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**SUBSTITUTE SENATE BILL 5176**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Haugen, King, White, and Shin; by request of Governor Gregoire)

READ FIRST TIME 03/25/11.

1 AN ACT Relating to transportation funding and appropriations;  
2 amending RCW 46.68.170, 47.29.170, 46.68.370, 47.12.244, 46.68.060,  
3 46.63.170, 46.63.160, 43.19.642, 46.68.220, and 43.19.534; reenacting  
4 and amending RCW 46.18.060; amending 2010 c 247 ss 103, 104, 205, 207,  
5 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222,  
6 223, 224, 301, 302, 303, 304, 305, 307, 308, 401, 402, and 403  
7 (uncodified); amending 2009 c 470 ss 301 and 305 (uncodified); amending  
8 2010 c 283 s 19 (uncodified); amending 2010 1st sp.s. c 37 s 804  
9 (uncodified); creating new sections; repealing 2010 c 161 s 1126;  
10 making appropriations and authorizing expenditures for capital  
11 improvements; providing an effective date; providing a contingent  
12 effective date; and declaring an emergency.

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

14 **2011-2013 FISCAL BIENNIUM**

15 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state  
16 is hereby adopted and, subject to the provisions set forth, the several  
17 amounts specified, or as much thereof as may be necessary to accomplish  
18 the purposes designated, are hereby appropriated from the several

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

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

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

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

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

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

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

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

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

25 **2011-2013 FISCAL BIENNIUM**

26 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

29 Motor Vehicle Account--State Appropriation . . . . . \$425,000

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

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

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

5            NEW SECTION.    **Sec. 103.    FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
6 Motor Vehicle Account--State Appropriation . . . . . \$2,399,000  
7 Puget Sound Ferry Operations Account--State  
8        Appropriation . . . . . \$4,142,000  
9            TOTAL APPROPRIATION . . . . . \$6,541,000

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

12        (1) The office of financial management, in consultation with the  
13 transportation committees of the legislature, shall conduct a budget  
14 evaluation study for the new traffic management center proposed by the  
15 department of transportation. The budget evaluation study team  
16 approach using value engineering techniques must be utilized by the  
17 office of financial management in conducting the study. The office of  
18 financial management shall select the budget evaluation study team  
19 members, contract for the study, and report the results to the  
20 transportation committees of the legislature and the department of  
21 transportation in a timely manner following the study. Options  
22 reviewed must include use of existing facilities, including the Wheeler  
23 building data center in Olympia. Funds allocated for the new traffic  
24 management center must be used by the office of financial management  
25 through an interagency agreement with the department of transportation  
26 to cover the cost of the study.

27        (2) \$4,000,000 of the Puget Sound ferry operations account--state  
28 appropriation is provided solely for marine insurance. The  
29 appropriation is intended to fully fund a two-year policy, and the  
30 office of financial management shall increase the deductible or reduce  
31 components of the policy in order to keep the total cost of the two-  
32 year policy at or below four million dollars.

33        (3) The office of financial management shall review the department  
34 of transportation's predesign requirements for Washington state ferry  
35 vessel and terminal projects and modify the requirements such that the  
36 requirements continue to meet legal mandates without placing an undue  
37 burden on the department.

1 (4) The office of financial management shall provide to the  
2 transportation committees of the legislature, on a quarterly basis, a  
3 listing of all demands to bargain with respect to ferry labor relations  
4 and the issue that gave rise to the demand to bargain.

5 (5) \$1,033,000 of the motor vehicle account--state appropriation is  
6 provided solely for the office of financial management to contract with  
7 the Washington state association of counties for a study to identify  
8 and evaluate performance measures associated with county transportation  
9 activities using study funds distributed to counties under RCW  
10 46.68.120(3). At a minimum, the study must include performance  
11 measures related to safety, system preservation, mobility,  
12 environmental protection, and project completion. Funding must also  
13 provide for the establishment of a data collection and reporting system  
14 pilot project that will demonstrate effective and efficient collection  
15 and distribution of information associated with county transportation  
16 performance measurement. A final report to the legislature must be  
17 provided by December 31, 2012.

18 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**  
19 **COMMISSION**

20 Motor Vehicle Account--State Appropriation . . . . . \$918,000

21 The appropriation in this section is subject to the following  
22 conditions and limitations: The entire appropriation in this section  
23 is provided solely for road maintenance purposes.

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

25 Motor Vehicle Account--State Appropriation . . . . . \$1,200,000

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

28 (1) \$351,000 of the motor vehicle account--state appropriation is  
29 provided solely for costs associated with the motor fuel quality  
30 program.

31 (2) \$686,000 of the motor vehicle account--state appropriation is  
32 provided solely to test the quality of biofuel. The department must  
33 test fuel quality at the biofuel manufacturer, distributor, and  
34 retailer.

NEW SECTION.      **Sec. 106.**      **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

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

**TRANSPORTATION AGENCIES--OPERATING**

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

Highway Safety Account--State Appropriation . . . . . \$2,546,000

Highway Safety Account--Federal Appropriation . . . . . \$42,586,000

Highway Safety Account--Local Appropriation . . . . . \$50,000

School Zone Safety Account--State Appropriation . . . . . \$3,340,000

TOTAL APPROPRIATION . . . . . \$48,522,000

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

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

(2) The commission shall conduct an analysis of drivers using their headlights while their windshield wipers are in use and shall report to the transportation committees of the legislature by December 1, 2011.

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

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

(b) In order to ensure adequate time in the 2011-2013 fiscal

1 biennium to evaluate the effectiveness of the pilot projects, any  
2 projects authorized by the commission must be authorized by December  
3 31, 2011.

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

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

9	Rural Arterial Trust Account--State Appropriation . . . . .	\$936,000
10	Motor Vehicle Account--State Appropriation . . . . .	\$2,134,000
11	County Arterial Preservation Account--State	
12	Appropriation . . . . .	\$1,460,000
13	TOTAL APPROPRIATION . . . . .	\$4,530,000

14 The appropriations in this section are subject to the following  
15 conditions and limitations: The county road administration board shall  
16 submit a report to the transportation committees of the legislature by  
17 December 1, 2011, on the implementation of the recommendations that  
18 resulted from the evaluation of efficiencies in the delivery of  
19 transportation funding and services to local governments that was  
20 required under section 204(8), chapter 247, Laws of 2010. The report  
21 must include a description of how recommendations were implemented,  
22 what efficiencies were achieved, and an explanation of any  
23 recommendations that were not implemented.

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

25	Transportation Improvement Account--State	
26	Appropriation . . . . .	\$3,673,000

27 The appropriation in this section is subject to the following  
28 conditions and limitations: The transportation improvement board shall  
29 submit a report to the transportation committees of the legislature by  
30 December 1, 2011, on the implementation of the recommendations that  
31 resulted from the evaluation of efficiencies in the delivery of  
32 transportation funding and services to local governments that was  
33 required under section 204(8), chapter 247, Laws of 2010. The report  
34 must include a description of how recommendations were implemented,  
35 what efficiencies were achieved, and an explanation of any  
36 recommendations that were not implemented.

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

2    Motor Vehicle Account--State Appropriation . . . . . \$1,546,000

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

5            (1) \$200,000 of the motor vehicle account--state appropriation is  
6    for a study of Washington state ferries fares that recommends the most  
7    appropriate fare media for use with the reservation system and the  
8    implementation of demand management pricing. The study must include  
9    direct collaboration with transportation commission members.

10           (2) \$150,000 of the motor vehicle account--state appropriation is  
11   for a study of the management organization structure at the Washington  
12   state ferries. The study results must make recommendations on changes  
13   to the organizational structure that will result in more efficient  
14   operations and a more balanced management organization structure scaled  
15   to the workforce.

16           (3) \$200,000 of the motor vehicle account--state appropriation is  
17   from the cities statewide fuel tax distributions under RCW 46.68.110(2)  
18   for the joint transportation committee to study and make  
19   recommendations on RCW 90.03.525. The study must include: (a) An  
20   inventory of state highways subject to the federal clean water act (40  
21   C.F.R. Parts 122 through 124) (national pollutant discharge elimination  
22   system) that are within city boundaries; (b) a survey of cities that  
23   impose storm water fees or charges to the department of transportation,  
24   or otherwise manage storm water runoff from state highways within their  
25   jurisdiction; (c) case studies from a representative cross-section of  
26   cities on how the department and cities have used RCW 90.03.525; and  
27   (d) recommendations on how to achieve efficiencies in the cost and  
28   management of state highway storm water runoff within cities under RCW  
29   90.03.525.

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

31    Motor Vehicle Account--State Appropriation . . . . . \$2,125,000

32    Multimodal Transportation Account--State Appropriation . . . . \$112,000

33            TOTAL APPROPRIATION . . . . . \$2,237,000

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

36            (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,  
37    during the 2011-2013 fiscal biennium, the legislature authorizes the

1 transportation commission to periodically review and, if necessary,  
2 adjust the schedule of fares for the Washington state ferry system only  
3 in amounts not greater than those sufficient to generate the amount of  
4 revenue required by the biennial transportation budget. When adjusting  
5 ferry fares, the commission must consider input from affected ferry  
6 users by public hearing and by review with the affected ferry advisory  
7 committees, in addition to the data gathered from the current ferry  
8 user survey.

9 (2) Consistent with RCW 43.135.055 and 47.56.403, during the  
10 2011-2013 fiscal biennium, the legislature authorizes the  
11 transportation commission to periodically review and, if necessary,  
12 adjust the schedule of toll charges applicable to the state route  
13 number 167 high occupancy toll lane pilot project only in amounts not  
14 greater than those sufficient to effectively maintain travel time,  
15 speed, and reliability on the facility such 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.

18 (3) Consistent with RCW 43.135.055 and 47.46.100, during the  
19 2011-2013 fiscal biennium, the legislature authorizes the  
20 transportation commission to periodically review and, if necessary,  
21 adjust the schedule of toll charges applicable to the Tacoma Narrows  
22 bridge only in amounts not greater than those sufficient to support (a)  
23 any required costs for operating and maintaining the toll bridge,  
24 including the cost of insurance, (b) any amount required by law to meet  
25 the redemption of bonds and applicable interest payments, and (c)  
26 repayment of the motor vehicle fund.

27 (4) The total appropriation provided in this section includes  
28 funding to conduct a survey to gather data on users of the statewide  
29 transportation system, including the state ferry system, as required  
30 under chapter ... (Substitute Senate Bill No. 5128), Laws of 2011  
31 (statewide transportation planning).

32 **NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**  
33 **INVESTMENT BOARD**

34 Motor Vehicle Account--State Appropriation . . . . . \$649,000

35 The appropriation in this section is subject to the following  
36 conditions and limitations: The freight mobility strategic investment  
37 board shall submit a report to the transportation committees of the



1 legislature by December 1, 2011, on the implementation of the  
2 recommendations that resulted from the evaluation of efficiencies in  
3 the delivery of transportation funding and services to local  
4 governments that was required under section 204(8), chapter 247, Laws  
5 of 2010. The report must include a description of how recommendations  
6 were implemented, what efficiencies were achieved, and an explanation  
7 of any recommendations that were not implemented.

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

9 State Patrol Highway Account--State

10	Appropriation . . . . .	\$348,311,000
11	State Patrol Highway Account--Federal	
12	Appropriation . . . . .	\$10,903,000
13	State Patrol Highway Account--Private/Local	
14	Appropriation . . . . .	\$3,369,000
15	TOTAL APPROPRIATION . . . . .	\$362,583,000

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

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

32 (2) The Washington state patrol shall continue to collaborate with  
33 the Washington traffic safety commission on the target zero trooper  
34 pilot program referenced in section 201(1) of this act.

35 (3) \$370,000 of the state patrol highway account--state  
36 appropriation is provided solely for costs associated with the pilot  
37 program described under section 216(5) of this act. The Washington

1 state patrol may incur costs related only to the assignment of cadets  
2 and necessary computer equipment and to the reimbursement of the  
3 Washington state department of transportation for contract costs. The  
4 appropriation in this subsection must be funded from the portion of the  
5 automated traffic safety camera fines deposited into the state patrol  
6 highway account; however, if the fines deposited into the state patrol  
7 highway account from automated traffic safety camera infractions do not  
8 reach three hundred seventy thousand dollars, the department of  
9 transportation shall remit funds necessary to the Washington state  
10 patrol to ensure the completion of the pilot program. The Washington  
11 state patrol may not incur overtime as a result of this pilot program.  
12 The Washington state patrol shall not assign troopers to operate or  
13 deploy the pilot program equipment used in the roadway construction  
14 zones.

15 (4) \$12,655,000 of the total appropriation is provided solely for  
16 automobile fuel in the 2011-2013 fiscal biennium. The Washington state  
17 patrol shall analyze their fuel consumption and submit a report to the  
18 legislative transportation committees by December 31, 2011, on fuel  
19 conservation methods that could be used to minimize costs and ensure  
20 that the Washington state patrol is managing fuel consumption  
21 effectively.

22 (5) \$7,421,000 of the total appropriation is provided solely for  
23 the purchase of pursuit vehicles.

24 (6) \$6,611,000 of the total appropriation is provided solely for  
25 vehicle repair and maintenance costs of vehicles used for highway  
26 purposes.

27 (7) \$1,724,000 of the total appropriation is provided solely for  
28 the purchase of mission vehicles used for highway purposes in the  
29 commercial vehicle and traffic investigation sections of the Washington  
30 state patrol.

31 (8) \$1,200,000 of the total appropriation is provided solely for  
32 outfitting officers. The Washington state patrol shall prepare a cost-  
33 benefit analysis of the standard trooper uniform as compared to a  
34 battle dress uniform and uniforms used by other states and  
35 jurisdictions. The Washington state patrol shall report the results of  
36 the analysis to the transportation committees of the legislature by  
37 December 1, 2011.

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

2	Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation . . . . .	\$4,394,000
5	Wildlife Account--State Appropriation . . . . .	\$847,000
6	Highway Safety Account--State Appropriation . . . . .	\$148,187,000
7	Highway Safety Account--Federal Appropriation . . . . .	\$2,884,000
8	Motor Vehicle Account--State Appropriation . . . . .	\$73,000,000
9	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,378,000
10	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
11	Department of Licensing Services Account--State	
12	Appropriation . . . . .	\$5,595,000
13	Ignition Interlock Device Revolving Account--State	
14	Appropriation . . . . .	\$1,315,000
15	TOTAL APPROPRIATION . . . . .	\$237,874,000

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

18            (1) \$66,000 of the motor vehicle account--state appropriation is  
19 provided solely for the implementation of chapter ... (Substitute  
20 Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter  
21 ... (Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by  
22 June 30, 2011, the amount provided in this subsection lapses.

23            (2) \$238,000 of the motor vehicle account--state appropriation is  
24 provided solely for the implementation of chapter ... (Substitute  
25 Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter  
26 ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by  
27 June 30, 2011, the amount provided in this subsection lapses.

28            (3) \$160,000 of the motor vehicle account--state appropriation is  
29 provided solely for the implementation of chapter ... (Engrossed  
30 Substitute Senate Bill No. 5366), Laws of 2011 (off-road vehicles). If  
31 chapter ... (Engrossed Substitute Senate Bill No. 5366), Laws of 2011  
32 is not enacted by June 30, 2011, the amount provided in this subsection  
33 lapses.

34            (4) \$919,000 of the motor vehicle account--state appropriation is  
35 provided solely for the implementation of chapter ... (Substitute  
36 Senate Bill No. 5038), Laws of 2011 (vehicle and vessel quick titles).  
37 If chapter ... (Substitute Senate Bill No. 5038), Laws of 2011 is not

1 enacted by June 30, 2011, the amount provided in this subsection  
2 lapses.

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

10 (6) \$3,126,000 of the highway safety account--federal appropriation  
11 is for federal funds that may be received during the 2011-2013 fiscal  
12 biennium. Upon receipt of the funds, the department shall provide a  
13 report on the use of the funds to the transportation committees of the  
14 legislature and the office of financial management.

15 (7) By December 31, 2011, the department shall submit to the office  
16 of financial management and the transportation committees of the  
17 legislature draft legislation that rewrites the tow truck statutes  
18 (chapter 46.55 RCW) in plain language.

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

21	High Occupancy Toll Lanes Operations Account--State	
22	Appropriation . . . . .	\$517,000
23	Motor Vehicle Account--State Appropriation . . . . .	\$543,000
24	Tacoma Narrows Toll Bridge Account--State	
25	Appropriation . . . . .	\$23,369,000
26	State Route Number 520 Corridor Account--State	
27	Appropriation . . . . .	\$33,373,000
28	State Route Number 520 Civil Penalties	
29	Account--State Appropriation . . . . .	\$4,646,000
30	TOTAL APPROPRIATION . . . . .	\$62,448,000

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

33 (1) The department shall make detailed quarterly expenditure  
34 reports available to the transportation commission and to the public on  
35 the department's web site using current department resources. The  
36 reports must include a summary of toll revenue by facility on all

1 operating toll facilities and high occupancy toll lane systems, and an  
2 itemized depiction of the use of that revenue.

3 (2) \$33,373,000 of the state route number 520 corridor account--  
4 state appropriation is provided solely for the costs directly related  
5 to tolling the state route number 520 floating bridge. Of this amount,  
6 \$3,009,000 must be retained in unallotted status, and may only be  
7 released by the office of financial management as the need arises.

