair market value reflecting site conditions, the proceeds of
23 which must be deposited in the motor vehicle fund. The department of
24 transportation is not responsible for any costs associated with the
25 cleanup or transfer of this property. By July 1, 2010, and annually
26 thereafter until the entire Dryden pit property has been transferred,
27 the department shall submit a status report regarding the transaction
28 to the chairs of the legislative transportation committees.

29 (3) \$3,175,000 of the motor vehicle account--state appropriation is
30 provided solely for the department's compliance with its national
31 pollution discharge elimination system permit.

32 (4) The department shall provide updated information on six project
33 milestones for all active projects, funded in part or in whole with
34 2005 transportation partnership account funds or 2003 nickel account
35 funds, on a quarterly basis in the transportation executive information
36 system (TEIS). The department shall also provide updated information
37 on six project milestones for projects, funded with preexisting funds

1 and that are agreed to by the legislature, office of financial
2 management, and the department, on a quarterly basis in TEIS.

3 **Sec. 911.** 2010 c 247 s 216 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
6 **K**

7	Motor Vehicle Account--State Appropriation	((\$673,000))
8		<u>\$643,000</u>
9	Multimodal Transportation Account--State	
10	Appropriation	((\$200,000))
11		<u>\$150,000</u>
12	TOTAL APPROPRIATION	((\$873,000))
13		<u>\$793,000</u>

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

16 (1) ((~~\$200,000~~)) \$150,000 of the multimodal transportation
17 account--state appropriation is provided solely for the department to
18 develop and implement public private partnerships at high priority
19 terminals as identified in the January 12, 2009, final report on joint
20 development opportunities at Washington state ferries terminals. The
21 department shall first consider a mutually beneficial agreement at the
22 Edmonds terminal.

23 (2) \$50,000 of the motor vehicle account--state appropriation is
24 provided solely for the department to investigate the potential to
25 generate revenue from web site sponsorships and similar ventures and,
26 if feasible, pursue partnership opportunities.

27 (3) ((~~\$75,000~~)) \$45,000 of the motor vehicle account--state
28 appropriation is provided solely for the implementation of a pilot
29 project allowing advertisements and sponsorships on select web pages.
30 The pilot project must be organized under the partnership model
31 described in the department's web site monetizing feasibility study,
32 which was prepared under subsection (2) of this section. Once
33 operational, the pilot project must operate for at least twelve
34 consecutive months. After twelve months of continuous operation, the
35 department shall provide a report with recommendations on whether to
36 continue project operations to the office of financial management and
37 the chairs of the transportation committees. The department may end

1 the pilot project after less than twelve consecutive months of
2 operation if insufficient bids or proposals are received from potential
3 sponsors or advertisers. For the purpose of this subsection, if a
4 consultant contract is warranted, the consultant contract is deemed a
5 revenue generation activity as that term is construed in section
6 602(2), chapter 3, Laws of 2010.

7 **Sec. 912.** 2010 c 247 s 217 (uncodified) is amended to read as
8 follows:

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

10 Motor Vehicle Account--State Appropriation	(\$347,645,000)
	<u>\$350,229,000</u>
12 Motor Vehicle Account--Federal Appropriation	\$7,000,000
13 Motor Vehicle Account--Private/Local Appropriation	(\$5,797,000)
14	<u>\$7,997,000</u>
15 TOTAL APPROPRIATION	(\$360,442,000)
16	<u>\$365,226,000</u>

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

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

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

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

33 (4) \$7,000,000 of the motor vehicle account--federal appropriation
34 is for unanticipated federal funds that may be received during the
35 2009-11 fiscal biennium. Upon receipt of the funds, the department

1 shall provide a report on the use of the funds to the transportation
2 committees of the legislature and the office of financial management.

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

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

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

14 (6) The department may work with the department of corrections to
15 utilize corrections crews for the purposes of litter pickup on state
16 highways.

17 (7) \$650,000 of the motor vehicle account--state appropriation is
18 provided solely for increased asphalt costs.

19 (8) \$16,800,000 of the motor vehicle account--state appropriation
20 is provided solely for the high priority maintenance backlog.
21 Addressing the maintenance backlog must result in increased levels of
22 service.

23 (9) \$750,000 of the motor vehicle account--state appropriation is
24 provided solely for the department's compliance with its national
25 pollution discharge elimination system permit.

26 (10) \$317,000 of the motor vehicle account--state appropriation is
27 provided solely for maintaining a new active traffic management system
28 on Interstate 5, Interstate 90, and SR 520. The department shall track
29 the costs associated with these systems on a corridor basis and report
30 to the legislative transportation committees on the cost and benefits
31 of the system.

32 (11) \$286,000 of the motor vehicle account--state appropriation is
33 provided solely for storm water assessment fees charged by local
34 governments.

35 (12) \$1,286,000 of the motor vehicle account--state appropriation
36 is provided solely for maintenance work resulting from major disasters,
37 including: \$104,000 for US 97/Blewett Pass Flood Damage; \$347,000 for

1 SR 11 Chuckanut Drive Landslide; \$295,000 for US 97A Chelan County
2 Flood Damage; and \$540,000 for SR 401 Landslide.

3 **Sec. 913.** 2010 c 247 s 218 (uncodified) is amended to read as
4 follows:

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

7 Motor Vehicle Account--State Appropriation	((\$51,128,000))
8	<u>\$49,764,000</u>
9 Motor Vehicle Account--Federal Appropriation	\$2,050,000
10 Motor Vehicle Account--Private/Local Appropriation	\$127,000
11 TOTAL APPROPRIATION	((\$53,305,000))
12	<u>\$51,941,000</u>

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

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

24 (2) The department, in consultation with the Washington state
25 patrol, may continue a pilot program for the patrol to issue
26 infractions based on information from automated traffic safety cameras
27 in roadway construction zones on state highways. For the purpose of
28 this pilot program, during the 2009-11 fiscal biennium, a roadway
29 construction zone includes areas where public employees or private
30 contractors are not present but where a driving condition exists that
31 would make it unsafe to drive at higher speeds, such as, when the
32 department is redirecting or realigning lanes on any public roadway
33 pursuant to ongoing construction. The department shall use the
34 following guidelines to administer the program:

35 (a) Automated traffic safety cameras may only take pictures of the
36 vehicle and vehicle license plate and only while an infraction is

1 occurring. The picture must not reveal the face of the driver or of
2 passengers in the vehicle;

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

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

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

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

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

1 agency relieves a rental car business of any liability under this
2 section for the notice of infraction. A declaration form suitable for
3 this purpose must be included with each automated traffic infraction
4 notice issued, along with instructions for its completion and use.

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

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

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

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

34 (7) During the 2009-11 biennium, the department shall implement a
35 pilot program that expands private transportation providers' access to
36 high occupancy vehicle lanes. Under the pilot program, when the
37 department reserves a portion of a highway based on the number of
38 passengers in a vehicle, the following vehicles must be authorized to

1 use the reserved portion of the highway if the vehicle has the capacity
 2 to carry eight or more passengers, regardless of the number of
 3 passengers in the vehicle: (a) Auto transportation company vehicles
 4 regulated under chapter 81.68 RCW; (b) passenger charter carrier
 5 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
 6 stretch limousines and stretch sport utility vehicles as defined under
 7 department rules; (c) private nonprofit transportation provider
 8 vehicles regulated under chapter 81.66 RCW; and (d) private employer
 9 transportation service vehicles. For purposes of this subsection,
 10 "private employer transportation service" means regularly scheduled,
 11 fixed-route transportation service that is offered by an employer for
 12 the benefit of its employees. By June 30, 2011, the department shall
 13 report to the transportation committees of the legislature on whether
 14 private transportation provider use of high occupancy vehicle lanes
 15 under the pilot program reduces the speeds of high occupancy vehicle
 16 lanes. Nothing in this subsection is intended to authorize the
 17 conversion of public infrastructure to private, for-profit purposes or
 18 to otherwise create an entitlement or other claim by private users to
 19 public infrastructure.

20 **Sec. 914.** 2010 c 247 s 219 (uncodified) is amended to read as
 21 follows:

22 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
 23 **SUPPORT--PROGRAM S**

24	Motor Vehicle Account--State Appropriation	((\$28,468,000))
25		<u>\$27,968,000</u>
26	Motor Vehicle Account--Federal Appropriation	\$30,000
27	Multimodal Transportation Account--State	
28	Appropriation	\$971,000
29	State Route Number 520 Corridor Account--State	
30	Appropriation	\$264,000
31	TOTAL APPROPRIATION	((\$29,733,000))
32		<u>\$29,233,000</u>

33 The appropriations in this section are subject to the following
 34 conditions and limitations: \$264,000 of the state route number 520
 35 corridor account--state appropriation is provided solely for the costs
 36 directly related to tolling the state route number 520 floating bridge.

1 This amount must be retained in unallotted status, and may only be
2 released by the office of financial management after consultation with
3 the joint transportation committee.

4 **Sec. 915.** 2010 c 247 s 220 (uncodified) is amended to read as
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
7 **AND RESEARCH--PROGRAM T**

8	Motor Vehicle Account--State Appropriation	((\$25,955,000))
9		<u>\$25,384,000</u>
10	Motor Vehicle Account--Federal Appropriation	\$22,002,000
11	Multimodal Transportation Account--State	
12	Appropriation	\$1,090,000
13	Multimodal Transportation Account--Federal	
14	Appropriation	\$3,287,000
15	Multimodal Transportation Account--Private/Local	
16	Appropriation	\$99,000
17	TOTAL APPROPRIATION	((\$52,433,000))
18		<u>\$51,862,000</u>

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

21 (1) \$150,000 of the motor vehicle account--federal appropriation is
22 provided solely for the costs to develop an electronic map-based
23 computer application that will enable law enforcement officers and
24 others to more easily locate collisions and other incidents in the
25 field.

26 (2) \$400,000 of the multimodal transportation account--state
27 appropriation is provided solely for a diesel multiple unit feasibility
28 and initial planning study. The study must evaluate potential service
29 on the Stampede Pass line from Maple Valley to Auburn via Covington.
30 The study must evaluate the potential demand for service, the business
31 model and capital needs for launching and running the line, and the
32 need for improvements in switching, signaling, and tracking. The study
33 must also consider the interconnectivity benefits of, and potential
34 for, future Amtrak Cascades stops in south King county and north Pierce
35 county. As part of its consideration, the department shall conduct a
36 thorough market analysis of the potential for adding or changing stops
37 on the Amtrak Cascades route. The department shall amend the scope,

1 schedule, and budget of the current study process to accommodate the
2 market analysis. A report on the study must be submitted to the
3 legislature by September 30, 2010.

4 (3) \$365,000 of the motor vehicle account--state appropriation and
5 \$81,000 of the motor vehicle account--federal appropriation are
6 provided solely for the development of a freight database to help guide
7 freight investment decisions and track project effectiveness. The
8 database must be based on truck movement tracked through geographic
9 information system technology. For the remainder of the biennium, the
10 department may expand data collection to any highways that have high
11 truck volumes. TransNow shall contribute additional federal funds that
12 are not appropriated in this act. The department shall work with the
13 freight mobility strategic investment board to implement this database.

14 (4) \$2,000,000 of the motor vehicle account--state appropriation is
15 provided solely for scoping unfunded state highway projects to ensure
16 that a well-vetted project list is available for future program funding
17 discussions.

18 (a) It is the intent of the legislature that the funding provided
19 in this subsection support the development of transportation solutions
20 that benefit all state residents, including addressing the impacts of
21 traffic diversion from tolled facilities. It is further the intent of
22 the legislature that the buying power of future revenue packages is
23 maximized.

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

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

31 (d) Prior to the commencement of the 2011 legislative session, the
32 department shall provide a report to the legislative transportation
33 committees and the office of financial management that includes
34 estimated costs and construction time frames.

35 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
36 appropriation is provided solely for a corridor study of state route
37 number 516 from the eastern border of Maple Valley to state route

1 number 167 to determine whether improvements are needed and the costs
2 of any needed improvements.

3 (6) \$500,000 of the multimodal transportation account--federal
4 appropriation is provided solely for continued support of the
5 International Mobility and Trade Corridor project and for the
6 department to work with the Whatcom council of governments to examine
7 potential improvements to international border freight and passenger
8 rail movement and the use of diesel multiple units.

9 (7) \$80,000 of the motor vehicle account--state appropriation is
10 provided solely to continue existing work regarding feasibility of a
11 new interchange between Rochester and Harrison Avenue on Interstate 5.

12 **Sec. 916.** 2010 c 247 s 221 (uncodified) is amended to read as
13 follows:

14 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
15 **V**

16	Regional Mobility Grant Program Account--State	
17	Appropriation	((\$65,274,000))
18		<u>\$56,332,000</u>
19	Multimodal Transportation Account--State	
20	Appropriation	((\$65,667,000))
21		<u>\$65,547,000</u>
22	Multimodal Transportation Account--Federal	
23	Appropriation	\$2,573,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation	\$1,025,000
26	TOTAL APPROPRIATION	((\$134,539,000))
27		<u>\$125,477,000</u>

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

30 (1) \$25,000,000 of the multimodal transportation account--state
31 appropriation is provided solely for a grant program for special needs
32 transportation provided by transit agencies and nonprofit providers of
33 transportation.

34 (a) \$5,500,000 of the amount provided in this subsection is
35 provided solely for grants to nonprofit providers of special needs
36 transportation. Grants for nonprofit providers shall be based on need,

1 including the availability of other providers of service in the area,
2 efforts to coordinate trips among providers and riders, and the cost
3 effectiveness of trips provided.

4 (b) \$19,500,000 of the amount provided in this subsection is
5 provided solely for grants to transit agencies to transport persons
6 with special transportation needs. To receive a grant, the transit
7 agency must have a maintenance of effort for special needs
8 transportation that is no less than the previous year's maintenance of
9 effort for special needs transportation. Grants for transit agencies
10 shall be prorated based on the amount expended for demand response
11 service and route deviated service in calendar year 2007 as reported in
12 the "Summary of Public Transportation - 2007" published by the
13 department of transportation. No transit agency may receive more than
14 thirty percent of these distributions.

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

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

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

28 (3) \$7,000,000 of the multimodal transportation account--state
29 appropriation is provided solely for a vanpool grant program for: (a)
30 Public transit agencies to add vanpools or replace vans; and (b)
31 incentives for employers to increase employee vanpool use. The grant
32 program for public transit agencies will cover capital costs only;
33 operating costs for public transit agencies are not eligible for
34 funding under this grant program. Additional employees may not be
35 hired from the funds provided in this section for the vanpool grant
36 program, and supplanting of transit funds currently funding vanpools is
37 not allowed. The department shall encourage grant applicants and

1 recipients to leverage funds other than state funds. At least
2 \$1,600,000 of this amount must be used for vanpool grants in congested
3 corridors.

4 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
5 account--state appropriation is provided solely for a grant for a
6 flexible carpooling pilot project program to be administered and
7 monitored by the department. Funds are appropriated for one time only.
8 The pilot project program must: Test and implement at least one
9 flexible carpooling system in a high-volume commuter area that enables
10 carpooling without prearrangement; utilize technologies that, among
11 other things, allow for transfer of ride credits between participants;
12 and be a membership system that involves prescreening to ensure safety
13 of the participants. The program must include a pilot project that
14 targets commuter traffic on the state route number 520 bridge. The
15 department shall submit to the legislature by December 2010 a report on
16 the program results and any recommendations for additional flexible
17 carpooling programs.

18 (5) \$3,318,000 of the multimodal transportation account--state
19 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
20 grant program account--state appropriation are reappropriated and
21 provided solely for the regional mobility grant projects identified on
22 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
23 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
24 The department shall continue to review all projects receiving grant
25 awards under this program at least semiannually to determine whether
26 the projects are making satisfactory progress. The department shall
27 promptly close out grants when projects have been completed, and any
28 remaining funds available to the office of transit mobility must be
29 used only to fund projects on the LEAP Transportation Document 2006-D,
30 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
31 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
32 as developed April 24, 2009. It is the intent of the legislature to
33 appropriate funds through the regional mobility grant program only for
34 projects that will be completed on schedule. However, the Chuckanut
35 park and ride project (101100G) is recognized as a crucial investment
36 in the transportation system. For this reason, the department shall
37 not close out the grant for the Chuckanut park and ride project until
38 Skagit transit has exhausted all other pending opportunities for

1 federal and local funds. If additional funds cannot be secured, the
2 department shall consider this project a priority in the 2011-13 grant
3 process. The department shall make every effort to advance the
4 Chuckanut park and ride project within existing resources.

5 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
6 program account--state appropriation is provided solely for the
7 regional mobility grant projects identified in LEAP Transportation
8 Document 2009-B, as developed April 24, 2009. The department shall
9 review all projects receiving grant awards under this program at least
10 semiannually to determine whether the projects are making satisfactory
11 progress. Any project that has been awarded funds, but does not report
12 activity on the project within one year of the grant award, must be
13 reviewed by the department to determine whether the grant should be
14 terminated. The department shall promptly close out grants when
15 projects have been completed, and any remaining funds available to the
16 office of transit mobility must be used only to fund projects
17 identified in LEAP Transportation Document 2009-B, as developed April
18 24, 2009. The department shall provide annual status reports on
19 December 15, 2009, and December 15, 2010, to the office of financial
20 management and the transportation committees of the legislature
21 regarding the projects receiving the grants. It is the intent of the
22 legislature to appropriate funds through the regional mobility grant
23 program only for projects that will be completed on schedule.

24 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
25 program account--state appropriation must be obligated no later than
26 December 31, 2010, and is provided solely for the following recommended
27 contingency regional mobility grant projects identified in the 2009-11
28 omnibus transportation appropriations act, LEAP Transportation Document
29 2009-B, as developed April 24, 2009, as follows:

30 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
31 Rainier/Jackson transit priority corridor improvements;

32 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
33 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
34 west of 96th Ave NE) project; and

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

37 (8) \$300,000 of the multimodal transportation account--state
38 appropriation is provided solely for a transportation demand management

1 program, developed by the Whatcom council of governments, to further
2 reduce drive-alone trips and maximize the use of sustainable
3 transportation choices. The community-based program must focus on all
4 trips, not only commute trips, by providing education, assistance, and
5 incentives to four target audiences: (a) Large work sites; (b)
6 employees of businesses in downtown areas; (c) school children; and (d)
7 residents of Bellingham.