8 (3) \$4,646,000 of the state route number 520 civil penalties  
9 account--state appropriation and \$1,465,000 of the Tacoma Narrows toll  
10 bridge account--state appropriation are provided solely for  
11 expenditures related to the toll adjudication process. The department  
12 shall report quarterly on the civil penalty process to the office of  
13 financial management and the house of representatives and senate  
14 transportation committees beginning September 30, 2011. The reports  
15 must include a summary table for each toll facility that includes: The  
16 number of notices of civil penalty issued; the number of recipients who  
17 pay before the notice becomes a penalty; the number of recipients who  
18 request a hearing and the number who do not respond; workload costs  
19 related to hearings; and revenues generated from notices of civil  
20 penalty.

21 (4) It is the intent of the legislature that transitioning to a  
22 statewide tolling operations center and preparing for all-electronic  
23 tolling on certain toll facilities will have no adverse revenue or  
24 expenditure impact on the Tacoma Narrows toll bridge account. Any  
25 increased costs related to this transition shall not be allocated to  
26 the Tacoma Narrows toll bridge account. All costs associated with the  
27 toll adjudication process are anticipated to be covered by revenue  
28 collected from the toll adjudication process.

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

31	Motor Vehicle Account--State Appropriation . . . . .	\$68,031,000
32	Transportation Partnership Account--State	
33	Appropriation . . . . .	\$1,460,000
34	Multimodal Transportation Account--State	
35	Appropriation . . . . .	\$363,000
36	Transportation 2003 Account (Nickel Account)--State	
37	Appropriation . . . . .	\$1,460,000

1 TOTAL APPROPRIATION . . . . . \$71,314,000

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

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

11 (2) \$1,460,000 of the transportation partnership account--state  
12 appropriation and \$1,460,000 of the transportation 2003 account (nickel  
13 account)--state appropriation are provided solely for maintaining the  
14 department's project management reporting system.

15 (3) \$210,000 of the motor vehicle account--state appropriation is  
16 provided solely for the department's compliance with its national  
17 pollution discharge elimination system permit.

18 (4) Beginning December 1, 2011, and on a quarterly basis  
19 thereafter, the department shall report to the office of financial  
20 management and the transportation committees of the legislature on the  
21 status of the development and integration of the time, leave, and labor  
22 distribution system identified in section 601 of this act. The first  
23 report must include a detailed work plan for the development and  
24 integration of the system, including timelines and budget milestones.  
25 At a minimum, the ensuing reports must indicate the status of the work  
26 as it compares to the work plan, any discrepancies, and proposed  
27 adjustments necessary to bring the project back on schedule or budget  
28 if necessary. It is the intent of the legislature that the state  
29 auditor will have an advisory role in the implementation and  
30 acquisition of the time, leave, and labor distribution system. It is  
31 further the intent of the legislature that if any portion of the system  
32 is leveraged in the future for the time, leave, and labor distribution  
33 of any other agencies, the motor vehicle account will be reimbursed  
34 proportionally for the development of the system.

35 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**  
36 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**  
37 Motor Vehicle Account--State Appropriation . . . . . \$25,650,000

1 The appropriation in this section is subject to the following  
2 conditions and limitations: The department shall submit a predesign  
3 proposal for a new traffic management center to the office of financial  
4 management consistent with the process followed by nontransportation  
5 capital construction projects. The department shall not award a  
6 contract for construction of a new traffic management center until the  
7 predesign proposal has been submitted and the office of financial  
8 management has completed a budget evaluation study that indicates a new  
9 building is the recommended option for accommodating additional traffic  
10 management operations. The department shall notify the transportation  
11 committees of the legislature when any building is being considered for  
12 purchase, new construction, or as part of an equal value exchange when  
13 the value is estimated to be over five hundred thousand dollars.

14 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**  
15 **AVIATION--PROGRAM F**

16	Aeronautics Account--State Appropriation . . . . .	\$6,037,000
17	Aeronautics Account--Federal Appropriation . . . . .	\$2,150,000
18	TOTAL APPROPRIATION . . . . .	\$8,187,000

19 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**  
20 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

21	Motor Vehicle Account--State Appropriation . . . . .	\$44,726,000
22	Motor Vehicle Account--Federal Appropriation . . . . .	\$500,000
23	Multimodal Transportation Account--State	
24	Appropriation . . . . .	\$250,000
25	TOTAL APPROPRIATION . . . . .	\$45,476,000

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

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

1 (2) \$1,754,000 of the motor vehicle account--state appropriation is  
2 provided solely for the department's compliance with its national  
3 pollution discharge elimination system permit.

4 (3) It is the intent of the legislature that the real estate  
5 services division of the department will recover the cost of its  
6 efforts from future sale proceeds.

7 (4) The legislature recognizes that the Dryden pit site (WSDOT  
8 Inventory Control (IC) No. 2-04-00103) is unused state-owned real  
9 property under the jurisdiction of the department of transportation,  
10 and that the public would benefit significantly from the complete  
11 enjoyment of the natural scenic beauty and recreational opportunities  
12 available at the site. Therefore, pursuant to RCW 47.12.080, the  
13 legislature declares that transferring the property to the department  
14 of fish and wildlife for recreational use and fish and wildlife  
15 restoration efforts is consistent with the public interest in order to  
16 preserve the area for the use of the public and the betterment of the  
17 natural environment. The department of transportation shall work with  
18 the department of fish and wildlife, and shall transfer and convey the  
19 Dryden pit site to the department of fish and wildlife as is for an  
20 adjusted fair market value reflecting site conditions, the proceeds of  
21 which must be deposited in the motor vehicle fund. The department of  
22 transportation is not responsible for any costs associated with the  
23 cleanup or transfer of this property. By July 1, 2011, and annually  
24 thereafter until the entire Dryden pit property has been transferred,  
25 the department shall submit a status report regarding the transaction  
26 to the chairs of the legislative transportation committees.

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

29	Motor Vehicle Account--State Appropriation . . . . .	\$594,000
30	Multimodal Transportation Account--State Appropriation . . . . .	\$50,000
31	TOTAL APPROPRIATION . . . . .	\$644,000

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

34	Motor Vehicle Account--State Appropriation . . . . .	\$372,558,000
35	Motor Vehicle Account--Federal Appropriation . . . . .	\$7,000,000
36	TOTAL APPROPRIATION . . . . .	\$379,558,000



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

3 (1) The department shall request an unanticipated receipt for any  
4 federal moneys received for emergency snow and ice removal and shall  
5 place an equal amount of the motor vehicle account--state appropriation  
6 into unallotted status. This exchange shall not affect the amount of  
7 funding available for snow and ice removal.

8 (2) \$7,000,000 of the motor vehicle account--state appropriation is  
9 provided solely for third-party damages to the highway system where the  
10 responsible party is known and reimbursement is anticipated. The  
11 department shall request additional appropriation authority for any  
12 funds received for reimbursements of third-party damages that are in  
13 excess of this appropriation.

14 (3) \$7,000,000 of the motor vehicle account--federal appropriation  
15 is for unanticipated federal funds that may be received during the  
16 2011-2013 fiscal biennium. Upon receipt of the funds, the department  
17 shall provide a report on the use of the funds to the transportation  
18 committees of the legislature and the office of financial management.

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

22 (5) \$6,530,000 of the motor vehicle account--state appropriation is  
23 provided solely for the department's compliance with its national  
24 pollution discharge elimination system permit.

25 (6) The department shall continue to report maintenance  
26 accountability process (MAP) targets and achievements on an annual  
27 basis. The department shall use available funding to target and  
28 deliver a minimum MAP grade of C for the activity of roadway striping.

29 (7) \$500,000 of the motor vehicle account--state appropriation is  
30 provided solely for the high priority maintenance backlog. Addressing  
31 the maintenance backlog must result in increased levels of service. If  
32 chapter . . . (Substitute Senate Bill No. 5251), Laws of 2011 (electric  
33 vehicle fee) is not enacted by June 30, 2011, the amount provided in  
34 this subsection lapses.

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

37 Motor Vehicle Account--State Appropriation . . . . . \$49,536,000

1 Motor Vehicle Account--Federal Appropriation . . . . . \$2,050,000  
2 Motor Vehicle Account--Private/Local Appropriation . . . . . \$127,000  
3 TOTAL APPROPRIATION . . . . . \$51,713,000

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

6 (1) \$6,000,000 of the motor vehicle account--state appropriation is  
7 provided solely for low-cost enhancements. The department shall give  
8 priority to low-cost enhancement projects that improve safety or  
9 provide congestion relief. The department shall prioritize low-cost  
10 enhancement projects on a statewide rather than regional basis. By  
11 September 1st of each even-numbered year, the department shall provide  
12 a report to the legislature listing all low-cost enhancement projects  
13 prioritized on a statewide rather than regional basis completed in the  
14 prior year.

15 (2) \$145,000 of the motor vehicle account--state appropriation is  
16 provided solely for the department to continue a pilot tow truck  
17 incentive program and to expand the program to other areas of the  
18 state. The department may provide incentive payments to towing  
19 companies that meet clearance goals on accidents that involve heavy  
20 trucks.

21 (3) During the 2011-2013 fiscal biennium, the department shall  
22 implement a pilot program that expands private transportation  
23 providers' access to high occupancy vehicle lanes. Under the pilot  
24 program, when the department reserves a portion of a highway based on  
25 the number of passengers in a vehicle, the following vehicles must be  
26 authorized to use the reserved portion of the highway if the vehicle  
27 has the capacity to carry eight or more passengers, regardless of the  
28 number of passengers in the vehicle: (a) Auto transportation company  
29 vehicles regulated under chapter 81.68 RCW; (b) passenger charter  
30 carrier vehicles regulated under chapter 81.70 RCW, except marked or  
31 unmarked stretch limousines and stretch sport utility vehicles as  
32 defined under department of licensing rules; (c) private nonprofit  
33 transportation provider vehicles regulated under chapter 81.66 RCW; and  
34 (d) private employer transportation service vehicles. For purposes of  
35 this subsection, "private employer transportation service" means  
36 regularly scheduled, fixed-route transportation service that is offered  
37 by an employer for the benefit of its employees.

1 (4) \$9,000,000 of the motor vehicle account--state appropriation is  
2 provided solely for the department's incident response program.

3 (5) The department, in consultation with the Washington state  
4 patrol, may continue a pilot program for the patrol to issue  
5 infractions based on information from automated traffic safety cameras  
6 in roadway construction zones on state highways. For the purpose of  
7 this pilot program, during the 2011-2013 fiscal biennium, a roadway  
8 construction zone includes areas where public employees or private  
9 contractors may be present or where a driving condition exists that  
10 would make it unsafe to drive at higher speeds, such as, when the  
11 department is redirecting or realigning lanes on any public roadway  
12 pursuant to ongoing construction. The department shall use the  
13 following guidelines to administer the program:

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

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

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

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

31 (e) For purposes of the 2011-2013 fiscal biennium pilot program,  
32 infractions detected through the use of automated traffic safety  
33 cameras are not part of the registered owner's driving record under RCW  
34 46.52.101 and 46.52.120. Additionally, infractions generated by the  
35 use of automated traffic safety cameras must be processed in the same  
36 manner as parking infractions for the purposes of RCW 3.50.100,  
37 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the  
38 fine issued under this subsection (5) for an infraction generated

1 through the use of an automated traffic safety camera is one hundred  
2 thirty-seven dollars. The court shall remit thirty-two dollars of the  
3 fine to the state treasurer for deposit into the state patrol highway  
4 account; and

5 (f) If a notice of infraction is sent to the registered owner and  
6 the registered owner is a rental car business, the infraction must be  
7 dismissed against the business if it mails to the patrol, within  
8 fourteen days of receiving the notice, a declaration under penalty of  
9 perjury of the name and known mailing address of the individual driving  
10 or renting the vehicle when the infraction occurred. If the business  
11 is unable to determine who was driving or renting the vehicle at the  
12 time the infraction occurred, the business must sign a declaration  
13 under penalty of perjury to this effect. The declaration must be  
14 mailed to the patrol within fourteen days of receiving the notice of  
15 traffic infraction. Timely mailing of this declaration to the issuing  
16 agency relieves a rental car business of any liability under this  
17 section for the notice of infraction. A declaration form suitable for  
18 this purpose must be included with each automated traffic infraction  
19 notice issued, along with instructions for its completion and use.

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

22 Motor Vehicle Account--State Appropriation . . . . .	\$27,982,000
23 Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
24 Multimodal Transportation Account--State	
25 Appropriation . . . . .	\$973,000
26 TOTAL APPROPRIATION . . . . .	\$28,985,000

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

29 Motor Vehicle Account--State Appropriation . . . . .	\$22,841,000
30 Motor Vehicle Account--Federal Appropriation . . . . .	\$21,885,000
31 Multimodal Transportation Account--State	
32 Appropriation . . . . .	\$662,000
33 Multimodal Transportation Account--Federal	
34 Appropriation . . . . .	\$2,809,000
35 Multimodal Transportation Account--Private/Local	
36 Appropriation . . . . .	\$100,000

1 TOTAL APPROPRIATION . . . . . \$48,297,000

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

4 (1) \$70,000 of the motor vehicle account--state appropriation is a  
5 reappropriation provided solely for a corridor study of state route  
6 number 516 from the eastern border of Maple Valley to state route  
7 number 167 to determine whether improvements are needed and the costs  
8 of any needed improvements.

9 (2) The total appropriation provided in this section assumes  
10 enactment of chapter . . . (Substitute Senate Bill No. 5128), Laws of  
11 2011 (statewide transportation planning) and reflects an accompanying  
12 cost savings of at least five hundred thousand dollars.

13 (3) \$200,000 of the motor vehicle account--state appropriation is  
14 provided solely for extending the freight database pilot project that  
15 began in 2009. Global positioning system (GPS) data is intended to  
16 help guide freight investment decisions and track highway project  
17 effectiveness as it relates to freight traffic.

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

20 Motor Vehicle Account--State Appropriation . . . . . \$85,209,000

21 Motor Vehicle Account--Federal Appropriation . . . . . \$400,000

22 Multimodal Transportation Account--State  
23 Appropriation . . . . . \$3,320,000

24 TOTAL APPROPRIATION . . . . . \$88,929,000

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

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

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

33 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT  
34 DIVISION OF RISK MANAGEMENT FEES . . . . . \$1,639,000

35 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE  
36 STATE AUDITOR . . . . . \$937,000

37 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

1 GENERAL ADMINISTRATION . . . . . \$6,060,000  
2 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
3 PERSONNEL . . . . . \$6,347,000  
4 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY  
5 PREMIUMS AND ADMINISTRATION . . . . . \$44,418,000  
6 (f) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . . \$623,000  
7 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS  
8 ENTERPRISES . . . . . \$1,008,000  
9 (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS  
10 PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . . . . \$1,143,000  
11 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE  
12 DEPARTMENT OF INFORMATION SERVICES . . . . . \$1,980,000  
13 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
14 GENERAL'S OFFICE . . . . . \$8,526,000  
15 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
16 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT  
17 LITIGATION . . . . . \$672,000

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

20 State Vehicle Parking Account--State Appropriation . . . . . \$452,000  
21 Regional Mobility Grant Program Account--State  
22 Appropriation . . . . . \$48,942,000  
23 Multimodal Transportation Account--State  
24 Appropriation . . . . . \$58,085,000  
25 Multimodal Transportation Account--Federal  
26 Appropriation . . . . . \$2,582,000  
27 Multimodal Transportation Account--Private/Local  
28 Appropriation . . . . . \$1,027,000  
29 TOTAL APPROPRIATION . . . . . \$111,088,000

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

32 (1) \$25,000,000 of the multimodal transportation account--state  
33 appropriation is provided solely for a grant program for special needs  
34 transportation provided by transit agencies and nonprofit providers of  
35 transportation.

36 (a) \$5,500,000 of the amount provided in this subsection is  
37 provided solely for grants to nonprofit providers of special needs

1 transportation. Grants for nonprofit providers must be based on need,  
2 including the availability of other providers of service in the area,  
3 efforts to coordinate trips among providers and riders, and the cost  
4 effectiveness of trips provided.

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

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

18 (a) \$8,500,000 of the multimodal transportation account--state  
19 appropriation is provided solely for grants for those transit systems  
20 serving small cities and rural areas as identified in the "Summary of  
21 Public Transportation - 2009" published by the department of  
22 transportation. Noncompetitive grants must be distributed to the  
23 transit systems serving small cities and rural areas in a manner  
24 similar to past disparity equalization programs.

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

29 (3) \$5,614,000 of the multimodal transportation account--state  
30 appropriation is provided solely for a vanpool grant program for: (a)  
31 Public transit agencies to add vanpools or replace vans; and (b)  
32 incentives for employers to increase employee vanpool use. The grant  
33 program for public transit agencies will cover capital costs only.  
34 Operating costs for public transit agencies are not eligible for  
35 funding under this grant program. Additional employees may not be  
36 hired from the funds provided in this section for the vanpool grant  
37 program, and supplanting of transit funds currently funding vanpools is  
38 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) \$8,942,000 of the regional mobility grant program account--  
5 state appropriation is reappropriated and provided solely for the  
6 regional mobility grant projects identified in LEAP Transportation  
7 Document 2007-B, as developed April 20, 2007, or LEAP Transportation  
8 Document 2009-B, as developed April 24, 2009. The department shall  
9 continue to review all projects receiving grant awards under this  
10 program at least semiannually to determine whether the projects are  
11 making satisfactory progress. The department shall promptly close out  
12 grants when projects have been completed, and any remaining funds must  
13 be used only to fund projects identified in: LEAP Transportation  
14 Document 2007-B, as developed April 20, 2007; LEAP Transportation  
15 Document 2009-B, as developed April 24, 2009; or LEAP Transportation  
16 Document 2011-B, as developed March 22, 2011. It is the intent of the  
17 legislature to appropriate funds through the regional mobility grant  
18 program only for projects that will be completed on schedule and that  
19 all funds in the regional mobility grant program be used as soon as  
20 practicable to advance eligible projects.