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

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

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

28 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
29 June 30, 2009, the amount provided in this subsection (9) lapses. If
30 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
31 but a commitment from other sources to fully fund the pilot project
32 described in (b) of this subsection has not been obtained by September
33 30, 2009, the amount provided in (b) of this subsection lapses.

34 (10) Funds provided for the commute trip reduction program may also
35 be used for the growth and transportation efficiency center program.

36 (11) An affected urban growth area that has not previously
37 implemented a commute trip reduction program is exempt from the

1 requirements in RCW 70.94.527 if a solution to address the state
2 highway deficiency that exceeds the person hours of delay threshold has
3 been funded and is in progress during the 2009-11 fiscal biennium.

4 (12) \$2,309,000 of the multimodal transportation account--state
5 appropriation is provided solely for the tri-county connection service
6 for Island, Skagit, and Whatcom transit agencies.

7 **Sec. 917.** 2010 c 247 s 222 (uncodified) is amended to read as
8 follows:

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

10	Puget Sound Ferry Operations Account--State	
11	Appropriation	((\$425,922,000))
12		<u>\$446,961,000</u>

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

15 (1) ((~~\$78,754,952~~)) \$97,053,555 of the Puget Sound ferry operations
16 account--state appropriation is provided solely for auto ferry vessel
17 operating fuel in the 2009-11 fiscal biennium. This appropriation is
18 contingent upon the enactment of sections 716 and 701 of this act. All
19 fuel purchased by the Washington state ferries at Harbor Island truck
20 terminal for the operation of the Washington state ferries diesel
21 powered vessels must be a minimum of five percent biodiesel blend so
22 long as the per gallon price of diesel containing a five percent
23 biodiesel blend level does not exceed the per gallon price of diesel by
24 more than five percent.

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

29 (3) If, after the department's review of fares and pricing
30 policies, the department proposes a fuel surcharge, the department must
31 evaluate other cost savings and fuel price stabilization strategies
32 that would be implemented before the imposition of a fuel surcharge.
33 The department shall report to the legislature and transportation
34 commission on its progress of implementing new fuel forecasting and
35 budgeting practices, price hedging contracts for fuel purchases, and
36 fuel conservation strategies by November 30, 2010.

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

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

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

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

23 (8) (~~(\$4,794,000)~~) \$6,115,595 of the Puget Sound ferry operations
24 account--state appropriation is provided solely for commercial
25 insurance for ferry assets. The office of financial management, after
26 consultation with the transportation committees of the legislature,
27 must present a business plan for the Washington state ferry system's
28 insurance coverage to the 2010 legislature. The business plan must
29 include a cost-benefit analysis of Washington state ferries' current
30 commercial insurance purchased for ferry assets and a review of self-
31 insurance for noncatastrophic events.

32 (9) \$1,100,000 of the Puget Sound ferry operations account--state
33 appropriation is provided solely for a marketing program. The
34 department shall present a marketing program proposal to the
35 transportation committees of the legislature during the 2010
36 legislative session before implementing this program. Of this amount,
37 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
38 Coupeville for mitigation expenses related to only one vessel operating

1 on the Port Townsend/Keystone ferry route. The moneys provided to the
2 city of Port Townsend and town of Coupeville are not contingent upon
3 the required marketing proposal.

4 (10) \$350,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for two extra trips per day during the
6 summer of 2009 season, beyond the current schedule, on the Port
7 Townsend/Keystone route.

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

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

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

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

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

5 (i) Have the appropriate training and experience as determined by
6 the policy;

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

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

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

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

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

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

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

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

32 (14) \$7,300,000 of the Puget Sound ferry operations account--state
33 appropriation is provided solely for the purposes of travel time
34 associated with Washington state ferries employees. However, if
35 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
36 system) is enacted by June 30, 2010, containing an appropriation for
37 purposes of travel time associated with Washington state ferries
38 employees, the amount provided in this subsection lapses.

1 (15) \$50,000 of the Puget Sound ferry operations account--state
2 appropriation is provided solely to implement a mechanism to report on-
3 time performance statistics.

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

10 (b) The department shall, by November 1, 2010, report to the
11 transportation committees of the legislature statistics regarding its
12 on-time arrival and departure status on a route-by-route and month-by-
13 month basis, as well as an annual route-by-route and systemwide basis,
14 weighted by the number of customers on each sailing and distinguishing
15 peak period on-time performance. The statistics must include reasons
16 for any delays over ten minutes from the scheduled time. The
17 statistics must be prominently displayed on the Washington state
18 ferries' web site. Each Washington state ferries vessel and terminal
19 must prominently display the statistics as they relate to their
20 specific route.

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

25 (17) By July 1, 2010, the department shall provide to the governor
26 and the transportation committees of the senate and house of
27 representatives a listing of all benefits that Washington state ferries
28 union employees receive that other state employees do not traditionally
29 receive. The listing must include any costs associated with these
30 benefits.

31 (18) The appropriations in this section assume savings associated
32 with the memorandum of understanding reached between the governor and
33 the following unions: Inlandboatmen's union of the pacific; Puget
34 Sound metal trades council; office and professional employees
35 international union local no. 8; marine engineers' beneficial
36 association (unlicensed engine room employees); marine engineers'
37 beneficial association (licensed engineer officers); masters, mates,

1 and pilots marine operations watch supervisors; and masters, mates, and
2 pilots, under chapter 47.64 RCW for the 2009-2011 fiscal biennium.

3 **Sec. 918.** 2010 c 247 s 223 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

6 Multimodal Transportation Account--State

7 Appropriation ((~~\$37,371,000~~))

8 \$29,871,000

9 Multimodal Transportation Account--Federal

10 Appropriation \$100,000

11 TOTAL APPROPRIATION \$29,971,000

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

14 (1) ((~~\$31,591,000~~)) \$24,091,000 of the multimodal transportation
15 account--state appropriation is provided solely for the Amtrak service
16 contract and Talgo maintenance contract associated with providing and
17 maintaining the state-supported passenger rail service. Upon
18 completion of the rail platform project in the city of Stanwood, the
19 department shall provide daily Amtrak Cascades service to the city.

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

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

23 **Sec. 919.** 2010 c 247 s 224 (uncodified) is amended to read as
24 follows:

25 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**

26 **OPERATING**

27 Motor Vehicle Account--State Appropriation ((~~\$8,621,000~~))

28 \$8,618,000

29 Motor Vehicle Account--Federal Appropriation \$2,545,000

30 TOTAL APPROPRIATION ((~~\$11,166,000~~))

31 \$11,163,000

32 NEW SECTION. **Sec. 920.** A new section is added to 2010 c 247
33 (uncodified) to read as follows:

34 The appropriations to the department of transportation in chapter
35 247, Laws of 2010 and this act must be expended for the programs and in

1 the amounts specified in this act. However, after May 1, 2011, unless
2 specifically prohibited, the department may transfer state
3 appropriations for the 2009-2011 fiscal biennium among operating
4 programs after approval by the director of the office of financial
5 management. However, the department shall not transfer state moneys
6 that are provided solely for a specific purpose. The department shall
7 not transfer funds, and the director of the office of financial
8 management shall not approve the transfer unless the transfer is
9 consistent with the objective of conserving, to the maximum extent
10 possible, the expenditure of state funds and not federal funds. The
11 director of the office of financial management shall notify the
12 appropriate transportation committees of the legislature prior to
13 approving any allotment modifications or transfers under this section.
14 The written notification must include a narrative explanation and
15 justification of the changes, along with expenditures and allotments by
16 program and appropriation, both before and after any allotment
17 modifications or transfers.

18 **TRANSPORTATION AGENCIES--CAPITAL**

19 **Sec. 1001.** 2009 c 470 s 301 (uncodified) is amended to read as
20 follows:

21 **FOR THE WASHINGTON STATE PATROL**

22 State Patrol Highway Account--State Appropriation . . . ((~~\$3,126,000~~))
23 \$2,481,000

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

26 (1) \$1,626,000 of the state patrol highway account--state
27 appropriation is provided solely for the following minor works
28 projects: \$450,000 for Shelton training academy roofs; (~~(\$150,000 for~~
29 ~~HVAC control replacements;~~) \$168,000 for upgrades to scales; \$50,000
30 for Bellevue electrical equipment upgrades; (~~(\$90,000)~~) \$16,000 for
31 South King detachment window replacement; \$200,000 for the replacement
32 of the Naselle radio tower, generator shelter, and fence; \$200,000 for
33 unforeseen emergency repairs; and \$318,000 for the Shelton training
34 academy drive course/skid pan repair.