21 (5) \$40,000,000 of the regional mobility grant program account--  
22 state appropriation is provided solely for the regional mobility grant  
23 projects identified in LEAP Transportation Document 2011-B, as  
24 developed March 22, 2011. The department shall review all projects  
25 receiving grant awards under this program at least semiannually to  
26 determine whether the projects are making satisfactory progress. Any  
27 project that has been awarded funds, but does not report activity on  
28 the project within one year of the grant award, must be reviewed by the  
29 department to determine whether the grant should be terminated. The  
30 department shall promptly close out grants when projects have been  
31 completed, and any remaining funds must be used only to fund projects  
32 identified in LEAP Transportation Document 2011-B, as developed March  
33 22, 2011. The department shall provide annual status reports on  
34 December 15, 2011, and December 15, 2012, to the office of financial  
35 management and the transportation committees of the legislature  
36 regarding the projects receiving the grants. It is the intent of the  
37 legislature to appropriate funds through the regional mobility grant  
38 program only for projects that will be completed on schedule. In order



1 to be eligible to receive a regional mobility grant during the 2011-  
2 2013 fiscal biennium, any jurisdiction that imposes a commercial  
3 parking tax that is based upon gross proceeds, as identified under RCW  
4 82.80.030, must: (a) Have a rate that does not exceed twelve and one-  
5 half percent; and (b) charge one of the following entities no more than  
6 fifty percent of the rate: A public institution of higher education,  
7 or a public or nonprofit hospital, that has: (i) An active commute  
8 trip reduction program as identified in RCW 70.94.531; and (ii)  
9 invested no less than one hundred ten percent of the institution or  
10 hospital's net parking proceeds into the commute trip reduction program  
11 during the previous reporting period.

12 (6) \$2,309,000 of the multimodal transportation account--state  
13 appropriation is provided solely for the tri-county connection service  
14 for Island, Skagit, and Whatcom transit agencies.

15 (7) \$200,000 of the multimodal transportation account--state  
16 appropriation is contingent on the timely development of an annual  
17 report summarizing the status of public transportation systems as  
18 identified under RCW 35.58.2796.

19 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**  
20 **MARINE--PROGRAM X-1 (ADMINISTRATION)**

21 Puget Sound Ferry Operations Account--State

22	Appropriation . . . . .	\$51,643,000
23	Puget Sound Capital Construction Account--State	
24	Appropriation . . . . .	\$21,395,000
25	TOTAL APPROPRIATION . . . . .	\$73,038,000

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

28 (1) The office of financial management budget instructions require  
29 agencies to recast enacted budgets into activities. The Washington  
30 state ferries shall include a greater level of detail in its 2011-2013  
31 supplemental and 2013-2015 omnibus transportation appropriations act  
32 requests, as determined jointly by the office of financial management,  
33 the Washington state ferries, and the transportation committees of the  
34 legislature.

35 (2) \$1,100,000 of the Puget Sound ferry operations account--state  
36 appropriation is provided solely for a marketing program.

1 (a) The department shall collaborate with the local ferry  
2 communities as part of its marketing program.

3 (b) The department shall investigate the use of promotional fares  
4 to increase ridership.

5 (c) The department shall have the marketing program in place within  
6 the Washington state ferries' headquarters office, with staff positions  
7 filled, by July 31, 2011.

8 (d) The department shall present to the transportation committees  
9 of the legislature its plan to increase ridership to meet the  
10 underlying assumptions of its long range strategic plan by October 1,  
11 2011.

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

15 (4) The legislature finds that measuring the performance of the  
16 Washington state ferries requires the measurement of quality,  
17 timeliness, and unit cost of services delivered to customers.  
18 Consequently, the department must develop a set of metrics that measure  
19 that performance and report to the transportation committees of the  
20 legislature and the office of financial management on the development  
21 of these measurements along with recommendations to the 2012  
22 legislature.

23 (5) The department shall continue to identify and implement process  
24 changes that will improve on-time performance on a route-by-route  
25 basis. These changes must include considering the slowing down of  
26 vessels for fuel economy purposes and touch-and-go sailings on peak  
27 runs. The department shall report its findings to the transportation  
28 committees of the legislature by December 1, 2011.

29 (6) Until a reservation system is operational on the San Juan  
30 islands inner-island route, the department shall provide the same  
31 priority loading benefits on the San Juan islands inner-island route to  
32 home health care workers as are currently provided to patients  
33 traveling for purposes of receiving medical treatment.

34 (7) The department shall request from the United States coast guard  
35 variable minimum staffing levels on all of its vessels by December 31,  
36 2011.

37 (8) No portion of the total appropriation provided in this section  
38 may be used to purchase marine insurance.

1 (9) The department shall provide quarterly reports to the  
2 transportation committees of the legislature outlining wages and  
3 benefits provided to employees.

4 (10) \$7,167,000 of the Puget Sound ferry operations account--state  
5 appropriation is provided solely for the reservation and communications  
6 system project.

7 (11) The department shall investigate moving the headquarters  
8 building to a more cost-effective location and shall report the results  
9 of that investigation to the transportation committees of the  
10 legislature by December 1, 2011.

11 (12) The department shall provide support to the legislative  
12 evaluation and accountability program committee's work of upgrading the  
13 transportation executive information system to include more detailed  
14 information for ferry projects.

15 (13) The department shall, on a quarterly basis, report to the  
16 transportation committees of the legislature statistics regarding its  
17 on-time arrival and departure performance of peak-direction and peak-  
18 time runs on a route-by-route and month-by-month basis. The statistics  
19 must include reasons for any delays over five minutes and any delays  
20 over ten minutes from the scheduled time. These statistics must also  
21 be prominently displayed at its terminals, on its vessels, and on its  
22 web site. Peak times for the Mukilteo/Clinton, Edmonds/Kingston,  
23 Seattle/Bainbridge, Seattle/Bremerton, Fauntleroy/Southworth/Vashon,  
24 and Point Defiance/Tahlequah routes means weekdays from 5:00 a.m. to  
25 9:00 a.m. and 3:00 p.m. to 7:00 p.m. Peak times for the Coupeville  
26 (Keystone)/Port Townsend and Anacortes/San Juan islands routes means  
27 Fridays from 3:00 p.m. to closing, Saturdays all day, Sundays all day,  
28 holidays all day, and Mondays from opening to 12:00 p.m.

29 (14) Appropriations used for labor costs may be used only for  
30 obligations under applicable collective bargaining agreements, civil  
31 service laws, court orders, and judgments.

32 (15) Two Twa-di-tabil class ferry vessels must be placed on the  
33 Port Townsend/Coupeville (Keystone) route. After all three vessels as  
34 funded under section 309(2) of this act are in service, the two most  
35 appropriate of these vessels for the Port Townsend/Coupeville  
36 (Keystone) route must be placed on the route.

37 (16) The department shall continue to provide service to Sidney,  
38 British Columbia and shall explore the world market and investigate the

1 option of purchasing a foreign-built vehicle and passenger ferry vessel  
2 with, or with the ability to be retrofitted with, safety of life at sea  
3 (SOLAS) certification to operate solely on the Anacortes to Sidney,  
4 British Columbia route currently served by vessels of the Washington  
5 state ferries fleet. The vessel should have the capability of carrying  
6 at least one hundred standard vehicles and approximately four hundred  
7 to five hundred passengers. Further, the department shall explore the  
8 possibilities of contracting with a commercial company to operate the  
9 vessel exclusively on this route, assuming the contractor's employees  
10 assigned to the vessel are represented by the same employee  
11 organizations as the Washington state ferries. The department shall  
12 submit its findings to the office of financial management and the  
13 transportation committees of the legislature by December 15, 2011.

14 (17) For the 2011-2013 fiscal biennium, the department of  
15 transportation may enter into a distributor controlled fuel hedging  
16 program.

17 (18) The department shall target service reductions as required to  
18 fit appropriation levels such that the shortening of shoulder seasons  
19 and eliminations of off-peak runs on all routes are considered. Prior  
20 to implementing the reductions, the department shall consult with ferry  
21 employees and ferry advisory committees to determine which reductions  
22 would impact the fewest number of riders.

23 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**  
24 **MARINE--PROGRAM X-2 (VESSEL OPERATIONS)**

25 Puget Sound Ferry Operations Account--State  
26 Appropriation . . . . . \$310,255,000

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

29 (1) \$134,398,000 of the Puget Sound ferry operations account--state  
30 appropriation is provided solely for auto ferry vessel operating fuel  
31 in the 2011-2013 fiscal biennium. This appropriation is contingent  
32 upon the enactment of section 710 of this act.

33 (2) The office of financial management budget instructions require  
34 agencies to recast enacted budgets into activities. The Washington  
35 state ferries shall include a greater level of detail in its 2011-2013  
36 supplemental and 2013-2015 omnibus transportation appropriations act

1 requests, as determined jointly by the office of financial management,  
2 the Washington state ferries, and the transportation committees of the  
3 legislature.

4 (3) The department shall provide quarterly reports to the  
5 transportation committees of the legislature outlining wages and  
6 benefits provided to employees.

7 (4) Appropriations used for labor costs may be used only for  
8 obligations under applicable collective bargaining agreements, civil  
9 service laws, court orders, and judgments.

10 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**  
11 **MARINE--PROGRAM X-3 (TERMINAL OPERATIONS)**

12 Puget Sound Ferry Operations Account--State  
13 Appropriation . . . . . \$52,480,000

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

16 (1) The office of financial management budget instructions require  
17 agencies to recast enacted budgets into activities. The Washington  
18 state ferries shall include a greater level of detail in its 2011-2013  
19 supplemental and 2013-2015 omnibus transportation appropriations act  
20 requests, as determined jointly by the office of financial management,  
21 the Washington state ferries, and the transportation committees of the  
22 legislature.

23 (2) The department shall provide quarterly reports to the  
24 transportation committees of the legislature outlining wages and  
25 benefits provided to employees.

26 (3) Appropriations used for labor costs may be used only for  
27 obligations under applicable collective bargaining agreements, civil  
28 service laws, court orders, and judgments.

29 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**  
30 **MARINE--PROGRAM X-4 (VESSEL MAINTENANCE)**

31 Puget Sound Ferry Operations Account--State  
32 Appropriation . . . . . \$34,658,000

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

35 (1) The department shall provide quarterly reports to the

1 transportation committees of the legislature outlining wages and  
2 benefits provided to employees.

3 (2) Appropriations used for labor costs may be used only for  
4 obligations under applicable collective bargaining agreements, civil  
5 service laws, court orders, and judgments.

6 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**  
7 **MARINE--PROGRAM X-5 (TERMINAL MAINTENANCE)**

8 Puget Sound Ferry Operations Account--State  
9 Appropriation . . . . . \$16,574,000

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

12 (1) The department shall provide quarterly reports to the  
13 transportation committees of the legislature outlining wages and  
14 benefits provided to employees.

15 (2) Appropriations used for labor costs may be used only for  
16 obligations under applicable collective bargaining agreements, civil  
17 service laws, court orders, and judgments.

18 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--**  
19 **RAIL--PROGRAM Y--OPERATING**

20 Multimodal Transportation Account--State  
21 Appropriation . . . . . \$29,657,000  
22 Multimodal Transportation Account--Federal  
23 Appropriation . . . . . \$300,000  
24 TOTAL APPROPRIATION . . . . . \$29,957,000

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

27 (1) \$24,091,000 of the multimodal transportation account--state  
28 appropriation is provided solely for the Amtrak service contract and  
29 Talgo maintenance contract associated with providing and maintaining  
30 state-supported passenger rail service. The department is directed to  
31 continue to pursue efforts to reduce costs, increase ridership, and  
32 review fares or fare schedules. Within thirty days of each annual  
33 cost/revenue reconciliation under the Amtrak service contract, the  
34 department shall report annual credits to the office of financial  
35 management and the legislative transportation committees. Annual  
36 credits from Amtrak to the department including, but not limited to,

1 credits for increased revenue due to higher ridership, and fare or fare  
2 schedule adjustments, must be used to offset corresponding amounts of  
3 the multimodal transportation account--state appropriation, which must  
4 be placed in reserve. Upon completion of the rail platform project in  
5 the city of Stanwood, the department shall continue to provide daily  
6 Amtrak Cascades service to the city.

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

8 (3) The department shall plan for a third roundtrip Cascades train  
9 between Seattle and Vancouver, B.C.

10 NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--**  
11 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

12	Motor Vehicle Account--State Appropriation . . . . .	\$8,709,000
13	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,567,000
14	TOTAL APPROPRIATION . . . . .	\$11,276,000

15 The appropriations in this section are subject to the following  
16 conditions and limitations: The department shall submit a report to  
17 the transportation committees of the legislature by December 1, 2011,  
18 on the implementation of the recommendations that resulted from the  
19 evaluation of efficiencies in the delivery of transportation funding  
20 and services to local governments that was required under section  
21 204(8), chapter 247, Laws of 2010. The report must include a  
22 description of how recommendations were implemented, what efficiencies  
23 were achieved, and an explanation of any recommendations that were not  
24 implemented.

25 **TRANSPORTATION AGENCIES--CAPITAL**

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

27	State Patrol Highway Account--State Appropriation . . . . .	\$6,731,000
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28 The appropriation in this section is subject to the following  
29 conditions and limitations:

30 (1) \$653,000 of the state patrol highway account--state  
31 appropriation is provided solely for the following minor works  
32 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for  
33 water and sewer upgrades; \$210,000 for emergency backup system

1 replacement; \$85,000 for chiller replacement; and \$83,000 for roof  
2 replacements.

3 (2) \$3,226,000 of the state patrol highway account--state  
4 appropriation is provided solely for the Shelton academy of the  
5 Washington state patrol for the new waste water treatment lines, waste  
6 water plants, water lines, and water systems.

7 (3) \$665,000 of the state patrol highway account--state  
8 appropriation is provided solely for the reappropriation of the  
9 following minor works projects: \$150,000 for HVAC control  
10 replacements; \$74,000 for South King detachment window replacement; and  
11 \$421,000 for the Shelton regional water project.

12 (4) \$2,187,000 of the total appropriation is provided solely for  
13 mobile office platforms.

14 (5) It is the intent of the legislature that the omnibus  
15 appropriations act provide funding for the portion of any applicable  
16 debt service payments, resulting from financial contracts identified  
17 under section 601 of this act, that are attributable to the general  
18 fund as identified in the Washington state patrol's cost allocation  
19 model.

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

21	Motor Vehicle Account--State Appropriation . . . . .	\$874,000
22	Rural Arterial Trust Account--State Appropriation . . . . .	\$37,417,000
23	County Arterial Preservation Account--State	
24	Appropriation . . . . .	\$29,360,000
25	TOTAL APPROPRIATION . . . . .	\$67,651,000

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

28 (1) \$874,000 of the motor vehicle account--state appropriation may  
29 be used for county ferry projects as developed pursuant to RCW  
30 47.56.725(4).

31 (2) The total appropriation in this section includes funding to  
32 assist counties in recovering from federally declared emergencies by  
33 providing capitalization advances and local match for federal emergency  
34 funding as determined by the county road administration board.  
35 Emergency loans may be made only from existing fund balances, and it is  
36 the intent of the legislature that the account be managed based on cash



1 flow. The county road administration board shall specifically identify  
2 any of the selected projects and shall include information concerning  
3 the selected projects in its next annual report to the legislature.

4 **NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
5 Small City Pavement and Sidewalk Account--State  
6 Appropriation . . . . . \$3,812,000  
7 Transportation Improvement Account--State  
8 Appropriation . . . . . \$178,376,000  
9 TOTAL APPROPRIATION . . . . . \$182,188,000

10 The appropriations in this section are subject to the following  
11 conditions and limitations: The transportation improvement  
12 account--state appropriation includes up to \$22,143,000 in proceeds  
13 from the sale of bonds authorized in RCW 47.26.500.

14 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**  
15 **PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**  
16 Motor Vehicle Account--State Appropriation . . . . . \$5,433,000

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

- 19 (1) \$1,364,000 of the motor vehicle account--state appropriation is  
20 provided solely for the Olympic region site acquisition debt service  
21 payments and administrative costs associated with capital improvement  
22 and preservation project and financial management.  
23 (2) \$3,669,000 of the motor vehicle account--state appropriation is  
24 provided solely for high priority safety projects that are directly  
25 linked to employee safety, environmental risk, or minor works that  
26 prevent facility deterioration.

27 **NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**  
28 **IMPROVEMENTS--PROGRAM I**  
29 Multimodal Transportation Account--State  
30 Appropriation . . . . . \$34,703,000  
31 Transportation Partnership Account--State  
32 Appropriation . . . . . \$2,006,139,000  
33 Motor Vehicle Account--State Appropriation . . . . . \$65,433,000  
34 Motor Vehicle Account--Federal Appropriation . . . . . \$432,068,000  
35 Motor Vehicle Account--Private/Local

1	Appropriation . . . . .	\$50,485,000
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation . . . . .	\$422,005,000
4	State Route Number 520 Corridor Account--State	
5	Appropriation . . . . .	\$1,019,460,000
6	TOTAL APPROPRIATION . . . . .	\$4,030,293,000

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

9 (1) Except as provided otherwise in this section, the entire  
10 transportation 2003 account (nickel account) appropriation and the  
11 entire transportation partnership account appropriation are provided  
12 solely for the projects and activities as listed by fund, project, and  
13 amount in LEAP Transportation Document 2011-1 as developed March 22,  
14 2011, Program - Highway Improvement Program (I). However, limited  
15 transfers of specific line-item project appropriations may occur  
16 between projects for those amounts listed subject to the conditions and  
17 limitations in section 603 of this act.

18 (2) The department shall, on a quarterly basis beginning July 1,  
19 2011, provide to the office of financial management and the legislature  
20 reports providing the status on each active project funded in part or  
21 whole by the transportation 2003 account (nickel account) or the  
22 transportation partnership account. Funding provided at a programmatic  
23 level for transportation partnership account and transportation 2003  
24 account (nickel account) projects relating to bridge rail, guard rail,  
25 fish passage barrier removal, and roadside safety projects must be  
26 reported on a programmatic basis. Projects within this programmatic  
27 level funding must be completed on a priority basis and scoped to be  
28 completed within the current programmatic budget. Report formatting  
29 and elements must be consistent with the October 2009 quarterly project  
30 report. The department shall also provide the information required  
31 under this subsection on a quarterly basis via the transportation  
32 executive information system.

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

37 (4) The department shall apply for surface transportation program  
38 enhancement funds to be expended in lieu of or in addition to state

1 funds for eligible costs of projects in programs I and P including, but  
2 not limited to, the state route number 518, state route number 520,  
3 Columbia river crossing, and Alaskan Way viaduct projects.

4 (5) The department shall apply for the competitive portion of  
5 federal transit administration funds for eligible transit-related costs  
6 of the state route number 520 bridge replacement and HOV project and  
7 the Columbia river crossing project. The federal funds described in  
8 this subsection must not include those federal transit administration  
9 funds distributed by formula. The department shall provide a report  
10 regarding this effort to the legislature by January 1, 2012.

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

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

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

37 (9) The multimodal transportation account--state appropriation

1 includes up to \$34,703,000 in proceeds from the sale of bonds  
2 authorized in RCW 47.10.867.

3 (10) The transportation 2003 account (nickel account)--state  
4 appropriation includes up to \$346,657,000 in proceeds from the sale of  
5 bonds authorized by RCW 47.10.861.

6 (11) The transportation partnership account--state appropriation  
7 includes up to \$1,422,013,000 in proceeds from the sale of bonds  
8 authorized in RCW 47.10.873.

9 (12) The motor vehicle account--state appropriation includes up to  
10 \$45,667,000 in proceeds from the sale of bonds authorized in RCW  
11 47.10.843.

12 (13) The state route number 520 corridor account--state  
13 appropriation includes up to \$987,717,000 in proceeds from the sale of  
14 bonds authorized in RCW 47.10.879.

15 (14) \$8,321,000 of the transportation partnership account--state  
16 appropriation and \$16,679,000 of the motor vehicle account--federal  
17 appropriation are provided solely for the I-5/Columbia River Crossing  
18 project (400506A). No funding may be expended until written  
19 confirmation has been received by the department that the state of  
20 Oregon is providing an equal amount of additional funding to the  
21 project.

22 (15) \$107,000 of the motor vehicle account--federal appropriation  
23 and \$27,000 of the motor vehicle account--state appropriation are  
24 provided solely for the SR 9/SR 204 Intersection Improvement project  
25 (L2000040).

26 (16) \$2,134,000 of the motor vehicle account--federal appropriation  
27 and \$47,000 of the motor vehicle account--state appropriation are  
28 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -  
29 Build New Highway project (501210T).

30 (17) \$197,000 of the motor vehicle account--federal appropriation  
31 and \$9,000 of the motor vehicle account--state appropriation are  
32 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage  
33 Road project (301639C).

34 (18) \$25,687,000 of the transportation partnership account--state  
35 appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont  
36 Avenue Extension project (202800D).

37 (19) The department shall continue to work with the local partners

1 in developing transportation solutions necessary for the economic  
2 growth in the Red Mountain American viticulture area of Benton county.

3 (20) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie  
4 Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be  
5 used for design work on the next two-mile segment of the corridor.

6 (21) \$932,000 of the motor vehicle account--federal appropriation  
7 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence  
8 project (209790B).

9 (22) Expenditures for the state route number 99 Alaskan Way viaduct  
10 replacement project must be made in conformance with RCW 47.01.402.

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

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

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

25 (24) Within the amounts provided in this section, \$20,000 of the  
26 motor vehicle account--state appropriation and \$980,000 of the motor  
27 vehicle account--federal appropriation are provided solely for the  
28 department to continue work on a comprehensive tolling study of the  
29 state route number 167 corridor (project 316718S). As funding allows,  
30 the department shall also continue work on a comprehensive tolling  
31 study of the state route number 509 corridor.

32 (25)(a) \$131,303,000 of the transportation partnership  
33 account--state appropriation, \$51,410,000 of the transportation 2003  
34 account (nickel account)--state appropriation, and \$10,000,000 of the  
35 motor vehicle account--federal appropriation are provided solely for  
36 the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This  
37 project must be completed as soon as practicable as a design-build

1 project and must be constructed with a footprint that would accommodate  
2 potential future express toll lanes.

3 (b) As part of the project, the department shall conduct a traffic  
4 and revenue analysis and complete a financial plan to provide  
5 additional information on the revenues, expenditures, and financing  
6 options available for active traffic management and congestion relief  
7 in the Interstate 405 and state route number 167 corridors. A report  
8 must be provided to the transportation committees of the legislature  
9 and the office of financial management by January 2012. However, this  
10 subsection (25)(b) is null and void if chapter . . . (Engrossed House  
11 Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by  
12 June 30, 2011.

13 (26) Funding for a signal at state route number 507 and Yew Street  
14 is included in the appropriation for intersection and spot improvements  
15 (0BI2002).

16 (27) \$226,809,000 of the transportation partnership account--state  
17 appropriation and \$1,019,460,000 of the state route number 520 corridor  
18 account--state appropriation are provided solely for the state route  
19 number 520 bridge replacement and HOV program. When developing the  
20 financial plan for the program, the department shall assume that all  
21 maintenance and operation costs for the new facility are to be covered  
22 by tolls collected on the toll facility, and not by the motor vehicle  
23 account.

24 (28) Any savings on projects on the state route number 532 corridor  
25 must be used within the corridor to begin work on flood prevention and  
26 raising portions of the highway above flood and storm influences.

27 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**  
28 **PRESERVATION--PROGRAM P**

29	Transportation Partnership Account--State	
30	Appropriation . . . . .	\$34,182,000
31	Motor Vehicle Account--State Appropriation . . . . .	\$67,583,000
32	Motor Vehicle Account--Federal Appropriation . . . . .	\$625,437,000
33	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$17,253,000
34	TOTAL APPROPRIATION . . . . .	\$744,455,000

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

1 (1) Except as provided otherwise in this section, the entire  
2 transportation 2003 account (nickel account) appropriation and the  
3 entire transportation partnership account appropriation are provided  
4 solely for the projects and activities as listed by fund, project, and  
5 amount in LEAP Transportation Document 2011-1 as developed March 22,  
6 2011, Program - Highway Preservation Program (P). However, limited  
7 transfers of specific line-item project appropriations may occur  
8 between projects for those amounts listed subject to the conditions and  
9 limitations in section 603 of this act.

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

25 (3) The department of transportation shall continue to implement  
26 the lowest life-cycle cost planning approach to pavement management  
27 throughout the state to encourage the most effective and efficient use  
28 of pavement preservation funds. Emphasis should be placed on  
29 increasing the number of roads addressed on time and reducing the  
30 number of roads past due.

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

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

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

8 (7) The motor vehicle account--state appropriation includes up to  
9 \$10,652,000 in proceeds from the sale of bonds authorized in RCW  
10 47.10.843.

11 (8) When the department provides bridge inspection services to  
12 cities and counties, the department may charge cities and counties only  
13 for the direct hourly costs for department inspectors employed while  
14 conducting and documenting inspections.

15 (9) Funding provided in this section may not be used for  
16 construction of any ferries.

17 (10) \$277,000 of the motor vehicle account--federal appropriation  
18 and \$10,000 of the motor vehicle account--state appropriation are  
19 provided solely for the environmental impact statement and preliminary  
20 planning for the replacement of the state route number 9 Snohomish  
21 river bridge (project L2000018).

22 (11) \$3,093,000 of the motor vehicle account--federal appropriation  
23 is provided solely for the I-90/Ritzville to Tokio - Paving of Outside  
24 Lanes project (609041G).

25 (12) \$2,733,000 of the motor vehicle account--federal appropriation  
26 and \$114,000 of the motor vehicle account--state appropriation are  
27 provided solely for the SR 167/Puyallup River Bridge Replacement  
28 project (316725A). This project must be completed as a design-build  
29 project.

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

32	Motor Vehicle Account--State Appropriation . . . . .	\$6,439,000
33	Motor Vehicle Account--Federal Appropriation . . . . .	\$5,600,000
34	TOTAL APPROPRIATION . . . . .	\$12,039,000

35 The appropriations in this section are subject to the following  
36 conditions and limitations: \$1,000,000 of the motor vehicle account--  
37 state appropriation for project 000005Q is provided solely for state



1 matching funds for federally selected competitive grants or  
2 congressional earmark projects. These moneys must be placed into  
3 reserve status until such time as federal funds are secured that  
4 require a state match.

5 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**  
6 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-1 (TERMINAL PROJECTS)**

7	Puget Sound Capital Construction Account--State	
8	Appropriation . . . . .	\$20,542,000
9	Puget Sound Capital Construction Account--Federal	
10	Appropriation . . . . .	\$12,291,000
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation . . . . .	\$16,036,000
13	Transportation Partnership Account--State Appropriation . . . .	\$36,000
14	Multimodal Transportation Account--State	
15	Appropriation . . . . .	\$150,000
16	TOTAL APPROPRIATION . . . . .	\$49,055,000

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

19 (1) \$20,542,000 of the Puget Sound capital construction  
20 account--state appropriation, \$12,291,000 of the Puget Sound capital  
21 construction account--federal appropriation, \$36,000 of the  
22 transportation partnership account--state appropriation, \$16,036,000 of  
23 the transportation 2003 account (nickel account)--state appropriation,  
24 and \$150,000 of the multimodal transportation account--state  
25 appropriation are provided solely for ferry terminal projects, as  
26 listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed  
27 March 22, 2011, Program - Washington State Ferries Capital Program (W).

28 (2) The department shall work with the department of archaeology  
29 and historic preservation to ensure that the cultural resources  
30 investigation is properly conducted on all large ferry terminal  
31 projects. These projects must be conducted with active archaeological  
32 management.

33 (3) The Puget Sound capital construction account--state  
34 appropriation includes up to \$20,542,000 in proceeds from the sale of  
35 bonds authorized in RCW 47.10.843.

36 (4) Appropriations used for labor costs may be used only for

1 obligations under applicable collective bargaining agreements, civil  
2 service laws, court orders, and judgments.

3 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**  
4 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-2 (VESSEL PROJECTS)**

5	Puget Sound Capital Construction Account--State	
6	Appropriation . . . . .	\$72,277,000
7	Puget Sound Capital Construction Account--Federal	
8	Appropriation . . . . .	\$46,589,000
9	Transportation 2003 Account (Nickel Account)--State	
10	Appropriation . . . . .	\$20,906,000
11	Transportation Partnership Account--State	
12	Appropriation . . . . .	\$1,000,000
13	Ferry Vessel Replacement Account--State Appropriation . . . .	\$9,727,000
14	Multimodal Transportation Account--State	
15	Appropriation . . . . .	\$11,711,000
16	TOTAL APPROPRIATION . . . . .	\$162,210,000

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

19 (1) \$72,277,000 of the Puget Sound capital construction account--  
20 state appropriation, \$46,589,000 of the Puget Sound capital  
21 construction account--federal appropriation, \$1,000,000 of the  
22 transportation partnership account--state appropriation, \$20,906,000 of  
23 the transportation 2003 account (nickel account)--state appropriation,  
24 \$9,727,000 of the ferry vessel replacement account--state  
25 appropriation, and \$11,711,000 of the multimodal transportation  
26 account--state appropriation are provided solely for ferry vessel  
27 projects, as listed in LEAP Transportation Document 2011-2 ALL PROJECTS  
28 as developed March 22, 2011, Program - Washington State Ferries Capital  
29 Program (W).

30 (2) \$18,906,000 of the transportation 2003 account (nickel  
31 account)--state appropriation, \$11,711,000 of the multimodal  
32 transportation account--state appropriation, and \$1,537,000 of the  
33 Puget Sound capital construction account--state appropriation are  
34 provided solely for the acquisition of three new Island Home class  
35 ferry vessels subject to the conditions of RCW 47.56.780.

36 (3) \$56,200,000 of the Puget Sound capital construction account--  
37 state appropriation and \$9,727,000 of the ferry vessel replacement

1 account--state appropriation are provided solely for the acquisition of  
2 one 144-vehicle capacity ferry vessel with a sole fuel source of liquid  
3 natural gas. The department shall pursue a contract that includes an  
4 option for a second 144-vehicle capacity ferry vessel. As such,  
5 \$21,207,000 of the Puget Sound capital construction account--state  
6 appropriation is provided solely for the second 144-vehicle capacity  
7 ferry vessel; however, if sufficient resources are not made available  
8 to complete construction of the second vessel before the option  
9 expires, the second vessel may not be procured. The contract must  
10 require the vendor to present to the joint transportation committee  
11 within sixty days of signing the contract a list of design options that  
12 will result in significant cost savings changes in terms of  
13 construction or the long-term maintenance and operations of the vessel.  
14 The contract must allow for exercising the options without a penalty.

15 (4) \$2,800,000 of the Puget Sound capital construction account--  
16 federal appropriation is provided solely for completing the Anacortes  
17 terminal design up to the maximum allowable construction cost phase.  
18 Beyond preparing environmental work, these funds may be spent only  
19 after the following conditions have been met: (a) A value engineering  
20 process is conducted on the existing design and the concept of a  
21 terminal building smaller than preferred alternative; (b) the office of  
22 financial management participates in the value engineering process; (c)  
23 the office of financial management concurs with the recommendations of  
24 the value engineering process; and (d) the office of financial  
25 management gives its approval to proceed with the design work.

26 (5) The department shall provide to the office of financial  
27 management and the legislature quarterly reports providing the status  
28 on each project listed in this section and in the project lists  
29 submitted pursuant to this act and on any additional projects for which  
30 the department has expended funds during the 2011-2013 fiscal biennium.  
31 Elements must include, but not be limited to, project scope, schedule,  
32 and costs. The department shall also provide the information required  
33 under this subsection via the transportation executive information  
34 systems (TEIS). The quarterly report regarding the status of projects  
35 identified on the list referenced in subsection (1) of this section  
36 must be developed according to an earned value method of project  
37 monitoring.

1 (6)(a) The department shall update its vessel life-cycle cost model  
2 with asset condition and report the results to the transportation  
3 committees of the legislature by September 1, 2011.

4 (b) The department shall implement a vessel asset management system  
5 and report the results of the system to the transportation committees  
6 of the legislature by December 1, 2011.

7 (c) The department shall develop a proposed ferry vessel  
8 maintenance, preservation, and improvement program and present it to  
9 the transportation committees of the legislature by July 1, 2012. The  
10 proposal must:

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

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

18 (A) The costs compared to benefits of Eagle Harbor repair and  
19 maintenance facility operations options to include staffing costs and  
20 benefits in terms of reduced out-of-service time;

21 (B) The maintenance requirements for on-vessel staff, including the  
22 benefits of a systemwide standard;

23 (C) The costs compared to benefits of staff performing preservation  
24 or maintenance work, or both, while the vessel is underway, tied up  
25 between sailings, or not deployed;

26 (D) A review of the department's vessel maintenance, preservation,  
27 and improvement program contracting process and contractual  
28 requirements;

29 (E) The costs compared to benefits of allowing for increased costs  
30 associated with expedited delivery;

31 (F) A method for comparing the anticipated out-of-service time of  
32 proposed projects and other projects planned during the same  
33 construction period;

34 (G) Coordination with required United States coast guard dry  
35 dockings;

36 (H) A method for comparing how proposed projects relate to the  
37 service requirements of the route on which the vessel normally  
38 operates; and

1 (I) A method for evaluating the ongoing maintenance and  
 2 preservation costs associated with proposed improvement projects; and  
 3 (iii) Be based on the service plan in the capital plan, recognizing  
 4 that vessel preservation and improvement needs may vary by route.  
 5 (7) To protect the waters of Puget Sound, the department shall  
 6 investigate nontoxic alternatives to fuel additives and other  
 7 commercial products that are used to operate, maintain, and preserve  
 8 vessels.  
 9 (8) The Puget Sound capital construction account--state  
 10 appropriation includes up to \$72,277,000 in proceeds from the sale of  
 11 bonds authorized in RCW 47.10.843.  
 12 (9) No portion of the total appropriation provided in this section  
 13 may be used to retrofit or investigate retrofitting existing vessels  
 14 with alternative fuels.  
 15 (10) Appropriations used for labor costs may be used only for  
 16 obligations under applicable collective bargaining agreements, civil  
 17 service laws, court orders, and judgments.