1 (2) (~~(\$1,500,000)~~) \$1,079,000 of the state patrol highway account--
2 state appropriation is provided solely for the Shelton academy of the
3 Washington state patrol and is contingent upon a signed agreement
4 between the city of Shelton, the department of corrections, and the
5 Washington state patrol that provides for an on-going payment to these
6 three entities, based on their percentage of the total investment in
7 the project, from all hookup fees, late comer fees, LIDS, and all other
8 initial fees collected for the new waste water treatment lines, waste
9 water plants, water lines, and water systems.

10 **Sec. 1002.** 2009 c 470 s 305 (uncodified) is amended to read as
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**
13 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

14 Motor Vehicle Account--State Appropriation (~~(\$4,810,000)~~)
15 \$4,623,000

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

18 (1) \$1,198,000 of the motor vehicle account--state appropriation is
19 provided solely for the Olympic region site acquisition debt service
20 payments and administrative costs associated with capital improvement
21 and preservation project and financial management.

22 (2) (~~(\$3,612,000)~~) \$3,425,000 of the motor vehicle account--state
23 appropriation is provided solely for high priority safety projects that
24 are directly linked to employee safety, environmental risk, or minor
25 works that prevent facility deterioration. This includes the
26 administrative costs associated with those projects and the
27 reconstruction of the Wandermere facility that was destroyed in the
28 2008-09 winter storms.

29 **Sec. 1003.** 2010 c 247 s 301 (uncodified) is amended to read as
30 follows:

31 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

32 Rural Arterial Trust Account--State Appropriation . . . (~~(\$73,000,000)~~)
33 \$70,000,000

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

35 County Arterial Preservation Account--State
36 Appropriation (~~(\$31,400,000)~~)

1 \$30,400,000
 2 TOTAL APPROPRIATION ((~~\$105,448,000~~))
 3 \$101,448,000

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

6 (1) \$1,048,000 of the motor vehicle account--state appropriation
 7 may be used for county ferry projects as developed pursuant to RCW
 8 47.56.725(4).

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

17 (3) \$22,000,000 of the rural arterial trust account--state
 18 appropriation is provided solely for additional grants for county road
 19 projects as approved by the county road administration board.

20 **Sec. 1004.** 2010 c 247 s 302 (uncodified) is amended to read as
 21 follows:

22 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**
 23 Small City Pavement and Sidewalk Account--State
 24 Appropriation ((~~\$3,927,000~~))
 25 \$3,737,000
 26 Urban Arterial Trust Account--State Appropriation . . ((~~\$123,900,000~~))
 27 \$121,900,000
 28 Transportation Improvement Account--State
 29 Appropriation ((~~\$81,643,000~~))
 30 \$80,643,000
 31 TOTAL APPROPRIATION ((~~\$209,470,000~~))
 32 \$206,280,000

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

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

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

4 **Sec. 1005.** 2010 c 247 s 303 (uncodified) is amended to read as
5 follows:

6	FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I	
7	Multimodal Transportation Account--State	
8	Appropriation	((\$98,000))
9		<u>\$2,000</u>
10	Transportation Partnership Account--State	
11	Appropriation	((\$1,665,644,000))
12		<u>\$1,326,290,000</u>
13	Motor Vehicle Account--State Appropriation	((\$85,534,000))
14		<u>\$66,876,000</u>
15	Motor Vehicle Account--Federal Appropriation	((\$570,107,000))
16		<u>\$532,458,000</u>
17	Motor Vehicle Account--Private/Local	
18	Appropriation	((\$70,714,000))
19		<u>\$83,270,000</u>
20	Special Category C Account--State Appropriation	\$25,221,000
21	Transportation 2003 Account (Nickel Account)--State	
22	Appropriation	((\$713,205,000))
23		<u>\$590,797,000</u>
24	Freight Mobility Multimodal Account--State	
25	Appropriation	((\$4,574,000))
26		<u>\$4,575,000</u>
27	Tacoma Narrows Toll Bridge Account--State	
28	Appropriation	((\$789,000))
29		<u>\$797,000</u>
30	State Route Number 520 Corridor Account--State	
31	Appropriation	((\$231,763,000))
32		<u>\$229,838,000</u>
33	((State Route Number 520 Civil Penalties Account--State	
34	 Appropriation	\$1,190,000))
35	TOTAL APPROPRIATION	((\$3,368,839,000))
36		<u>\$2,860,124,000</u>

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

3 (1) Except as provided otherwise in this section, the entire
4 transportation 2003 account (nickel account) appropriation and the
5 entire transportation partnership account appropriation are provided
6 solely for the projects and activities as listed by fund, project, and
7 amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed
8 March ((8, 2010)) 21, 2011, Program - Highway Improvement Program (I).
9 However, limited transfers of specific line-item project appropriations
10 may occur between projects for those amounts listed subject to the
11 conditions and limitations in section 603 of this act.

12 (2) ((~~\$163,385,000~~)) \$158,094,000 of the transportation partnership
13 account--state appropriation and ((~~\$231,763,000~~)) \$229,838,000 of the
14 state route number 520 corridor account--state appropriation are
15 provided solely for the state route number 520 bridge replacement and
16 HOV project. The department shall submit an application for the
17 eastside transit and HOV project to the supplemental discretionary
18 grant program for regionally significant projects as provided in the
19 American Recovery and Reinvestment Act of 2009. (3) As required under
20 section 305(6), chapter 518, Laws of 2007, the department shall report
21 by January 2010 to the transportation committees of the legislature on
22 the findings of the King county noise reduction solutions pilot
23 project.

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

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

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

1 account (nickel account) projects relating to bridge rail, guard rail,
2 fish passage barrier removal, and roadside safety projects should be
3 reported on a programmatic basis. Projects within this programmatic
4 level funding should be completed on a priority basis and scoped to be
5 completed within the current programmatic budget. Report formatting
6 and elements must be consistent with the October 2009 quarterly project
7 report. On a representative sample of new construction contracts
8 valued at fifteen million dollars or more, the department must also use
9 an earned value method of project monitoring.

10 (7) The transportation 2003 account (nickel account)--state
11 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
12 from the sale of bonds authorized by RCW 47.10.861.

13 (8) The transportation partnership account--state appropriation
14 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
15 sale of bonds authorized in RCW 47.10.873.

16 (9) The special category C account--state appropriation includes up
17 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds
18 authorized in RCW 47.10.812.

19 (10) The motor vehicle account--state appropriation includes up to
20 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
21 authorized in RCW 47.10.843.

22 (11) The state route number 520 corridor account--state
23 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
24 from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

37 (d) Confer with the project sponsor's council, as well as local and
38 regional governing bodies adjacent to the Interstate 5 Columbia river

1 crossing corridor and the Interstate 205 corridor regarding the
2 implementation of tolls, the impacts that the implementation of tolls
3 might have on the operation of the corridors, the diversion of traffic
4 to local streets, and potential mitigation measures;

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

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

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

14 (i) Funding a portion of the Columbia river crossing project with
15 tolls;

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

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

20 (h) Provide a report to the governor and the legislature by January
21 2010.

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

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

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

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

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

4 (iv) Provide a report to the governor and the legislature by
5 January 2010.

6 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
7 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
8 federal appropriation are provided solely for project 100224I, US 2
9 high priority safety project. Expenditure of these funds is for safety
10 projects on state route number 2 between Monroe and Gold Bar, which may
11 include median rumble strips, traffic cameras, and electronic message
12 signs.

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

16 (16) The department shall conduct a public outreach process to
17 identify and respond to community concerns regarding the Belfair
18 bypass. The process must include representatives from Mason county,
19 the legislature, area businesses, and community members. The
20 department shall use this process to consider and develop design
21 alternatives that alter the project's scope so that the community's
22 needs are met within the project budget. The department shall provide
23 a report on the process and outcomes to the legislature by June 30,
24 2010.

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

33 (18) \$250,000 of the motor vehicle account--state appropriation is
34 provided solely for the design and construction of a right turn lane to
35 improve visibility and traffic flow on state route number 195 and
36 Cheney-Spokane Road (project L1000001).

37 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal

1 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
2 state appropriation are provided solely for the Westview school noise
3 wall (project WESTV).

4 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
5 appropriation and \$131,000 of the motor vehicle account--federal
6 appropriation are provided solely for interchange design and planning
7 work on US 12 at A Street and Tank Farm Road (project PASCO).

8 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
9 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
10 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor
11 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
12 \$9,422,000 of the motor vehicle account--federal appropriation are
13 provided solely for project 400506A, the I-5/Columbia river
14 crossing/Vancouver project. The funding described in this subsection
15 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
16 Oregon.

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

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

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

31 (23) The department shall evaluate a potential deep bore culvert
32 for the state route number 305/Bjorgen creek fish barrier project
33 identified as project 330514A in LEAP Transportation Document ALL
34 PROJECTS 2009-2, as developed April 24, 2009. The department shall
35 evaluate whether a deep bore culvert will be a less costly alternative
36 than a traditional culvert since a traditional culvert would require
37 extensive road detours during construction.

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

9 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
10 account--state appropriation is provided solely for project 109040Q,
11 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
12 project, as indicated in the LEAP transportation document referenced in
13 subsection (1) of this section.

14 (26) The department shall continue to work with the local partners
15 in developing transportation solutions necessary for the economic
16 growth in the Red Mountain American Viticulture Area of Benton county.