18 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 19 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-3 (EMERGENCY REPAIRS)**  
 20 Puget Sound Capital Construction Account--State

21 Appropriation . . . . . \$2,000,000

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

24 (1) \$2,000,000 of the Puget Sound capital construction account--  
 25 state appropriation is provided solely for emergency capital costs.  
 26 Funds may be spent only after approval from the office of financial  
 27 management.

28 (2) Appropriations used for labor costs may be used only for  
 29 obligations under applicable collective bargaining agreements, civil  
 30 service laws, court orders, and judgments.

31 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 32 **RAIL--PROGRAM Y--CAPITAL**

33 Essential Rail Assistance Account--State

34 Appropriation . . . . . \$1,000,000

35 Transportation Infrastructure Account--State

36 Appropriation . . . . . \$5,838,000

1	Multimodal Transportation Account--State	
2	Appropriation . . . . .	\$52,987,000
3	Multimodal Transportation Account--Federal	
4	Appropriation . . . . .	\$352,006,000
5	Multimodal Transportation Account--Private/Local	
6	Appropriation . . . . .	\$1,292,000
7	TOTAL APPROPRIATION . . . . .	\$413,123,000

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

10       (1)(a) Except as provided otherwise in this section, the entire  
11 appropriations in this section are provided solely for the projects and  
12 activities as listed by project and amount in LEAP Transportation  
13 Document 2011-2 ALL PROJECTS as developed March 22, 2011, Program -  
14 Rail Capital Program (Y).

15       (b) Within the amounts provided in this section, \$2,903,000 of the  
16 transportation infrastructure account--state appropriation is for low-  
17 interest loans through the freight rail investment bank program for  
18 specific projects listed as recipients of these loans in the LEAP  
19 transportation document identified in (a) of this subsection. The  
20 department shall issue freight rail investment bank program loans with  
21 a repayment period of no more than ten years, and only so much interest  
22 as is necessary to recoup the department's costs to administer the  
23 loans.

24       (c) Within the amounts provided in this section, \$1,754,000 of the  
25 multimodal transportation account--state appropriation and \$1,000,000  
26 of the essential rail assistance account--state appropriation are for  
27 statewide emergent freight rail assistance projects identified in the  
28 LEAP transportation document identified in (a) of this subsection.

29       (2)(a) If any funds remain in the program reserves (F01001A &  
30 F01000A) for the program and projects listed in subsection (1)(b) and  
31 (c) of this section, the department shall issue a call for projects for  
32 the freight rail investment bank program and the emergent freight rail  
33 assistance program, and shall evaluate the applications according to  
34 the cost-benefit methodology developed during the 2008 interim using  
35 the legislative priorities specified in (c) of this subsection. By  
36 November 1, 2011, the department shall submit a prioritized list of  
37 recommended projects to the office of financial management and the  
38 transportation committees of the legislature.

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

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

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

16 (ii) Self-sustaining economic development that creates family-wage  
17 jobs;

18 (iii) Preservation of transportation corridors that would otherwise  
19 be lost;

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

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

24 (vi) Mitigation of impacts of increased rail traffic on  
25 communities.

26 (3) The department is directed to expend unallocated federal rail  
27 crossing funds in lieu of or in addition to state funds for eligible  
28 costs of projects in program Y.

29 (4) 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 (5) 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 (6) The multimodal transportation account--state appropriation  
2 includes up to \$16,386,000 in proceeds from the sale of bonds  
3 authorized in RCW 47.10.867.

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

8 (8) \$4,886,000 of the multimodal transportation account--state  
9 appropriation is provided solely for expenditures related to the  
10 capital high-speed passenger rail grant that are not federally  
11 reimbursable.

12 (9) \$1,087,000 of the multimodal transportation account--state  
13 appropriation is provided solely as state matching funds for successful  
14 grant applications to the federal rail line relocation and improvement  
15 program (project 798999D).

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

23 NEW SECTION. **Sec. 312. FOR THE DEPARTMENT OF TRANSPORTATION--**  
24 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

25	Motor Vehicle Account--State Appropriation . . . . .	\$3,521,000
26	Motor Vehicle Account--Federal Appropriation . . . . .	\$28,541,000
27	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
28	Highway Infrastructure Account--Federal	
29	Appropriation . . . . .	\$1,602,000
30	Freight Mobility Investment Account--State	
31	Appropriation . . . . .	\$11,947,000
32	Transportation Partnership Account--State	
33	Appropriation . . . . .	\$6,035,000
34	Freight Mobility Multimodal Account--State	
35	Appropriation . . . . .	\$8,648,000
36	Freight Mobility Multimodal Account--Local	
37	Appropriation . . . . .	\$4,581,000



1	Multimodal Transportation Account--State	
2	Appropriation . . . . .	\$13,932,000
3	Passenger Ferry Account--State Appropriation . . . . .	\$1,115,000
4	TOTAL APPROPRIATION . . . . .	\$80,129,000

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

7       (1) The department shall, on a quarterly basis beginning July 1,  
8 2011, provide to the office of financial management and the legislature  
9 reports providing the status on each active project funded in part or  
10 whole by the transportation 2003 account (nickel account) or the  
11 transportation partnership account. Report formatting and elements  
12 must be consistent with the October 2009 quarterly project report. The  
13 department shall also provide the information required under this  
14 subsection on a quarterly basis via the transportation executive  
15 information system.

16       (2) \$1,115,000 of the passenger ferry account--state appropriation  
17 is provided solely for near and long-term costs of capital improvements  
18 and operating expenses that are consistent with the business plan  
19 approved by the governor for passenger ferry service.

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

23       (4) The department shall apply for surface transportation program  
24 enhancement funds to be expended in lieu of or in addition to state  
25 funds for eligible costs of projects in local programs, program  
26 Z--capital.

27       (5) Federal funds may be transferred from program Z to programs I  
28 and P and state funds must be transferred from programs I and P to  
29 program Z to replace those federal funds in a dollar-for-dollar match.  
30 Fund transfers authorized under this subsection shall not affect  
31 project prioritization status. Appropriations must initially be  
32 allotted as appropriated in this act. The department may not transfer  
33 funds as authorized under this subsection without approval of the  
34 office of financial management. The department shall submit a report  
35 on those projects receiving fund transfers to the office of financial  
36 management and the transportation committees of the legislature by  
37 December 1, 2011, and December 1, 2012.

1 (6) The city of Winthrop may utilize a design-build process for the  
2 Winthrop bike path project.

3 (7) \$10,557,000 of the multimodal transportation account--state  
4 appropriation, \$12,136,000 of the motor vehicle account--federal  
5 appropriation, and \$5,195,000 of the transportation partnership  
6 account--state appropriation are provided solely for the pedestrian and  
7 bicycle safety program projects and safe routes to schools program  
8 projects identified in: LEAP Transportation Document 2011-A,  
9 pedestrian and bicycle safety program projects and safe routes to  
10 schools program projects, as developed March 22, 2011; LEAP  
11 Transportation Document 2009-A, pedestrian and bicycle safety program  
12 projects and safe routes to schools program projects, as developed  
13 March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and  
14 bicycle safety program projects and safe routes to schools program  
15 projects, as developed April 20, 2007; and LEAP Transportation Document  
16 2006-B, pedestrian and bicycle safety program projects and safe routes  
17 to schools program projects, as developed March 8, 2006. Projects must  
18 be allocated funding based on order of priority. The department shall  
19 review all projects receiving grant awards under this program at least  
20 semiannually to determine whether the projects are making satisfactory  
21 progress. Any project that has been awarded funds, but does not report  
22 activity on the project within one year of the grant award must be  
23 reviewed by the department to determine whether the grant should be  
24 terminated. The department shall promptly close out grants when  
25 projects have been completed, and identify where unused grant funds  
26 remain because actual project costs were lower than estimated in the  
27 grant award.

28 (8) Except as provided otherwise in this section, the entire  
29 appropriations in this section are provided solely for the projects and  
30 activities as listed by project and amount in LEAP Transportation  
31 Document 2011-2 ALL PROJECTS as developed March 22, 2011, Program -  
32 Local Program (Z).

33 (9) For the 2011-2013 project appropriations, unless otherwise  
34 provided in this act, the director of the office of financial  
35 management may authorize a transfer of appropriation authority between  
36 projects managed by the freight mobility strategic investment board in  
37 order for the board to manage project spending and efficiently deliver  
38 all projects in the respective program.

1 (10) With each department budget submittal, the department shall  
2 provide an update on the status of the repayment of the twenty million  
3 dollars of unobligated federal funds authority advanced by the  
4 department in September 2010 to the city of Tacoma for the Murray  
5 Morgan/11th Street bridge project.

6 (11) The department shall prepare a list of main street projects,  
7 consistent with chapter ... (Engrossed Substitute House Bill No. 1071),  
8 Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order  
9 to ensure that any proposed list of projects is consistent with  
10 legislative intent, the department shall provide a report to the joint  
11 transportation committee by December 1, 2011. The report must identify  
12 the eligible segments of main streets highways, the department's  
13 proposed project selection and ranking method, criteria to be  
14 considered, and a plan for soliciting project proposals.

15 **TRANSFERS AND DISTRIBUTIONS**

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

20	Highway Bond Retirement Account--State Appropriation . . .	\$909,298,000
21	Ferry Bond Retirement Account--State Appropriation . . . .	\$31,801,000
22	State Route Number 520 Corridor Account--State	
23	Appropriation . . . . .	\$1,075,000
24	Transportation Improvement Board Bond Retirement	
25	Account--State Appropriation . . . . .	\$16,544,000
26	Nondebt-Limit Reimbursable Account Appropriation . . . . .	\$25,200,000
27	Transportation Partnership Account--State	
28	Appropriation . . . . .	\$3,128,000
29	Motor Vehicle Account--State Appropriation . . . . .	\$328,000
30	Transportation 2003 Account (Nickel Account)--State	
31	Appropriation . . . . .	\$763,000
32	Transportation Improvement Account--State Appropriation . . . .	\$29,000
33	Multimodal Transportation Account--State	
34	Appropriation . . . . .	\$138,000
35	Toll Facility Bond Retirement Account--State	



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

2    Motor Vehicle Account--State Appropriation:    For  
3        motor vehicle fuel tax refunds and statutory  
4        transfers . . . . . \$1,247,260,000

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

7    Motor Vehicle Account--State Appropriation:    For  
8        motor vehicle fuel tax refunds and transfers . . . . . \$120,688,000

9        NEW SECTION.        **Sec. 407.        FOR THE STATE TREASURER--ADMINISTRATIVE**  
10    **TRANSFERS**

11        (1) Tacoma Narrows Toll Bridge Account--State  
12    Appropriation:    For transfer to the Motor Vehicle  
13    Account--State . . . . . \$543,000

14        (2) Motor Vehicle Account--State Appropriation:  
15    For transfer to the Puget Sound Ferry Operations  
16    Account--State . . . . . \$61,000,000

17        (3) Recreational Vehicle Account--State  
18    Appropriation:    For transfer to the Motor Vehicle  
19    Account--State . . . . . \$1,450,000

20        (4) License Plate Technology Account--State  
21    Appropriation:    For transfer to the Highway Safety  
22    Account--State . . . . . \$3,000,000

23        (5) Multimodal Transportation Account--State  
24    Appropriation:    For transfer to the Puget Sound  
25    Ferry Operations Account--State . . . . . \$21,000,000

26        (6) Highway Safety Account--State Appropriation:  
27    For transfer to the Motor Vehicle Account--State . . . . . \$24,000,000

28        (7) Department of Licensing Services Account--State  
29    Appropriation:    For transfer to the Motor Vehicle  
30    Account--State . . . . . \$300,000

31        (8) Advanced Right-of-Way Revolving Fund:    For transfer  
32    to the Motor Vehicle Account--State . . . . . \$5,000,000

33        (9) State Route Number 520 Civil Penalties  
34    Account--State Appropriation:    For transfer to the  
35    State Route Number 520 Corridor Account--State . . . . . \$754,000

36        (10) Regional Mobility Grant Program Account--State

1 Appropriation: For transfer to the Multimodal  
2 Transportation Account--State . . . . . \$1,000,000  
3 (11) Motor Vehicle Account--State Appropriation:  
4 For transfer to the State Patrol Highway Account--  
5 State . . . . . \$16,500,000  
6 (12) State Route Number 520 Corridor Account--State Appropriation:  
7 For transfer to the Motor Vehicle Account--State, in an amount equal to  
8 funds dispersed during the 2009-2011 fiscal biennium authorized under  
9 section 905(7) of this act.  
10 (13) Motor Vehicle Account--State Appropriation:  
11 For transfer to the Puget Sound Capital Construction  
12 Account--State . . . . . \$10,000,000  
13 (14) Motor Vehicle Account--State Appropriation:  
14 For transfer to the Special Category C Account--State . . . . \$1,100,000  
15 (15) The transfers identified in this section are subject to the  
16 following conditions and limitations:  
17 (a) The amount transferred in subsection (1) of this section  
18 represents repayment of operating loans and reserve payments provided  
19 to the Tacoma Narrows toll bridge account from the motor vehicle  
20 account in the 2005-2007 fiscal biennium.  
21 (b) The transfer in subsection (9) of this section represents toll  
22 revenue collected from toll violations.

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

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

32 **NEW SECTION. Sec. 409.** The department of transportation is  
33 authorized to undertake federal advance construction projects under the  
34 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in  
35 meeting approved highway construction and preservation objectives. The  
36 legislature recognizes that the use of state funds may be required to

1 temporarily fund expenditures of the federal appropriations for the  
2 highway construction and preservation programs for federal advance  
3 construction projects prior to conversion to federal funding.

4 **COMPENSATION**

5 **NEW SECTION. Sec. 501. COMPENSATION**

6 The appropriations for state agencies are subject to the following  
7 conditions and limitations: State employee compensation adjustments  
8 will be provided in accordance with funding adjustments provided in the  
9 2011-2013 omnibus appropriations act.

10 **IMPLEMENTING PROVISIONS**

11 **NEW SECTION. Sec. 601. ACQUISITION OF PROPERTIES AND FACILITIES**  
12 **THROUGH FINANCIAL CONTRACTS**

13 (1) The following agencies may enter into financial contracts, paid  
14 from any funds of an agency, appropriated or nonappropriated, for the  
15 purposes indicated and in not more than the principal amounts  
16 indicated, plus financing expenses and required reserves pursuant to  
17 chapter 39.94 RCW. When securing properties under this section,  
18 agencies shall use the most economical financial contract option  
19 available, including long-term leases, lease-purchase agreements,  
20 lease-development with option to purchase agreements, or financial  
21 contracts using certificates of participation. Expenditures made by an  
22 agency for one of the indicated purposes before the issue date of the  
23 authorized financial contract and any certificates of participation  
24 therein are intended to be reimbursed from proceeds of the financial  
25 contract and any certificates of participation therein to the extent  
26 provided in the agency's financing plan approved by the state finance  
27 committee.

28 (2) State agencies may enter into agreements with the department of  
29 general administration and the state treasurer's office to develop  
30 requests to the legislature for the acquisition of properties and  
31 facilities through financial contracts. The agreements may include  
32 charges for services rendered.

1 (a) Department of transportation: Enter into a financing contract  
2 for up to \$8,186,000 plus financing expenses and required reserves  
3 pursuant to chapter 39.94 RCW for the acquisition and implementation of  
4 a time, leave, and labor distribution system.

5 (b) Department of licensing: Enter into a financing contract for  
6 up to \$7,414,000 plus financing expenses and required reserves pursuant  
7 to chapter 39.94 RCW for the purchase of a prorated and fuel tax system.

8 (c) Washington state patrol: (i) Enter into a financing contract  
9 for up to \$8,241,000 plus financing expenses and required reserves  
10 pursuant to chapter 39.94 RCW to purchase and install mobile office  
11 platforms in state patrol and pursuit vehicles.

12 (ii) Enter into a financing contract for up to \$40,100,000 plus  
13 financing expenses and required reserves pursuant to chapter 39.94 RCW  
14 to purchase equipment and engineering services to convert to a  
15 narrowband digital system.

16 **NEW SECTION. Sec. 602. MEGA-PROJECT REPORTING**

17 Mega-projects are defined as individual or groups of related  
18 projects that cost \$1,000,000,000 or more. These projects include, but  
19 are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North  
20 Spokane corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the  
21 Columbia river crossing. The department of transportation shall track  
22 mega-projects and report the financial status and schedule of these  
23 projects at least once a year to the transportation committees of the  
24 legislature and the office of financial management. The design of  
25 mega-projects must be evaluated considering cost, capacity, safety,  
26 mobility needs, and how well the design of the facility fits within its  
27 urban environment.

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

29 (1) The transportation 2003 projects or improvements and the 2005  
30 transportation partnership projects or improvements are listed in LEAP  
31 Transportation Document 2011-1 as developed March 22, 2011, which  
32 consists of a list of specific projects by fund source and amount over  
33 a sixteen-year period. Current fiscal biennium funding for each  
34 project is a line-item appropriation, while the outer year funding  
35 allocations represent a sixteen-year plan. The department is expected  
36 to use the flexibility provided in this section to assist in the



1 delivery and completion of all transportation partnership account and  
2 transportation 2003 account (nickel account) projects on the LEAP  
3 transportation documents referenced in this act. For the 2009-2011 and  
4 2011-2013 project appropriations, unless otherwise provided in this  
5 act, the director of financial management may authorize a transfer of  
6 appropriation authority between projects funded with transportation  
7 2003 account (nickel account) appropriations, or transportation  
8 partnership account appropriations, in order to manage project spending  
9 and efficiently deliver all projects in the respective program under  
10 the following conditions and limitations:

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

13 (b) Transfers from a project may not be made as a result of the  
14 reduction of the scope of a project or be made to support increases in  
15 the scope of a project;

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

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

28 (e) Transfers may not occur for projects not identified on the  
29 applicable project list, except for those projects that were expected  
30 to be completed in the 2009-2011 fiscal biennium;

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

33 (g) Transfers between projects may be made by the department of  
34 transportation until the transfer amount by project exceeds two hundred  
35 fifty thousand dollars, or ten percent of the total project, whichever  
36 is less. These transfers must be reported quarterly to the director of  
37 financial management and the chairs of the house of representatives and  
38 senate transportation committees.

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

4 (3) The office of financial management shall work with legislative  
5 staff of the house of representatives and senate transportation  
6 committees to review the requested transfers in a timely manner.

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

14 NEW SECTION. **Sec. 604.** Executive Order number 05-05,  
15 archaeological and cultural resources, was issued effective November  
16 10, 2005. Agencies and higher education institutions that issue grants  
17 or loans for capital projects shall comply with the requirements set  
18 forth in this executive order.

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

20 As part of its annual budget submittal, the department shall  
21 provide an annual update to the legislature and the office of financial  
22 management that:

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

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

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

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

34 (5) Identifies contingency amounts allocated to projects.

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

1 As part of its 2012 supplemental budget submittal, the department  
2 shall provide a report to the legislature and the office of financial  
3 management that:

4 (1) Identifies, by capital project, the amount of state funding  
5 that has been reappropriated from the 2009-2011 fiscal biennium into  
6 the 2011-2013 fiscal biennium; and

7 (2) Identifies, for each project, the amount of cost savings or  
8 increases in funding that have been identified as compared to the 2011  
9 enacted transportation budget.

10 NEW SECTION. **Sec. 607.** (1) As the department of transportation  
11 completes delivery of the projects funded by the 2003 and 2005  
12 transportation revenue packages, it is clear that the current staffing  
13 levels necessary to deliver these projects are not sustainable into the  
14 future. Therefore, the department is directed to quickly move forward  
15 to develop and implement new business practices so that a smaller, more  
16 nimble state workforce can effectively and efficiently deliver  
17 transportation improvement programs as they are approved in the future,  
18 in strong partnership with the private sector, while protecting the  
19 public's interests and assets.

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

31 (3) In order to meet these targets and to continue to successfully  
32 deliver the highway construction program, the department may contract  
33 out engineering and technical services. In addition, the department  
34 may continue the incentive program for retirements and employee  
35 separations. The department shall report to the office of financial  
36 management by November 2011 on its progress and plans to reduce highway  
37 construction workforce levels to two thousand FTEs by June 2015.

1 MISCELLANEOUS 2011-2013 FISCAL BIENNIUM

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

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

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

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

20 (1) Provisions that specify unsolicited proposals must meet  
21 predetermined criteria;

22 (2) Provisions governing procedures for the cessation of  
23 negotiations and consideration;

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

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

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

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

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

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

7 The commission may adopt other rules as necessary to avoid  
8 conflicts with existing laws, statutes, or contractual obligations of  
9 the state.

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

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

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

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

1 legislature may transfer from the license plate technology account to  
2 the highway safety account such amounts as reflect the excess fund  
3 balance of the license plate technology account.

4 **Sec. 705.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to  
5 read as follows:

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

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

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

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

19 During the (~~2007-2009 and~~) 2009-2011 and 2011-2013 fiscal  
20 biennia, the legislature may transfer from the advance right-of-way  
21 revolving fund to the motor vehicle account amounts as reflect the  
22 excess fund balance of the advance right-of-way revolving fund.

23 **Sec. 706.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161  
24 s 604 are each reenacted and amended to read as follows:

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

27 (2) Duties of the department include, but are not limited to, the  
28 following:

29 (a) Review and approve the annual financial reports submitted by  
30 sponsoring organizations with active special license plate series and  
31 present those annual financial reports to the (~~senate and house~~  
32 ~~transportation committees~~) joint transportation committee;

33 (b) Report annually to the (~~senate and house of representatives~~  
34 ~~transportation committees~~) joint transportation committee on the  
35 special license plate applications that were considered by the  
36 department;

1 (c) Issue approval and rejection notification letters to sponsoring  
2 organizations, the department, the (~~chairs of the senate and house of~~  
3 ~~representatives transportation committees~~) executive committee of the  
4 joint transportation committee, and the legislative sponsors identified  
5 in each application. The letters must be issued within seven days of  
6 making a determination on the status of an application; and

7 (d) Review annually the number of plates sold for each special  
8 license plate series created after January 1, 2003. The department may  
9 submit a recommendation to discontinue a special plate series to the  
10 (~~chairs of the senate and house of representatives transportation~~  
11 ~~committees~~) executive committee of the joint transportation committee.

12 (3) Except as provided in RCW 46.18.245, in order to assess the  
13 effects and impact of the proliferation of special license plates, the  
14 legislature declares a temporary moratorium on the issuance of any  
15 additional plates until July 1, (~~2011~~) 2013. During this period of  
16 time, the department is prohibited from accepting, reviewing,  
17 processing, or approving any applications. Additionally, a special  
18 license plate may not be enacted by the legislature during the  
19 moratorium, unless the proposed license plate has been approved by the  
20 former special license plate review board before February 15, 2005.

21 **Sec. 707.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to  
22 read as follows:

23 There is hereby created in the state treasury a fund to be known as  
24 the highway safety fund to the credit of which shall be deposited all  
25 moneys directed by law to be deposited therein. This fund shall be  
26 used for carrying out the provisions of law relating to driver  
27 licensing, driver improvement, financial responsibility, cost of  
28 furnishing abstracts of driving records and maintaining such case  
29 records, and to carry out the purposes set forth in RCW 43.59.010.  
30 During the (~~2007-2009 and~~) 2009-2011 and 2011-2013 fiscal biennia,  
31 the legislature may transfer from the highway safety fund to the motor  
32 vehicle fund and the multimodal transportation account such amounts as  
33 reflect the excess fund balance of the highway safety fund.

34 **Sec. 708.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to  
35 read as follows:

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

3 (a) The appropriate local legislative authority must first enact an  
4 ordinance allowing for their use to detect one or more of the  
5 following: Stoplight, railroad crossing, or school speed zone  
6 violations. At a minimum, the local ordinance must contain the  
7 restrictions described in this section and provisions for public notice  
8 and signage. Cities and counties using automated traffic safety  
9 cameras before July 24, 2005, are subject to the restrictions described  
10 in this section, but are not required to enact an authorizing  
11 ordinance.

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

15 (c) During the (~~2009-2011~~) 2011-2013 fiscal biennium, automated  
16 traffic safety cameras may be used to detect speed violations for the  
17 purposes of (~~section 201(2), chapter 470, Laws of 2009~~) section  
18 201(3) of this act if the local legislative authority first enacts an  
19 ordinance authorizing the use of cameras to detect speed violations.

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

24 (e) A notice of infraction must be mailed to the registered owner  
25 of the vehicle within fourteen days of the violation, or to the renter  
26 of a vehicle within fourteen days of establishing the renter's name and  
27 address under subsection (3)(a) of this section. The law enforcement  
28 officer issuing the notice of infraction shall include with it a  
29 certificate or facsimile thereof, based upon inspection of photographs,  
30 microphotographs, or electronic images produced by an automated traffic  
31 safety camera, stating the facts supporting the notice of infraction.  
32 This certificate or facsimile is prima facie evidence of the facts  
33 contained in it and is admissible in a proceeding charging a violation  
34 under this chapter. The photographs, microphotographs, or electronic  
35 images evidencing the violation must be available for inspection and  
36 admission into evidence in a proceeding to adjudicate the liability for  
37 the infraction. A person receiving a notice of infraction based on



1 evidence detected by an automated traffic safety camera may respond to  
2 the notice by mail.

3 (f) The registered owner of a vehicle is responsible for an  
4 infraction under RCW 46.63.030(1)(e) unless the registered owner  
5 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
6 car business, satisfies the conditions under subsection (3) of this  
7 section. If appropriate under the circumstances, a renter identified  
8 under subsection (3)(a) of this section is responsible for an  
9 infraction.

10 (g) Notwithstanding any other provision of law, all photographs,  
11 microphotographs, or electronic images prepared under this section are  
12 for the exclusive use of law enforcement in the discharge of duties  
13 under this section and are not open to the public and may not be used  
14 in a court in a pending action or proceeding unless the action or  
15 proceeding relates to a violation under this section. No photograph,  
16 microphotograph, or electronic image may be used for any purpose other  
17 than enforcement of violations under this section nor retained longer  
18 than necessary to enforce this section.

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

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

29 (2) Infractions detected through the use of automated traffic  
30 safety cameras are not part of the registered owner's driving record  
31 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
32 by the use of automated traffic safety cameras under this section shall  
33 be processed in the same manner as parking infractions, including for  
34 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).  
35 However, the amount of the fine issued for an infraction generated  
36 through the use of an automated traffic safety camera shall not exceed  
37 the amount of a fine issued for other parking infractions within the  
38 jurisdiction.

1 (3) If the registered owner of the vehicle is a rental car  
2 business, the law enforcement agency shall, before a notice of  
3 infraction being issued under this section, provide a written notice to  
4 the rental car business that a notice of infraction may be issued to  
5 the rental car business if the rental car business does not, within  
6 eighteen days of receiving the written notice, provide to the issuing  
7 agency by return mail:

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

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

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

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

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

25 (5) For the purposes of this section, "automated traffic safety  
26 camera" means a device that uses a vehicle sensor installed to work in  
27 conjunction with an intersection traffic control system, a railroad  
28 grade crossing control system, or a speed measuring device, and a  
29 camera synchronized to automatically record one or more sequenced  
30 photographs, microphotographs, or electronic images of the rear of a  
31 motor vehicle at the time the vehicle fails to stop when facing a  
32 steady red traffic control signal or an activated railroad grade  
33 crossing control signal, or exceeds a speed limit in a school speed  
34 zone as detected by a speed measuring device. During the ((2009-2011))  
35 2011-2013 fiscal biennium, an automated traffic safety camera includes  
36 a camera used to detect speed violations for the purposes of ((~~section~~  
37 ~~201(2), chapter 470, Laws of 2009~~)) section 201(3) of this act.

1 (6) During the ((2009-2011)) 2011-2013 fiscal biennium, this  
2 section does not apply to automated traffic safety cameras for the  
3 purposes of ((section 218(2), chapter 470, Laws of 2009)) section  
4 216(5) of this act.

5 **Sec. 709.** RCW 46.63.160 and 2010 c 249 s 6 are each amended to  
6 read as follows:

7 (1) This section applies only to civil penalties for nonpayment of  
8 tolls detected through use of photo toll systems.

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

13 (3) A notice of civil penalty may be issued by the department of  
14 transportation when a toll is assessed through use of a photo toll  
15 system and the toll is not paid by the toll payment due date, which is  
16 eighty days from the date the vehicle uses the toll facility and incurs  
17 the toll charge.

18 (4) Any registered owner or renter of a vehicle traveling upon a  
19 toll facility operated under chapter 47.56 or 47.46 RCW is subject to  
20 a civil penalty governed by the administrative procedures set forth in  
21 this section when the vehicle incurs a toll charge and the toll is not  
22 paid by the toll payment due date, which is eighty days from the date  
23 the vehicle uses the toll facility and incurs the toll charge.

24 (5) Consistent with chapter 34.05 RCW, the department of  
25 transportation shall develop an administrative adjudication process to  
26 review appeals of civil penalties issued by the department of  
27 transportation for toll nonpayment detected through the use of a photo  
28 toll system under this section.

29 (6) The use of a photo toll system is subject to the following  
30 requirements:

31 (a) Photo toll systems may take photographs, digital photographs,  
32 microphotographs, videotapes, or other recorded images of the vehicle  
33 and vehicle license plate only.

34 (b) A notice of civil penalty must include with it a certificate or  
35 facsimile thereof, based upon inspection of photographs,  
36 microphotographs, videotape, or other recorded images produced by a  
37 photo toll system, stating the facts supporting the notice of civil

1 penalty. This certificate or facsimile is prima facie evidence of the  
2 facts contained in it and is admissible in a proceeding established  
3 under subsection (5) of this section. The photographs, digital  
4 photographs, microphotographs, videotape, or other recorded images  
5 evidencing the toll nonpayment civil penalty must be available for  
6 inspection and admission into evidence in a proceeding to adjudicate  
7 the liability for the civil penalty.

8 (c) Notwithstanding any other provision of law, all photographs,  
9 digital photographs, microphotographs, videotape, other recorded  
10 images, or other records identifying a specific instance of travel  
11 prepared under this chapter are for the exclusive use of the tolling  
12 agency for toll collection and enforcement purposes and are not open to  
13 the public and may not be used in a court in a pending action or  
14 proceeding unless the action or proceeding relates to a civil penalty  
15 under this chapter. No photograph, digital photograph,  
16 microphotograph, videotape, other recorded image, or other record  
17 identifying a specific instance of travel may be used for any purpose  
18 other than toll collection or enforcement of civil penalties under this  
19 section. Records identifying a specific instance of travel by a  
20 specific person or vehicle must be retained only as required to ensure  
21 payment and enforcement of tolls and to comply with state records  
22 retention policies.

23 (d) All locations where a photo toll system is used must be clearly  
24 marked by placing signs in locations that clearly indicate to a driver  
25 that he or she is entering a zone where tolls are assessed and enforced  
26 by a photo toll system.

27 (e) Within existing resources, the department of transportation  
28 shall conduct education and outreach efforts at least six months prior  
29 to activating an all-electronic photo toll system. Methods of outreach  
30 shall include a department presence at community meetings in the  
31 vicinity of a toll facility, signage, and information published in  
32 local media. Information provided shall include notice of when all  
33 electronic photo tolling shall begin and methods of payment.  
34 Additionally, the department shall provide quarterly reporting on  
35 education and outreach efforts and other data related to the issuance  
36 of civil penalties.

37 (7) Civil penalties for toll nonpayment detected through the use of

1 photo toll systems must be issued to the registered owner of the  
2 vehicle identified by the photo toll system, but are not part of the  
3 registered owner's driving record under RCW 46.52.101 and 46.52.120.

4 (8) The civil penalty for toll nonpayment detected through the use  
5 of a photo toll system is forty dollars plus the photo toll and  
6 associated fees.

7 (9) Except as provided otherwise in this subsection, all civil  
8 penalties, including the photo toll and associated fees, collected  
9 under this section must be deposited into the toll facility account of  
10 the facility on which the toll was assessed. However, (~~beginning on~~  
11 ~~July 1, 2011,~~) civil penalties deposited into the Tacoma Narrows toll  
12 bridge account created under RCW 47.56.165 that are in excess of  
13 amounts necessary to support the toll adjudication process applicable  
14 to toll collection on the Tacoma Narrows bridge must first be allocated  
15 toward repayment of operating loans and reserve payments provided to  
16 the account from the motor vehicle account under section 1005(15),  
17 chapter 518, Laws of 2007. Additionally, all civil penalties,  
18 resulting from nonpayment of tolls on the state route number 520  
19 corridor, shall be deposited into the state route number 520 civil  
20 penalties account created under section 4, chapter 248, Laws of 2010  
21 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

22 (10) If the registered owner of the vehicle is a rental car  
23 business, the department of transportation shall, before a toll bill is  
24 issued, provide a written notice to the rental car business that a toll  
25 bill may be issued to the rental car business if the rental car  
26 business does not, within thirty days of the mailing of the written  
27 notice, provide to the issuing agency by return mail:

28 (a) A statement under oath stating the name and known mailing  
29 address of the individual driving or renting the vehicle when the toll  
30 was assessed; or

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

37 (c) In lieu of identifying the vehicle operator, the rental car  
38 business may pay the applicable toll and fee.

1 Timely mailing of this statement to the issuing agency relieves a  
2 rental car business of any liability under this section for the payment  
3 of the toll.

4 (11) Consistent with chapter 34.05 RCW, the department of  
5 transportation shall develop rules to implement this section.

6 (12) For the purposes of this section, "photo toll system" means  
7 the system defined in RCW 47.56.010 and 47.46.020.

8 **Sec. 710.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to  
9 read as follows:

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

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

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

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

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

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

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

6 (6) During the 2011-2013 fiscal biennium, this section does not  
7 apply to fuel purchased by the Washington state ferries.