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

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

32 (29) Within the amounts provided in this section, \$200,000 of the
33 transportation partnership account--state appropriation is provided
34 solely for the department to prepare a comprehensive tolling study of
35 the state route number 167 corridor to determine the feasibility of
36 administering tolls within the corridor, identified as project number
37 316718A in the LEAP transportation document described in subsection (1)
38 of this section. The department shall report to the joint

1 transportation committee by September 30, 2010. The department shall
2 regularly report to the Washington transportation commission regarding
3 the progress of the study for the purpose of guiding the commission's
4 potential toll setting on the facility. The elements of the study must
5 include, at a minimum:

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

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

9 (c) Economic considerations for future system investments.

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

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

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

25 (c) Economic considerations for future system investments.

26 (31) Within the amounts provided in this section, (~~(\$28,000,000)~~)
27 \$44,429,000 of the transportation partnership account--state
28 appropriation is for project 600010A, as identified in the LEAP
29 transportation document in subsection (1) of this section: NSC-North
30 Spokane corridor design and right-of-way - new alignment. Expenditure
31 of these funds is for preliminary engineering and right-of-way
32 purchasing to prepare for four lanes to be built from where existing
33 construction ends at Francis Avenue for three miles to the Spokane
34 river. Additionally, any savings realized on project 600001A, as
35 identified in the LEAP transportation document in subsection (1) of
36 this section: US 395/NSC-Francis Avenue to Farwell Road - New
37 Alignment, must be applied to project 600010A.

1 (32) \$400,000 of the motor vehicle account--state appropriation is
2 provided solely for the department to conduct a state route number 2
3 route development plan (project L2000016) that will identify essential
4 improvements needed between the port of Everett/Naval station and
5 approaching the state route number 9 interchange near the city of
6 Snohomish.

7 (33) If the SR 26 - Intersection and Illumination Improvements are
8 not completed by June 30, 2009, the department shall ensure that the
9 improvements are completed as soon as practicable after June 30, 2009,
10 and shall submit monthly progress reports on the improvements beginning
11 July 1, 2009.

12 (34) \$200,000 of the transportation partnership account--state
13 appropriation, identified on project number 400506A in the LEAP
14 transportation document described in subsection (1) of this section, is
15 provided solely for the department to work with the department of
16 archaeology and historic preservation to ensure that the cultural
17 resources investigation is properly conducted on the Columbia river
18 crossing project. This project must be conducted with active
19 archaeological management and result in one report that spans the
20 single cultural area in Oregon and Washington. Additionally, the
21 department shall establish a scientific peer review of independent
22 archaeologists that are knowledgeable about the region and its cultural
23 resources.

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

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

36 (37) \$10,000,000 of the transportation partnership account--state
37 appropriation is provided solely for the Spokane street viaduct portion

1 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
2 indicated in the LEAP transportation document referenced in subsection
3 (1) of this section.

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

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

20 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--
21 federal appropriation is provided solely for the Alaskan Way Viaduct -
22 Automatic Shutdown project, identified as project L1000034.

23 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
24 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
25 account--state appropriation are provided solely for the US 12/Nine
26 Mile Hill to Woodward Canyon Vic - Build New Highway project,
27 identified as project 501210T.

28 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
29 appropriation is provided solely for the Express Lanes System Concept
30 Study project, identified as project 800020A. As part of this project,
31 the department shall prepare a comprehensive tolling study of the
32 Interstate 5 express lanes to determine the feasibility of
33 administering tolls within the corridor. The department shall
34 regularly report to the Washington transportation commission regarding
35 the progress of the study. The elements of the study must include, at
36 a minimum:

37 (i) The potential for value pricing to generate revenues for needed
38 transportation facilities;

1 (ii) Maximizing the efficient operation of the corridor;
2 (iii) Economic considerations for future system investments; and
3 (iv) An analysis of the impacts to the regional transportation
4 system.

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

7 (~~(44)~~ ~~\$226,000~~) (43) \$110,000 of the motor vehicle account--
8 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle
9 account--state appropriation are provided solely for the SR 16/Rosedale
10 Street NW Vicinity - Frontage Road project (301639C). These funds must
11 not be expended before an agreement stating that the city of Gig Harbor
12 will take ownership of the road has been signed. The frontage road
13 must be built for driving speeds of no more than thirty-five miles per
14 hour.

15 (~~(45)~~) (44) The department shall work with the Washington state
16 transportation commission, the Oregon state department of
17 transportation, and the Oregon state transportation commission to
18 analyze and review potential options for a bistate, toll setting
19 framework. As part of the analysis, the department shall undertake the
20 following actions: Review statutory provisions and the governance
21 structures of toll facilities in the United States that are located
22 within two or more states; review relevant federal law regarding
23 transportation facilities that are located within two or more states;
24 consult with the state treasurers in Washington and Oregon regarding
25 the appropriate structure for the issuance of debt for toll facilities
26 that are located within two states; report findings and recommendations
27 to the Columbia river project sponsor's council by October 1, 2010; and
28 provide a final report to the governor and the legislature by June 30,
29 2011.

30 (~~(46)~~) (45) \$750,000 of the motor vehicle account--state
31 appropriation is provided solely for improvements from Allan Road to
32 state route number 12 (501207Z).

33 (~~(47)~~ ~~\$500,000~~) (46) \$455,000 of the motor vehicle account--state
34 appropriation is provided solely for a traffic signal at the
35 intersection of state route number 7 and state route number 702
36 (300738A).

37 (~~(48)~~ ~~\$750,000~~) (47) \$316,000 of the motor vehicle account--state

1 appropriation is provided solely for environmental work on the Belfair
2 Bypass (project 300344C).

3 ~~((+49+))~~ (48) The legislature finds that state route number 522
4 corridor provides an important link between Interstates 5 and 405 and
5 will be impacted by diversion from tolling elsewhere in the region.
6 State route number 522 must be reviewed as part of the scoping work
7 conducted under section 220(4) of this act. As such, the legislature
8 intends to provide additional funding for the corridor as a priority in
9 the next revenue package. The state will work with the affected cities
10 and the federal government to secure the necessary resources to address
11 the needs of this critical corridor.

12 ~~((+50) \$500,000)~~ (49) \$558,000 of the motor vehicle account--state
13 appropriation is provided solely for the US 12/SR 122/Mossyrock -
14 Intersection project (401212R) for safety improvements.

15 ~~((+51) \$200,000)~~ (50) \$527,000 of the motor vehicle account--
16 federal appropriation is provided solely for project US 97A/North of
17 Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is
18 anticipated in the 2011-13 biennium.

19 ~~((+52+))~~ (51) If a planned roundabout in the vicinity of state
20 route number 526 and 84th Street SW would divert commercial traffic
21 onto neighborhood streets, the department may not proceed with
22 improvements at state route number 526 and 84th Street SW until the
23 traffic impacts in the vicinity of state route number 526 and 40th
24 Avenue West are addressed.

25 ~~((+53+))~~ (52) The department shall conduct a collision analysis
26 corridor study on state route number 167 from milepost 0 to milepost 5
27 and report to the transportation committees of the legislature on the
28 analysis results by December 1, 2010.

29 ~~((+54) \$2,600,000)~~ (53) \$357,000 of the motor vehicle account--
30 federal appropriation is provided solely for the ITS Advanced Traveler
31 Information System project in Whatcom county (100589B).

32 ~~((+55) \$900,000)~~ (54) \$94,000 of the motor vehicle account--
33 federal appropriation is provided solely for the US 97/Cameron Lake
34 Road intersection improvements project in Okanogan county (209700W).

35 ~~((+56) \$400,000)~~ (55) \$294,000 of the motor vehicle account--
36 federal appropriation and ~~((+56) \$100,000)~~ \$74,000 of the motor vehicle
37 account--state appropriation are provided solely for the SR 9/SR 204
38 Intersection Improvement project (L2000040).

1 (~~(57)~~) (56) The legislature finds that the state route number 12
2 widening from state route number 124 to Walla Walla is an important
3 east-west corridor in the southeast region of the state. Widening the
4 highway to four lanes will increase safety and improve freight
5 mobility. Therefore, the legislature intends for the department to use
6 up to two million dollars in future redistributed federal obligation
7 authority that may be received by the department for right-of-way
8 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
9 Phase 7-A project (501210T).

10 **Sec. 1006.** 2010 c 247 s 304 (uncodified) is amended to read as
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

13 Transportation Partnership Account--State	
14 Appropriation	((\$75,305,000))
15	<u>\$67,381,000</u>
16 Motor Vehicle Account--State Appropriation	((\$96,884,000))
17	<u>\$92,733,000</u>
18 Motor Vehicle Account--Federal Appropriation	((\$556,705,000))
19	<u>\$528,158,000</u>
20 Motor Vehicle Account--Private/Local	
21 Appropriation	((\$18,768,000))
22	<u>\$19,675,000</u>
23 Transportation 2003 Account (Nickel Account)--State	
24 Appropriation	((\$6,328,000))
25	<u>\$6,148,000</u>
26 Puyallup Tribal Settlement Account--State	
27 Appropriation	((\$6,636,000))
28	<u>\$6,647,000</u>
29 TOTAL APPROPRIATION	((\$760,626,000))
30	<u>\$720,742,000</u>

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

33 (1) Except as provided otherwise in this section, the entire
34 transportation 2003 account (nickel account) appropriation and the
35 entire transportation partnership account appropriation are provided
36 solely for the projects and activities as listed by fund, project, and
37 amount in LEAP Transportation Document (~~(2010-1)~~) 2011-1 as developed

1 March (~~8, 2010~~) 21, 2011, Program - Highway Preservation Program (P).
2 However, limited transfers of specific line-item project appropriations
3 may occur between projects for those amounts listed subject to the
4 conditions and limitations in section 603 of this act.

5 (2) (~~(\$542,000)~~) \$546,000 of the motor vehicle account--federal
6 appropriation and (~~(\$453,000)~~) \$188,000 of the motor vehicle account--
7 state appropriation are provided solely for project 602110F, SR
8 21/Keller ferry boat - Preservation. Funds are provided solely for
9 preservation work on the existing vessel, the Martha S.

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

13 (4) \$6,636,000 of the Puyallup tribal settlement account--state
14 appropriation is provided solely for costs associated with the Murray
15 Morgan/11th Street bridge project. The city of Tacoma may use the
16 Puyallup tribal settlement account appropriation and other appropriated
17 funds for bridge rehabilitation, bridge replacement, bridge demolition,
18 and related mitigation. The department's participation, including
19 prior expenditures, may not exceed (~~(\$40,270,000)~~) \$40,281,000. The
20 city of Tacoma has taken ownership of the bridge in its entirety, and
21 the payment of these funds extinguishes any real or implied agreements
22 regarding future bridge expenditures.

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

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

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

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

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

17 (i) The current backlog of asphalt and concrete pavement
18 preservation projects;

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

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

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

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

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

34 (c) The department shall submit the report to the office of
35 financial management and the transportation committees of the
36 legislature by September 1, 2010, in order to inform the development of
37 the 2011-13 omnibus transportation appropriations act.

1 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
2 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
3 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
4 transportation partnership account--state appropriation are provided
5 solely for the SR 104/Hood Canal bridge - replace east half project,
6 identified as project 310407B in the LEAP transportation document
7 described in subsection (1) of this section.

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

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

15 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
16 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
17 account--state appropriation are provided solely for the environmental
18 impact statement and preliminary planning for the replacement of the
19 state route number 9 Snohomish river bridge (project L2000018).

20 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
21 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
22 account--state appropriation are provided solely for the SR 410/Nile
23 Valley Landslide - Establish Interim Detour project (541002R).

24 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
25 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
26 account--state appropriation are provided solely for the SR 410/Nile
27 Valley Landslide - Reconstruct Route project (541002T).

28 ((+16+)) (15) The legislature anticipates a report in September
29 2010 that will outline the department's recommendation for developing
30 a Keller Ferry replacement at the lowest cost. The legislature
31 supports the request to the federal government for federal aid for a
32 replacement vessel and intends to provide reasonable matching amounts
33 as necessary.

34 (~~(+17)~~ ~~\$2,100,000~~) (16) \$194,000 of the motor vehicle account--
35 federal appropriation is provided solely for the SR 21/Kettle River to
36 Malo paving project in Ferry county (602117A).

1 **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
4 **CAPITAL**

5	Motor Vehicle Account--State Appropriation	((\$8,158,000))
6		<u>\$6,847,000</u>
7	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
8		<u>\$11,412,000</u>
9	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
10		<u>\$174,000</u>
11	TOTAL APPROPRIATION	((\$26,368,000))
12		<u>\$18,433,000</u>

13 **Sec. 1008.** 2010 c 283 s 19 (uncodified) is amended to read as
14 follows:

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

17	Puget Sound Capital Construction Account--State	
18	Appropriation	((\$126,824,000))
19		<u>\$106,589,000</u>
20	Puget Sound Capital Construction Account--Federal	
21	Appropriation	((\$60,364,000))
22		<u>\$51,194,000</u>
23	Puget Sound Capital Construction Account--Local	
24	Appropriation	\$200,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation	((\$51,734,000))
27		<u>\$51,735,000</u>
28	Transportation Partnership Account--State	
29	Appropriation	((\$66,879,000))
30		<u>\$102,660,000</u>
31	Multimodal Transportation Account--State	
32	Appropriation	\$149,000
33	TOTAL APPROPRIATION	((\$306,150,000))
34		<u>\$312,527,000</u>

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

1 (1) (~~(\$126,824,000)~~) \$106,589,000 of the Puget Sound capital
2 construction account--state appropriation, (~~(\$60,364,000)~~) \$51,194,000
3 of the Puget Sound capital construction account--federal appropriation,
4 \$200,000 of the Puget Sound capital construction account--local
5 appropriation, (~~(\$66,879,000)~~) \$102,660,000 of the transportation
6 partnership account--state appropriation, (~~(\$51,734,000)~~) \$51,735,000
7 of the transportation 2003 account (nickel account)--state
8 appropriation, and \$149,000 of the multimodal transportation account--
9 state appropriation are provided solely for ferry capital projects,
10 project support, and administration as listed in LEAP Transportation
11 Document ALL PROJECTS (~~(2010-2)~~) 2011-2 as developed March (~~(8, 2010)~~)
12 21, 2011, Program - Ferries Construction Program (W). Of the total
13 appropriation, a maximum of \$10,627,000 may be used for administrative
14 support, a maximum of (~~(\$8,184,000)~~) \$7,635,000 may be used for
15 terminal project support, and a maximum of \$4,497,000 may be used for
16 vessel project support. Of the total appropriation, (~~(\$5,851,000)~~)
17 \$2,016,000 is provided solely for a reservation system and associated
18 communications projects.

19 (2) (~~(\$51,734,000)~~) \$51,735,000 of the transportation 2003 account
20 (nickel account)--state appropriation, (~~(\$63,100,000)~~) \$99,891,000 of
21 the transportation partnership account--state appropriation, and
22 (~~(\$10,164,000)~~) \$10,165,000 of the Puget Sound capital construction
23 account--state appropriation are provided solely for the acquisition of
24 three new Island Home class ferry vessels subject to the conditions of
25 RCW 47.56.780. The department shall pursue a contract for the second
26 and third Island Home class ferry vessels with an option to purchase a
27 fourth Island Home class ferry vessel. However, if sufficient
28 resources are available to build one 144-auto vessel prior to
29 exercising the option to build the fourth Island Home class ferry
30 vessel, procurement of the fourth Island Home class ferry vessel will
31 be postponed and the department shall pursue procurement of a 144-auto
32 vessel.

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

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

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

6 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
7 state appropriation and (~~(\$2,450,000)~~) \$1,450,000 of the transportation
8 partnership account--state appropriation are provided solely for the
9 following projects related to the design of a 144-vehicle vessel class:
10 (i) \$1,380,000 is provided solely for completion of the contract for
11 owner-furnished equipment; (ii) (~~(\$8,320,000)~~) \$7,320,000 is provided
12 solely for completion of the technical design, detail design, and
13 production drawings, all of which must plan for an aluminum
14 superstructure; (iii) \$480,000 is provided solely for the storage of
15 owner-furnished equipment; and (iv) a maximum of \$720,000 is for
16 construction engineering. In completing the contract for owner-
17 furnished equipment, the department shall use as much of the already
18 procured equipment as is practicable on the Island Home class ferry
19 vessels if it is likely to be obsolete before it is used in procured
20 144-vehicle vessels.

21 (b) The department shall conduct a cost-benefit study on
22 alternative furnishings and fittings for the 144-vehicle vessel class.
23 The study must review the proposed interior furnishings and fittings
24 for the long-term maintenance and out-of-service vessel costs and, if
25 appropriate, propose alternative interior furnishings and fittings that
26 will decrease long-term maintenance and out-of-service vessel costs.
27 The study must include a projection of out-of-service time and a life-
28 cycle cost analysis of planned out-of-service time, including the
29 impact on fleet size. The department must submit the study to the
30 joint transportation committee by August 1, 2010.

31 (c) The department shall identify costs for any additional detail
32 design and production drawings costs related to incorporating the
33 aluminum superstructure and any changes in the proposed furnishings and
34 fittings.

35 (4) \$6,300,000 of the Puget Sound capital construction account--
36 state appropriation is provided solely for emergency capital costs.

37 (5) (~~(\$3,000,000)~~) \$273,000 of the Puget Sound capital construction
38 account--federal appropriation is provided solely for completing the

1 Anacortes terminal design up to the maximum allowable construction cost
2 phase. Beyond preparing environmental work, these funds may be spent
3 only after the following conditions have been met: (a) A value
4 engineering process is conducted on the existing design and the concept
5 of a terminal building smaller than preferred alternative; (b) the
6 office of financial management participates in the value engineering
7 process; (c) the office of financial management concurs with the
8 recommendations of the value engineering process; and (d) the office of
9 financial management gives its approval to proceed with the design
10 work.