8 **Sec. 711.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to  
9 read as follows:

10 The department of licensing services account is created in the  
11 motor vehicle fund. All receipts from service fees received under RCW  
12 46.17.025 must be deposited into the account. Moneys in the account  
13 may be spent only after appropriation. Expenditures from the account  
14 may be used only for:

- 15 (1) Information and service delivery systems for the department;  
16 (2) Reimbursement of county licensing activities; and  
17 (3) County auditor or other agent and subagent support including,  
18 but not limited to, the replacement of department-owned equipment in  
19 the possession of county auditors or other agents and subagents  
20 appointed by the director. During the ((2007-2009 and 2009-2011))  
21 2011-2013 fiscal ((~~biennia~~)) biennium, the legislature may transfer  
22 from the department of licensing services account such amounts as  
23 reflect the excess fund balance of the account.

24 **Sec. 712.** RCW 43.19.534 and 2009 c 470 s 717 are each amended to  
25 read as follows:

26 (1) State agencies, the legislature, and departments shall purchase  
27 for their use all goods and services required by the legislature,  
28 agencies, or departments that are produced or provided in whole or in  
29 part from class II inmate work programs operated by the department of  
30 corrections through state contract. These goods and services shall not  
31 be purchased from any other source unless, upon application by the  
32 department or agency: (a) The department of general administration  
33 finds that the articles or products do not meet the reasonable  
34 requirements of the agency or department, (b) are not of equal or  
35 better quality, or (c) the price of the product or service is higher  
36 than that produced by the private sector. However, the criteria

1 contained in (a), (b), and (c) of this section for purchasing goods and  
2 services from sources other than correctional industries do not apply  
3 to goods and services produced by correctional industries that  
4 primarily replace goods manufactured or services obtained from outside  
5 the state. The department of corrections and department of general  
6 administration shall adopt administrative rules that implement this  
7 section.

8 (2) During the 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia,  
9 and in conformance with section 223(11), chapter 470, Laws of 2009 and  
10 section 221(3) of this act, this section does not apply to the purchase  
11 of uniforms by the Washington state ferries.

12 NEW SECTION. Sec. 713. 2010 c 161 s 1126 is repealed.

13 **2009-2011 FISCAL BIENNIUM**  
14 **GENERAL GOVERNMENT AGENCIES--OPERATING**

15 **Sec. 801.** 2010 c 247 s 103 (uncodified) is amended to read as  
16 follows:

17 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

18 Motor Vehicle Account--State Appropriation . . . . .	\$3,526,000
19 Puget Sound Ferry Operations Account--State	
20 Appropriation . . . . .	<del>(\$98,000)</del>
21	<u>\$164,000</u>
22 TOTAL APPROPRIATION . . . . .	<del>(\$3,624,000)</del>
23	<u>\$3,690,000</u>

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

26 (1) \$1,699,000 of the motor vehicle account--state appropriation is  
27 provided solely for the office of regulatory assistance integrated  
28 permitting project.

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



1 (3) \$150,000 of the motor vehicle account--state appropriation is  
 2 provided solely for the office of financial management to contract with  
 3 the Washington state association of counties for a pilot program to  
 4 develop and implement a streamlined process for programmatic hydraulic  
 5 project approvals for multiple, recurring local transportation and  
 6 public works projects. The pilot program must include the following:  
 7 (a) Describing, defining, and documenting classes of local  
 8 transportation and public works projects appropriate for programmatic  
 9 hydraulic project approvals permits; (b) developing technical  
 10 permitting requirements and conditions; (c) administratively adopting  
 11 and implementing programmatic hydraulic project approvals statewide;  
 12 and (d) piloting, reviewing, updating, and training throughout all  
 13 Washington counties. For the purpose of this subsection, the contract  
 14 with the Washington state association of counties is deemed a revenue  
 15 generation and auditing activity as that term is construed in section  
 16 602(2), chapter 3, Laws of 2010.

17 **Sec. 802.** 2010 c 247 s 104 (uncodified) is amended to read as  
 18 follows:

19 **FOR THE MARINE EMPLOYEES COMMISSION**  
 20 Puget Sound Ferry Operations Account--State  
 21 Appropriation . . . . . ((~~\$440,000~~))  
 22 \$374,000

23 **TRANSPORTATION AGENCIES--OPERATING**

24 **Sec. 901.** 2010 c 247 s 205 (uncodified) is amended to read as  
 25 follows:

26 **FOR THE TRANSPORTATION COMMISSION**  
 27 Motor Vehicle Account--State Appropriation . . . . . ((~~\$2,328,000~~))  
 28 \$2,167,000  
 29 Multimodal Transportation Account--State Appropriation . . ((~~\$112,000~~))  
 30 \$111,000  
 31 TOTAL APPROPRIATION . . . . . ((~~\$2,440,000~~))  
 32 \$2,278,000

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

1 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
2 the transportation commission shall periodically review and, if  
3 necessary, modify the schedule of fares for the Washington state ferry  
4 system. The transportation commission may increase ferry fares,  
5 except no fare schedule modifications may be made prior to September 1,  
6 2009. For purposes of this subsection, "modify" includes increases or  
7 decreases to the schedule.

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

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

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

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

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

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

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

18 **Sec. 902.** 2010 c 247 s 207 (uncodified) is amended to read as  
19 follows:

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

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

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

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

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

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

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

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

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

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

1 reach three hundred seventy thousand dollars, the department of  
2 transportation shall remit funds necessary to the Washington state  
3 patrol to ensure the completion of the pilot program. The Washington  
4 state patrol may not incur overtime as a result of this pilot program.  
5 The Washington state patrol shall not assign troopers to operate or  
6 deploy the pilot program equipment used in the roadway construction  
7 zones.

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

15 (8) \$2,832,000 of the state patrol highway account--state  
16 appropriation is provided solely for the aerial traffic enforcement  
17 program. The Washington state patrol shall evaluate the costs  
18 associated with aerial traffic highway enforcement to determine if the  
19 costs are accurately apportioned between the state patrol highway  
20 account and the general fund. It is the intent of the legislature that  
21 the state patrol highway account incurs costs that result only from  
22 highway enforcement activities and that the general fund incurs costs  
23 associated with the King Airs. The Washington state patrol shall  
24 report the results of the evaluation to the legislature by June 30,  
25 2010.

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

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

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

1       **Sec. 903.** 2010 c 247 s 208 (uncodified) is amended to read as  
2 follows:

3       **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**  
4 State Patrol Highway Account--State Appropriation . . . ((~~\$1,648,000~~))  
5 \$1,196,000

6       The appropriation in this section is subject to the following  
7 conditions and limitations: After May 1, 2011, unless specifically  
8 prohibited, the Washington state patrol may transfer state patrol  
9 highway account--state appropriations for the 2009-2011 fiscal biennium  
10 between operating programs after approval by the director of the office  
11 of financial management. However, the state patrol shall not transfer  
12 state moneys that are provided solely for a specified purpose.

13       **Sec. 904.** 2010 c 247 s 209 (uncodified) is amended to read as  
14 follows:

15       **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**  
16 State Patrol Highway Account--State Appropriation . . ((~~\$108,560,000~~))  
17 \$105,488,000  
18 State Patrol Highway Account--Private/Local  
19       Appropriation . . . . . \$2,510,000  
20       TOTAL APPROPRIATION . . . . . ((~~\$111,070,000~~))  
21 \$107,998,000

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

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

32       (2) ((~~\$10,425,000~~)) \$10,676,000 of the total appropriation is  
33 provided solely for automobile fuel in the 2009-11 fiscal biennium.

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

36       (4) \$6,611,000 of the total appropriation is provided solely for

1 vehicle repair and maintenance costs of vehicles used for highway  
2 purposes.

3 (5) \$1,724,000 of the total appropriation is provided solely for  
4 the purchase of mission vehicles used for highway purposes in the  
5 commercial vehicle and traffic investigation sections of the Washington  
6 state patrol.

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

11 (7) (~~(\$345,000 of the state patrol highway account state~~  
12 ~~appropriation is provided solely for the implementation of Engrossed~~  
13 ~~Substitute House Bill No. 1445 (domestic partners/Washington state~~  
14 ~~patrol retirement system). If Engrossed Substitute House Bill No. 1445~~  
15 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~  
16 ~~shall lapse)) After May 1, 2011, unless specifically prohibited, the  
17 Washington state patrol may transfer state patrol highway account--  
18 state appropriations for the 2009-2011 fiscal biennium between  
19 operating programs after approval by the director of the office of  
20 financial management. However, the state patrol shall not transfer  
21 state moneys that are provided solely for a specified purpose.~~

22 **Sec. 905.** 2010 c 247 s 211 (uncodified) is amended to read as  
23 follows:

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

26	High Occupancy Toll Lanes Operations Account--State	
27	Appropriation . . . . .	(((\$2,852,000))
28		<u>\$2,732,000</u>
29	Motor Vehicle Account--State Appropriation . . . . .	(((\$575,000))
30		<u>\$2,945,000</u>
31	Tacoma Narrows Toll Bridge Account--State	
32	Appropriation . . . . .	.\$26,543,000
33	State Route Number 520 Corridor Account--State	
34	Appropriation . . . . .	(((\$28,000,000))
35		<u>\$736,000</u>
36	State Route Number 520 Civil Penalties	
37	Account--State Appropriation . . . . .	(((\$2,130,000))

1 \$130,000  
2 TOTAL APPROPRIATION . . . . . (~~(\$60,100,000)~~)  
3 \$33,086,000

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

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

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

17 (3) (~~(\$28,000,000)~~) \$736,000 of the state route number 520 corridor  
18 account--state appropriation is provided solely for the costs directly  
19 related to tolling the state route number 520 floating bridge. (~~Of~~  
20 ~~this amount, \$8,000,000 must be retained in unallotted status, and may~~  
21 ~~only be released by the office of financial management after~~  
22 ~~consultation with the joint transportation committee.))~~

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

26 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil  
27 penalties account--state appropriation and \$140,000 of the Tacoma  
28 Narrows toll bridge account--state appropriation are provided solely  
29 for expenditures related to the toll adjudication process. The amount  
30 provided in this subsection is contingent on the enactment by June 30,  
31 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute  
32 House Bill No. 2897; however, if the enacted bill does not specify the  
33 department as the toll penalty adjudicating agency, the amounts  
34 provided in this subsection lapse.

35 (6) The department shall review, and revise where appropriate,  
36 current signage and ingress/egress locations on the state route number  
37 167 high occupancy toll lanes pilot project. The department shall  
38 continue to work with the Washington state patrol on educating the



1 public on the rules of the road related to crossing a double white  
2 line. The department shall continue to monitor the performance of the  
3 high occupancy toll lanes to ensure that driving conditions for high  
4 occupancy vehicles that share these lanes are not significantly  
5 changed.

6 (7) Up to \$2,435,000 of the motor vehicle account--state  
7 appropriation is provided solely as an expenditure reserve in the event  
8 that toll revenue collection on the state route number 520 floating  
9 bridge is delayed beyond April 2, 2011. This appropriation must remain  
10 in unallotted status and may be released by the office of financial  
11 management only to cover shortfalls in the state route number 520  
12 corridor account due to delayed toll revenue collection in order to  
13 support the activities funded in subsection (3) of this section.  
14 Repayment from the state route number 520 corridor account to the motor  
15 vehicle account regarding this appropriation is assumed in the  
16 2011-2013 biennial transportation budget.

17 **Sec. 906.** 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	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$68,650,000</del> ))
24		<u>\$67,546,000</u>
25	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
26	Multimodal Transportation Account--State	
27	Appropriation . . . . .	\$363,000
28	Transportation 2003 Account (Nickel Account)--State	
29	Appropriation . . . . .	\$2,676,000
30	TOTAL APPROPRIATION . . . . .	(( <del>\$74,604,000</del> ))
31		<u>\$73,500,000</u>

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

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

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

4 (2) \$1,216,000 of the transportation partnership account--state  
5 appropriation and \$1,216,000 of the transportation 2003 account (nickel  
6 account)--state appropriation are provided solely for the department to  
7 develop a project management and reporting system which is a collection  
8 of integrated tools for capital construction project managers to use to  
9 perform all the necessary tasks associated with project management.  
10 The department shall integrate commercial off-the-shelf software with  
11 existing department systems and enhanced approaches to data management  
12 to provide web-based access for multi-level reporting and improved  
13 business work flows and reporting. On a quarterly basis, the  
14 department shall report to the office of financial management and the  
15 transportation committees of the legislature on the status of the  
16 development and integration of the system. At a minimum, the reports  
17 shall indicate the status of the work as it compares to the work plan,  
18 any discrepancies, and proposed adjustments necessary to bring the  
19 project back on schedule or budget if necessary.

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

24 (4) \$573,000 of the motor vehicle account--state appropriation is  
25 provided solely for the department to maintain the investment in the  
26 electronic fare system at Washington's ferry terminals. Investment in  
27 the electronic fare system must include the following: Replacement of  
28 critical hardware components that are at risk of failure;  
29 implementation of software to allow ORCA cards to be used for vehicles;  
30 repair of the turnstiles to ensure that the turnstiles properly record  
31 ORCA credit and debit card charges; and dedication of a communication  
32 line for transmission of ORCA data to the clearinghouse.

33 **Sec. 907.** 2010 c 247 s 213 (uncodified) is amended to read as  
34 follows:

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

37 Motor Vehicle Account--State Appropriation . . . . . ((~~\$25,292,000~~))

1 \$24,639,000

2 **Sec. 908.** 2010 c 247 s 214 (uncodified) is amended to read as  
3 follows:

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

Aeronautics Account--State Appropriation . . . . .	(( <del>\$5,960,000</del> ))
	<u>\$5,761,000</u>
Aeronautics Account--Federal Appropriation . . . . .	\$2,150,000
TOTAL APPROPRIATION . . . . .	(( <del>\$8,110,000</del> ))
	<u>\$7,911,000</u>

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

12 (1) \$50,000 of the aeronautics account--state appropriation is a  
13 reappropriation provided solely to pay any outstanding obligations of  
14 the aviation planning council, which expires July 1, 2009.

15 (2) \$150,000 of the aeronautics account--state appropriation is a  
16 reappropriation provided solely to complete runway preservation  
17 projects.

18 (3) Within the amounts provided in this section, the department  
19 shall develop guidelines setting forth consultation procedures and a  
20 process to assist counties and cities to identify land uses that may be  
21 incompatible with airports and aircraft operations, and to encourage  
22 and facilitate the adoption and implementation of comprehensive plan  
23 policies and development regulations consistent with RCW 36.70.547 and  
24 36.70A.510.

25 **Sec. 909.** 2010 c 247 s 215 (uncodified) is amended to read as  
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**  
28 **SUPPORT--PROGRAM H**

Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$49,331,000</del> ))
	<u>\$45,219,000</u>
Motor Vehicle Account--Federal Appropriation . . . . .	\$500,000
Multimodal Transportation Account--State Appropriation . . . . .	\$250,000
TOTAL APPROPRIATION . . . . .	(( <del>\$50,081,000</del> ))
	<u>\$45,969,000</u>

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

3       (1) The department shall develop a plan for all current and future  
4 surplus property parcels based on the recommendations from the surplus  
5 property legislative work group that were presented to the senate  
6 transportation committee on February 26, 2009. The plan must include,  
7 at a minimum, strategies for maximizing the number of parcels sold, a  
8 schedule that optimizes proceeds, a recommended cash discount, a plan  
9 to report to the joint transportation committee, a recommendation for  
10 regional incentives, and a recommendation for equivalent value  
11 exchanges. This plan must accompany the department's 2010 supplemental  
12 budget request. If the department determines that all or a portion of  
13 real property or an interest in real property that was acquired through  
14 condemnation within the previous ten years is no longer necessary for  
15 a transportation purpose, the former owner has a right of repurchase as  
16 described in this subsection. For the purposes of this subsection,  
17 "former owner" means the person or entity from whom the department  
18 acquired title. At least ninety days prior to the date on which the  
19 property is intended to be sold by the department, the department must  
20 mail notice of the planned sale to the former owner of the property at  
21 the former owner's last known address or to a forwarding address if  
22 that owner has provided the department with a forwarding address. If  
23 the former owner of the property's last known address, or forwarding  
24 address if a forwarding address has been provided, is no longer the  
25 former owner of the property's address, the right of repurchase is  
26 extinguished. If the former owner notifies the department within  
27 thirty days of the date of the notice that the former owner intends to  
28 repurchase the property, the department shall proceed with the sale of  
29 the property to the former owner for fair market value and shall not  
30 list the property for sale to other owners. If the former owner does  
31 not provide timely written notice to the department of the intent to  
32 exercise a repurchase right, or if the sale to the former owner is not  
33 completed within seven months of the date of notice that the former  
34 owner intends to repurchase the property, the right of repurchase is  
35 extinguished. By December 1, 2010, the department shall report to the  
36 legislative transportation committees on the individuals and entities  
37 eligible to receive surplus property provided in RCW 47.12.063 to  
38 determine the frequency with which the department transfers property to

1 those individuals and entities and the implications to the department.  
2 It is the intent of the legislature that the list of individuals and  
3 entities eligible to receive surplus property be periodically evaluated  
4 to determine whether the list is appropriate and provides utility to  
5 the department.