11 (6) (~~(\$3,965,000)~~) \$2,189,000 of the Puget Sound capital
12 construction account--state appropriation is provided solely for the
13 following vessel projects: Waste heat recovery pilot project for the
14 Issaquah; jumbo Mark 1 class steering gear ventilation pilot project;
15 and improvements to the Yakima and Kaleetan propulsion controls to
16 allow for two engine operation. Before beginning these projects, the
17 Washington state ferries must ensure the vessels' out-of-service time
18 does not negatively impact service to the 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) \$1,200,000 of the total appropriation is provided solely for
5 improving the toll booth configuration at the Port Townsend and
6 Keystone ferry terminals.

7 (11) \$2,636,000 of the total appropriation is provided solely for
8 continued permitting work on the Mukilteo ferry terminal. The
9 department shall seek additional federal funding for this project.

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

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

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

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

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

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

29 (iv) A review of the department's vessel maintenance, preservation,
30 and improvement program contracting process and contractual
31 requirements;

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

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

37 (vii) Coordination with required United States coast guard dry
38 dockings;

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

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

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

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

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

25 (15) The Puget Sound capital construction account--state
26 appropriation includes up to (~~(\$114,000,000)~~) \$90,679,000 in proceeds
27 from the sale of bonds authorized in RCW 47.10.843.

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

31 (17) The department shall provide data to the transportation
32 committees of the senate and house of representatives for a transparent
33 analysis of travel pay policies.

34 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

37 Essential Rail Assistance Account--State

1	Appropriation	((\$333,000))
2		<u>\$334,000</u>
3	Transportation Infrastructure Account--State	
4	Appropriation	((\$13,184,000))
5		<u>\$12,348,000</u>
6	Multimodal Transportation Account--State	
7	Appropriation	((\$102,202,000))
8		<u>\$84,733,000</u>
9	Multimodal Transportation Account--Federal	
10	Appropriation	((\$619,527,000))
11		<u>\$48,445,000</u>
12	((Multimodal Transportation Account--Private/Local	
13	Appropriation	(\$81,000))
14	TOTAL APPROPRIATION	((\$735,327,000))
15		<u>\$145,860,000</u>

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

18 (1)(a) Except as provided otherwise in this section, the entire
19 appropriations in this section are provided solely for the projects and
20 activities as listed by project and amount in LEAP Transportation
21 Document ALL PROJECTS ((~~2010-2~~)) 2011-2 as developed March ((~~8, 2010~~))
22 21, 2011, Program - Rail Capital Program (Y).

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

27 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))
28 \$400,000 of the transportation infrastructure account--state
29 appropriation is for a low-interest loan through the freight rail
30 investment bank program to the Port of Everett (BIN 722810A) for a new
31 rail track to connect a cement loading facility to the mainline.

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

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

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

8 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)
9 \$346,000 of the multimodal transportation account--state appropriation
10 is for a statewide - emergent freight rail assistance project grant for
11 the Lincoln County PDA/Creston - new rail spur (BIN (~~(710510A)~~)
12 F01001E) project, provided that the grantee first documents to the
13 satisfaction of the department sufficient commitments from the new
14 shipper or shippers to locate in the publicly owned industrial park
15 west of Creston to ensure that the net present value of the public
16 benefits of the project is greater than the grant amount.

17 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
18 \$8,079,000 of the transportation infrastructure account--state
19 appropriation is for grants to any intergovernmental entity or local
20 rail district to which the department of transportation assigns the
21 management and oversight responsibility for the business and economic
22 development elements of existing operating leases on the Palouse River
23 and Coulee City (PCC) rail lines. \$300,000 of the transportation
24 infrastructure account--state appropriation is provided solely for the
25 fence line replacement project on the CW line. The PCC rail line
26 system is made up of the CW, P&L, and PV Hooper rail lines. Business
27 and economic development elements include such items as levels of
28 service and business operating plans, but must not include the state's
29 oversight of railroad regulatory compliance, rail infrastructure
30 condition, or real property management issues. The PCC rail system
31 must be managed in a self-sustaining manner and best efforts must be
32 used to ensure that it does not require state capital or operating
33 subsidy beyond the level of state funding expended on it to date. The
34 assignment of the stated responsibilities to an intergovernmental
35 entity or rail district must be on terms and conditions as the
36 department of transportation and the intergovernmental entity or rail
37 district mutually agree. The grant funds may be used only to refurbish
38 the rail lines. It is the intent of the legislature to make the funds

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

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

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

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

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

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

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

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

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

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

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

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

32 (5) The department shall provide quarterly reports to the office of
33 financial management and the transportation committees of the
34 legislature regarding applications that the department submits for
35 federal funds and the status of such applications.

36 (6) The department shall, on a quarterly basis, provide to the
37 office of financial management and the legislature reports providing
38 the status on active projects identified in the LEAP transportation

1 document described in subsection (1)(a) of this section. Report
2 formatting and elements must be consistent with the October 2009
3 quarterly project report.

4 (7) The multimodal transportation account--state appropriation
5 includes up to \$48,000,000 in proceeds from the sale of bonds
6 authorized in RCW 47.10.867.

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

11 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
12 account--federal appropriation is provided solely for high-speed rail
13 projects awarded to Washington state from the high-speed intercity
14 passenger rail program under the American recovery and reinvestment
15 act. Funding will allow for two additional round trips between Seattle
16 and Portland, and other rail improvements.

17 (10) (~~(\$2,200,000)~~) \$1,856,000 of the multimodal transportation
18 account--state appropriation is provided solely for expenditures
19 related to the capital high-speed passenger rail grant that are not
20 federally reimbursable.

21 (11) The Burlington Northern Santa Fe Skagit river bridge is an
22 integral part of the rail system. Constructed in 1916, the bridge does
23 not meet current design standards and is at risk during flood events
24 that occur on the Skagit river. The department shall work with
25 Burlington Northern Santa Fe and local jurisdictions to secure federal
26 funding for the Skagit river bridge and to develop an appropriate
27 replacement plan and schedule.

28 (12) \$1,000,000 of the multimodal transportation account--state
29 appropriation is provided solely for additional expenditures along the
30 Chelatchie Prairie railroad (~~(LN2000025)~~) (710110A).

31 (13) \$984,000 of the multimodal transportation account--state
32 appropriation is provided solely for the department for expenditures
33 associated with the Port of Quincy project (BIN F01170A). The
34 department shall seek federal or other reimbursement for these funds
35 and shall include this project in the quarterly reports described in
36 subsection (6) of this section.

1 **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
4 **CAPITAL**

5	((Highway Infrastructure Account--State Appropriation	\$207,000
6	Highway Infrastructure Account--Federal	
7	Appropriation	\$1,602,000))
8	Freight Mobility Investment Account--State	
9	Appropriation	((\$13,848,000))
10		<u>\$9,170,000</u>
11	Transportation Partnership Account--State	
12	Appropriation	((\$8,863,000))
13		<u>\$6,828,000</u>
14	Motor Vehicle Account--State Appropriation	((\$14,068,000))
15		<u>\$9,901,000</u>
16	Motor Vehicle Account--Federal Appropriation	((\$43,835,000))
17		<u>\$25,727,000</u>
18	Freight Mobility Multimodal Account--State	
19	Appropriation	((\$15,620,000))
20		<u>\$7,472,000</u>
21	Freight Mobility Multimodal Account--Local	
22	Appropriation	((\$3,258,000))
23		<u>\$3,058,000</u>
24	Multimodal Transportation Account--Federal	
25	Appropriation	\$2,118,000
26	Multimodal Transportation Account--State	
27	Appropriation	((\$28,855,000))
28		<u>\$20,923,000</u>
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation	\$2,709,000
31	Passenger Ferry Account--State Appropriation	((\$2,879,000))
32		<u>\$1,764,000</u>
33	Puyallup Tribal Settlement Account--State	
34	Appropriation	((\$5,895,000))
35		<u>\$5,905,000</u>
36	TOTAL APPROPRIATION	((\$143,757,000))
37		<u>\$95,575,000</u>

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

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

12 (2) (~~(\$2,729,000)~~) \$1,614,000 of the passenger ferry account--state
13 appropriation is provided solely for near and long-term costs of
14 capital improvements in a business plan approved by the governor for
15 passenger ferry service.

16 (3) \$150,000 of the passenger ferry account--state appropriation is
17 provided solely for the Port of Kingston for a one-time operating
18 subsidy needed to retain a federal grant.

19 (4) \$3,000,000 of the motor vehicle account--federal appropriation
20 is provided solely for the Coal Creek parkway project (L1000025).

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

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

28 (7) Federal funds may be transferred from program Z to programs I
29 and P and state funds shall be transferred from programs I and P to
30 program Z to replace those federal funds in a dollar-for-dollar match.
31 Fund transfers authorized under this subsection shall not affect
32 project prioritization status. Appropriations shall initially be
33 allotted as appropriated in this act. The department may not transfer
34 funds as authorized under this subsection without approval of the
35 office of financial management. The department shall submit a report
36 on those projects receiving fund transfers to the office of financial
37 management and the transportation committees of the legislature by
38 December 1, 2009, and December 1, 2010.

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

7 (9) (~~(\$18,289,000)~~) \$13,733,000 of the multimodal transportation
8 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
9 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
10 of the transportation partnership account--state appropriation are
11 provided solely for the pedestrian and bicycle safety program projects
12 and safe routes to schools program projects identified in LEAP
13 Transportation Document 2009-A, pedestrian and bicycle safety program
14 projects and safe routes to schools program projects, as developed
15 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
16 bicycle safety program projects and safe routes to schools program
17 projects, as developed April 20, 2007, and LEAP Transportation Document
18 2006-B, pedestrian and bicycle safety program projects and safe routes
19 to schools program projects, as developed March 8, 2006. Projects must
20 be allocated funding based on order of priority. The department shall
21 review all projects receiving grant awards under this program at least
22 semiannually to determine whether the projects are making satisfactory
23 progress. Any project that has been awarded funds, but does not report
24 activity on the project within one year of the grant award must be
25 reviewed by the department to determine whether the grant should be
26 terminated. The department shall promptly close out grants when
27 projects have been completed, and identify where unused grant funds
28 remain because actual project costs were lower than estimated in the
29 grant award.

30 (10) 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 project and amount in LEAP Transportation
33 Document ALL PROJECTS (~~(2010-2)~~) 2011-2 as developed March (~~(8, 2010)~~)
34 21, 2011, Program - Local Program (Z).

35 (11) For the 2009-11 project appropriations, unless otherwise
36 provided in this act, the director of financial management may
37 authorize a transfer of appropriation authority between projects

1 managed by the freight mobility strategic investment board in order for
2 the board to manage project spending and efficiently deliver all
3 projects in the respective program.

4 ~~(12) ((\$913,386 of the motor vehicle account--state appropriation~~
5 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
6 ~~provided solely for completion of the US 101 northeast peninsula safety~~
7 ~~rest area and associated roadway improvements east of Port Angeles at~~
8 ~~the Deer Park scenic view point. The department must surplus any~~
9 ~~right-of-way previously purchased for this project near Sequim.~~
10 ~~Approval to proceed with construction is contingent on surplus of~~
11 ~~previously purchased right-of-way. \$865,000 of the motor vehicle~~
12 ~~account--state appropriation is to be placed into unallotted status~~
13 ~~until such time as the right-of-way sale is completed.~~

14 ~~(13) \$5,894,000))~~ \$5,905,000 of the Puyallup tribal settlement
15 account--state appropriation is provided solely for costs associated
16 with the Murray Morgan/11th Street bridge project. The city of Tacoma
17 may use the Puyallup tribal settlement account appropriation and other
18 appropriated funds for bridge rehabilitation, bridge replacement,
19 bridge demolition, and bridge mitigation. The department's
20 participation, including prior expenditures, may not exceed
21 ~~(((\$40,270,000))~~ \$40,281,000. The city of Tacoma has taken ownership of
22 the bridge in its entirety, and the payment of these funds extinguishes
23 any real or implied agreements regarding future bridge expenditures.

24 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle
25 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor
26 vehicle account--state appropriation are provided solely to reimburse
27 the cities of Kirkland and Redmond for pavement and bridge deck
28 rehabilitation on state route number 908 (project 1LP611A). These
29 funds may not be expended unless the cities sign an agreement stating
30 that the cities agree to take ownership of state route number 908 in
31 its entirety and agree that the payment of these funds represents the
32 entire state commitment to the cities for state route number 908
33 expenditures. The amount provided in this subsection is contingent on
34 the enactment by June 30, 2010, of Senate Bill No. 6555.

35 ~~((+15))~~ (14) The department shall consider the condition of the
36 Broadway bridge in the city of Everett when prioritizing bridge
37 projects.

1	Transportation Partnership Account--State	
2	Appropriation	((\$4,722,000))
3		<u>\$6,818,000</u>
4	Motor Vehicle Account--State Appropriation	((\$901,000))
5		<u>\$672,000</u>
6	Transportation 2003 Account (Nickel Account)--State	
7	Appropriation	((\$4,116,000))
8		<u>\$3,116,000</u>
9	Special Category C Account--State Appropriation	((\$148,000))
10		<u>\$136,000</u>
11	Urban Arterial Trust Account--State Appropriation	\$85,000
12	Transportation Improvement Account--State Appropriation	\$41,000
13	Multimodal Transportation Account--State	
14	Appropriation	((\$283,000))
15		<u>\$164,000</u>
16	TOTAL APPROPRIATION	((\$831,004,000))
17		<u>\$804,259,000</u>
18		

19 **Sec. 1102.** 2010 c 247 s 402 (uncodified) is amended to read as
20 follows:

21 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
22 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
23 **FISCAL AGENT CHARGES**

24	State Route Number 520 Corridor Account--State	
25	Appropriation	((\$40,000))
26		<u>\$110,000</u>
27	Transportation Partnership Account--State	
28	Appropriation	((\$787,000))
29		<u>\$537,000</u>
30	Motor Vehicle Account--State Appropriation	((\$122,000))
31		<u>\$62,000</u>
32	Transportation 2003 Account (Nickel Account)--State	
33	Appropriation	((\$364,000))
34		<u>\$264,000</u>
35	Special Category C Account--State Appropriation	((\$15,000))
36		<u>\$12,000</u>
37	Urban Arterial Trust Account--State Appropriation	\$5,000

1 Transportation Improvement Account--State Appropriation \$3,000
 2 Multimodal Transportation Account--State
 3 Appropriation ((~~\$34,000~~))
 4 \$40,000
 5 TOTAL APPROPRIATION ((~~\$1,370,000~~))
 6 \$1,033,000

7 **Sec. 1103.** 2010 c 247 s 403 (uncodified) is amended to read as
 8 follows:

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

11 Motor Vehicle Account--State Appropriation:
 12 For transfer to the Puget Sound
 13 Capital Construction Account ((~~\$114,000,000~~))
 14 \$76,179,000

15 The department of transportation is authorized to sell up to
 16 ((~~\$114,000,000~~)) \$76,179,000 in bonds authorized by RCW 47.10.843 for
 17 vessel and terminal acquisition, major and minor improvements, and long
 18 lead-time materials acquisition for the Washington state ferries.

19 **Sec. 1104.** 2010 c 247 s 404 (uncodified) is amended to read as
 20 follows:

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

22 Motor Vehicle Account Appropriation for
 23 motor vehicle fuel tax distributions to cities
 24 and counties ((~~\$478,753,000~~))
 25 \$471,101,000

26 **Sec. 1105.** 2010 c 247 s 405 (uncodified) is amended to read as
 27 follows:

28 **FOR THE STATE TREASURER--TRANSFERS**

29 Motor Vehicle Account--State
 30 Appropriation: For motor vehicle fuel tax
 31 refunds and statutory transfers ((~~\$1,247,260,000~~))
 32 \$1,227,760,000

33 **Sec. 1106.** 2010 c 247 s 406 (uncodified) is amended to read as
 34 follows:

1 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

2 Motor Vehicle Account--State

3 Appropriation: For motor vehicle fuel tax

4 refunds and transfers ((~~\$120,688,000~~))
5 \$115,110,000

6 **Sec. 1107.** 2010 1st sp.s. c 37 s 804 (uncodified) is amended to
7 read as follows:

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

9 (1) (~~Tacoma Narrows Toll Bridge Account--State~~

10 ~~Appropriation: For transfer to the Motor Vehicle~~

11 ~~Account--State \$5,288,000~~

12 (+2)) Motor Vehicle Account--State Appropriation:

13 For transfer to the Puget Sound Ferry Operations

14 Account--State ((~~\$54,100,000~~))
15 \$78,000,000

16 ((+3)) (2) Recreational Vehicle Account--State

17 Appropriation: For transfer to the Motor Vehicle

18 Account--State ((~~\$2,000,000~~))
19 \$1,800,000

20 ((+4)) (3) License Plate Technology Account--State

21 Appropriation: For transfer to the Highway Safety

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

23 ((+5)) (4) Multimodal Transportation Account--State

24 Appropriation: For transfer to the Puget Sound

25 Ferry Operations Account--State ((~~\$9,000,000~~))
26 \$10,000,000

27 ((+6) ~~Highway Safety Account--State Appropriation:~~

28 ~~For transfer to the Multimodal Transportation~~

29 ~~Account--State \$18,750,000~~

30 (+7)) (5) Department of Licensing Services Account--State

31 Appropriation: For transfer to the Motor Vehicle

32 Account--State \$1,300,000

33 ((+8)) (6) Advanced Right-of-Way Account: For transfer

34 to the Motor Vehicle Account--State \$14,000,000

35 ((+9) ~~State Route Number 520 Civil Penalties~~

36 ~~Account--State Appropriation: For transfer to the~~

37 ~~State Route Number 520 Corridor Account--State \$190,000~~

1 NEW SECTION. **Sec. 1201.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 1202.** Except for sections 704, 707, 709, 710,
6 and 717 of this act, this act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

10 NEW SECTION. **Sec. 1203.** Sections 704, 707, 710, and 717 of this
11 act are necessary for the immediate preservation of the public peace,
12 health, or safety, or support of the state government and its existing
13 public institutions, and take effect July 1, 2011.

(End of bill)

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