6 (2) The legislature recognizes that the Dryden pit site (WSDOT  
7 Inventory Control (IC) No. 2-04-00103) is unused state-owned real  
8 property under the jurisdiction of the department of transportation,  
9 and that the public would benefit significantly from the complete  
10 enjoyment of the natural scenic beauty and recreational opportunities  
11 available at the site. Therefore, pursuant to RCW 47.12.080, the  
12 legislature declares that transferring the property to the department  
13 of fish and wildlife for recreational use and fish and wildlife  
14 restoration efforts is consistent with the public interest in order to  
15 preserve the area for the use of the public and the betterment of the  
16 natural environment. The department of transportation shall work with  
17 the department of fish and wildlife, and shall transfer and convey the  
18 Dryden pit site to the department of fish and wildlife as is for an  
19 adjusted fair market value reflecting site conditions, the proceeds of  
20 which must be deposited in the motor vehicle fund. The department of  
21 transportation is not responsible for any costs associated with the  
22 cleanup or transfer of this property. By July 1, 2010, and annually  
23 thereafter until the entire Dryden pit property has been transferred,  
24 the department shall submit a status report regarding the transaction  
25 to the chairs of the legislative transportation committees.

26 (3) \$3,175,000 of the motor vehicle account--state appropriation is  
27 provided solely for the department's compliance with its national  
28 pollution discharge elimination system permit.

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

1       **Sec. 910.** 2010 c 247 s 216 (uncodified) is amended to read as  
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**  
4 **K**

5	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$673,000</del> ))
6		<u>\$643,000</u>
7	Multimodal Transportation Account--State	
8	Appropriation . . . . .	(( <del>\$200,000</del> ))
9		<u>\$150,000</u>
10	TOTAL APPROPRIATION . . . . .	(( <del>\$873,000</del> ))
11		<u>\$793,000</u>

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

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

21       (2) \$50,000 of the motor vehicle account--state appropriation is  
22 provided solely for the department to investigate the potential to  
23 generate revenue from web site sponsorships and similar ventures and,  
24 if feasible, pursue partnership opportunities.

25       (3) \$75,000 of the motor vehicle account--state appropriation is  
26 provided solely for the implementation of a pilot project allowing  
27 advertisements and sponsorships on select web pages. The pilot project  
28 must be organized under the partnership model described in the  
29 department's web site monetizing feasibility study, which was prepared  
30 under subsection (2) of this section. Once operational, the pilot  
31 project must operate for at least twelve consecutive months. After  
32 twelve months of continuous operation, the department shall provide a  
33 report with recommendations on whether to continue project operations  
34 to the office of financial management and the chairs of the  
35 transportation committees. The department may end the pilot project  
36 after less than twelve consecutive months of operation if insufficient  
37 bids or proposals are received from potential sponsors or advertisers.  
38 For the purpose of this subsection, if a consultant contract is

1 warranted, the consultant contract is deemed a revenue generation  
2 activity as that term is construed in section 602(2), chapter 3, Laws  
3 of 2010.

4 **Sec. 911.** 2010 c 247 s 217 (uncodified) is amended to read as  
5 follows:

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

7 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$347,645,000</del> ))
8	<u>\$348,943,000</u>
9 Motor Vehicle Account--Federal Appropriation . . . . .	\$7,000,000
10 Motor Vehicle Account--Private/Local Appropriation . . . . .	(( <del>\$5,797,000</del> ))
11	<u>\$7,997,000</u>
12 TOTAL APPROPRIATION . . . . .	(( <del>\$360,442,000</del> ))
13	<u>\$363,940,000</u>

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

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

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

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

30 (4) \$7,000,000 of the motor vehicle account--federal appropriation  
31 is for unanticipated federal funds that may be received during the  
32 2009-11 fiscal biennium. Upon receipt of the funds, the department  
33 shall provide a report on the use of the funds to the transportation  
34 committees of the legislature and the office of financial management.

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

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

4 (b) The department is reimbursed from the narrows bridge lights  
5 organization within three months from the date any maintenance work is  
6 performed. If the narrows bridge lights organization is unable to  
7 reimburse the department for any future costs incurred, the lights must  
8 be removed at the expense of the narrows bridge lights organization  
9 subject to the terms of the contract.

10 (6) The department may work with the department of corrections to  
11 utilize corrections crews for the purposes of litter pickup on state  
12 highways.

13 (7) \$650,000 of the motor vehicle account--state appropriation is  
14 provided solely for increased asphalt costs.

15 (8) \$16,800,000 of the motor vehicle account--state appropriation  
16 is provided solely for the high priority maintenance backlog.  
17 Addressing the maintenance backlog must result in increased levels of  
18 service.

19 (9) \$750,000 of the motor vehicle account--state appropriation is  
20 provided solely for the department's compliance with its national  
21 pollution discharge elimination system permit.

22 (10) \$317,000 of the motor vehicle account--state appropriation is  
23 provided solely for maintaining a new active traffic management system  
24 on Interstate 5, Interstate 90, and SR 520. The department shall track  
25 the costs associated with these systems on a corridor basis and report  
26 to the legislative transportation committees on the cost and benefits  
27 of the system.

28 (11) \$286,000 of the motor vehicle account--state appropriation is  
29 provided solely for storm water assessment fees charged by local  
30 governments.

31 **Sec. 912.** 2010 c 247 s 218 (uncodified) is amended to read as  
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
34 **OPERATING**

35	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$51,128,000</del> ))
36		<u>\$49,764,000</u>
37	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000



1 Motor Vehicle Account--Private/Local Appropriation . . . . . \$127,000  
 2 TOTAL APPROPRIATION . . . . . (~~(\$53,305,000)~~)  
 3 \$51,941,000

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

6 (1) \$2,400,000 of the motor vehicle account--state appropriation is  
 7 provided solely for low-cost enhancements. The department shall give  
 8 priority to low-cost enhancement projects that improve safety or  
 9 provide congestion relief. The department shall prioritize low-cost  
 10 enhancement projects on a statewide rather than regional basis. By  
 11 September 1st of each even-numbered year, the department shall provide  
 12 a report to the legislature listing all low-cost enhancement projects  
 13 prioritized on a statewide rather than regional basis completed in the  
 14 prior year.

15 (2) The department, in consultation with the Washington state  
 16 patrol, may continue a pilot program for the patrol to issue  
 17 infractions based on information from automated traffic safety cameras  
 18 in roadway construction zones on state highways. For the purpose of  
 19 this pilot program, during the 2009-11 fiscal biennium, a roadway  
 20 construction zone includes areas where public employees or private  
 21 contractors are not present but where a driving condition exists that  
 22 would make it unsafe to drive at higher speeds, such as, when the  
 23 department is redirecting or realigning lanes on any public roadway  
 24 pursuant to ongoing construction. The department shall use the  
 25 following guidelines to administer the program:

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

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

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

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

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

5 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
6 infractions detected through the use of automated traffic safety  
7 cameras are not part of the registered owner's driving record under RCW  
8 46.52.101 and 46.52.120. Additionally, infractions generated by the  
9 use of automated traffic safety cameras must be processed in the same  
10 manner as parking infractions for the purposes of RCW 3.50.100,  
11 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
12 fine issued under this subsection (2) for an infraction generated  
13 through the use of an automated traffic safety camera is one hundred  
14 thirty-seven dollars. The court shall remit thirty-two dollars of the  
15 fine to the state treasurer for deposit into the state patrol highway  
16 account; and

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

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

1 (4) \$173,000 of the motor vehicle account--state appropriation is  
2 provided solely for the department to continue a pilot tow truck  
3 incentive program and to expand the program to other areas of the  
4 state. The department may provide incentive payments to towing  
5 companies that meet clearance goals on accidents that involve heavy  
6 trucks. The department shall report to the office of financial  
7 management and the transportation committees of the legislature on the  
8 effectiveness of the clearance goals and submit recommendations to  
9 improve the pilot program with the department's 2010 supplemental  
10 omnibus transportation appropriations act submittal. The tow truck  
11 incentive program may continue to provide incentives for quick  
12 clearance of traffic incidents involving large vehicles. The  
13 department shall make recommendations as part of its biennial budget  
14 proposal for expanding the use of the incentive program.

15 (5) \$92,000 of the motor vehicle account--state appropriation is  
16 provided solely for operating a new active traffic management system on  
17 Interstate 5, Interstate 90, and SR 520. The department shall track  
18 the costs associated with these systems on a corridor basis and report  
19 to the legislative transportation committees on the cost and benefits  
20 of the system.

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

23 (7) During the 2009-11 biennium, the department shall implement a  
24 pilot program that expands private transportation providers' access to  
25 high occupancy vehicle lanes. Under the pilot program, when the  
26 department reserves a portion of a highway based on the number of  
27 passengers in a vehicle, the following vehicles must be authorized to  
28 use the reserved portion of the highway if the vehicle has the capacity  
29 to carry eight or more passengers, regardless of the number of  
30 passengers in the vehicle: (a) Auto transportation company vehicles  
31 regulated under chapter 81.68 RCW; (b) passenger charter carrier  
32 vehicles regulated under chapter 81.70 RCW, except marked or unmarked  
33 stretch limousines and stretch sport utility vehicles as defined under  
34 department rules; (c) private nonprofit transportation provider  
35 vehicles regulated under chapter 81.66 RCW; and (d) private employer  
36 transportation service vehicles. For purposes of this subsection,  
37 "private employer transportation service" means regularly scheduled,  
38 fixed-route transportation service that is offered by an employer for

1 the benefit of its employees. By June 30, 2011, the department shall  
2 report to the transportation committees of the legislature on whether  
3 private transportation provider use of high occupancy vehicle lanes  
4 under the pilot program reduces the speeds of high occupancy vehicle  
5 lanes. Nothing in this subsection is intended to authorize the  
6 conversion of public infrastructure to private, for-profit purposes or  
7 to otherwise create an entitlement or other claim by private users to  
8 public infrastructure.

9 **Sec. 913.** 2010 c 247 s 219 (uncodified) is amended to read as  
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**  
12 **SUPPORT--PROGRAM S**

13	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$28,468,000</del> ))
14		<u>\$27,968,000</u>
15	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
16	Multimodal Transportation Account--State	
17	Appropriation . . . . .	\$971,000
18	State Route Number 520 Corridor Account--State	
19	Appropriation . . . . .	\$264,000
20	TOTAL APPROPRIATION . . . . .	(( <del>\$29,733,000</del> ))
21		<u>\$29,233,000</u>

22 The appropriations in this section are subject to the following  
23 conditions and limitations: \$264,000 of the state route number 520  
24 corridor account--state appropriation is provided solely for the costs  
25 directly related to tolling the state route number 520 floating bridge.  
26 This amount must be retained in unallotted status, and may only be  
27 released by the office of financial management after consultation with  
28 the joint transportation committee.

29 **Sec. 914.** 2010 c 247 s 220 (uncodified) is amended to read as  
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**  
32 **AND RESEARCH--PROGRAM T**

33	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$25,955,000</del> ))
34		<u>\$25,384,000</u>
35	Motor Vehicle Account--Federal Appropriation . . . . .	\$22,002,000
36	Multimodal Transportation Account--State	

1	Appropriation . . . . .	\$1,090,000
2	Multimodal Transportation Account--Federal	
3	Appropriation . . . . .	\$3,287,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation . . . . .	\$99,000
6	TOTAL APPROPRIATION . . . . .	<del>(\$52,433,000)</del>
7		<u>\$51,862,000</u>

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

10 (1) \$150,000 of the motor vehicle account--federal appropriation is  
11 provided solely for the costs to develop an electronic map-based  
12 computer application that will enable law enforcement officers and  
13 others to more easily locate collisions and other incidents in the  
14 field.

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

30 (3) \$365,000 of the motor vehicle account--state appropriation and  
31 \$81,000 of the motor vehicle account--federal appropriation are  
32 provided solely for the development of a freight database to help guide  
33 freight investment decisions and track project effectiveness. The  
34 database must be based on truck movement tracked through geographic  
35 information system technology. For the remainder of the biennium, the  
36 department may expand data collection to any highways that have high  
37 truck volumes. TransNow shall contribute additional federal funds that

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

3 (4) \$2,000,000 of the motor vehicle account--state appropriation is  
4 provided solely for scoping unfunded state highway projects to ensure  
5 that a well-vetted project list is available for future program funding  
6 discussions.

7 (a) It is the intent of the legislature that the funding provided  
8 in this subsection support the development of transportation solutions  
9 that benefit all state residents, including addressing the impacts of  
10 traffic diversion from tolled facilities. It is further the intent of  
11 the legislature that the buying power of future revenue packages is  
12 maximized.

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

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

20 (d) Prior to the commencement of the 2011 legislative session, the  
21 department shall provide a report to the legislative transportation  
22 committees and the office of financial management that includes  
23 estimated costs and construction time frames.

24 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state  
25 appropriation is provided solely for a corridor study of state route  
26 number 516 from the eastern border of Maple Valley to state route  
27 number 167 to determine whether improvements are needed and the costs  
28 of any needed improvements.

29 (6) \$500,000 of the multimodal transportation account--federal  
30 appropriation is provided solely for continued support of the  
31 International Mobility and Trade Corridor project and for the  
32 department to work with the Whatcom council of governments to examine  
33 potential improvements to international border freight and passenger  
34 rail movement and the use of diesel multiple units.

35 (7) \$80,000 of the motor vehicle account--state appropriation is  
36 provided solely to continue existing work regarding feasibility of a  
37 new interchange between Rochester and Harrison Avenue on Interstate 5.

1       **Sec. 915.** 2010 c 247 s 221 (uncodified) is amended to read as  
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**  
4 **V**

5	Regional Mobility Grant Program Account--State	
6	Appropriation . . . . .	(( <del>\$65,274,000</del> ))
7		<u>\$56,332,000</u>
8	Multimodal Transportation Account--State	
9	Appropriation . . . . .	(( <del>\$65,667,000</del> ))
10		<u>\$65,547,000</u>
11	Multimodal Transportation Account--Federal	
12	Appropriation . . . . .	\$2,573,000
13	Multimodal Transportation Account--Private/Local	
14	Appropriation . . . . .	\$1,025,000
15	TOTAL APPROPRIATION . . . . .	(( <del>\$134,539,000</del> ))
16		<u>\$125,477,000</u>

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

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

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

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

1 department of transportation. No transit agency may receive more than  
2 thirty percent of these distributions.

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

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

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

16 (3) \$7,000,000 of the multimodal transportation account--state  
17 appropriation is provided solely for a vanpool grant program for: (a)  
18 Public transit agencies to add vanpools or replace vans; and (b)  
19 incentives for employers to increase employee vanpool use. The grant  
20 program for public transit agencies will cover capital costs only;  
21 operating costs for public transit agencies are not eligible for  
22 funding under this grant program. Additional employees may not be  
23 hired from the funds provided in this section for the vanpool grant  
24 program, and supplanting of transit funds currently funding vanpools is  
25 not allowed. The department shall encourage grant applicants and  
26 recipients to leverage funds other than state funds. At least  
27 \$1,600,000 of this amount must be used for vanpool grants in congested  
28 corridors.

29 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation  
30 account--state appropriation is provided solely for a grant for a  
31 flexible carpooling pilot project program to be administered and  
32 monitored by the department. Funds are appropriated for one time only.  
33 The pilot project program must: Test and implement at least one  
34 flexible carpooling system in a high-volume commuter area that enables  
35 carpooling without prearrangement; utilize technologies that, among  
36 other things, allow for transfer of ride credits between participants;  
37 and be a membership system that involves prescreening to ensure safety  
38 of the participants. The program must include a pilot project that



1 targets commuter traffic on the state route number 520 bridge. The  
2 department shall submit to the legislature by December 2010 a report on  
3 the program results and any recommendations for additional flexible  
4 carpooling programs.

5 (5) \$3,318,000 of the multimodal transportation account--state  
6 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility  
7 grant program account--state appropriation are reappropriated and  
8 provided solely for the regional mobility grant projects identified on  
9 the LEAP Transportation Document 2007-B, as developed April 20, 2007,  
10 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.  
11 The department shall continue to review all projects receiving grant  
12 awards under this program at least semiannually to determine whether  
13 the projects are making satisfactory progress. The department shall  
14 promptly close out grants when projects have been completed, and any  
15 remaining funds available to the office of transit mobility must be  
16 used only to fund projects on the LEAP Transportation Document 2006-D,  
17 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as  
18 developed April 20, 2007; or the LEAP Transportation Document 2009-B,  
19 as developed April 24, 2009. It is the intent of the legislature to  
20 appropriate funds through the regional mobility grant program only for  
21 projects that will be completed on schedule. However, the Chuckanut  
22 park and ride project (101100G) is recognized as a crucial investment  
23 in the transportation system. For this reason, the department shall  
24 not close out the grant for the Chuckanut park and ride project until  
25 Skagit transit has exhausted all other pending opportunities for  
26 federal and local funds. If additional funds cannot be secured, the  
27 department shall consider this project a priority in the 2011-13 grant  
28 process. The department shall make every effort to advance the  
29 Chuckanut park and ride project within existing resources.

30 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant  
31 program account--state appropriation is provided solely for the  
32 regional mobility grant projects identified in LEAP Transportation  
33 Document 2009-B, as developed April 24, 2009. The department shall  
34 review all projects receiving grant awards under this program at least  
35 semiannually to determine whether the projects are making satisfactory  
36 progress. Any project that has been awarded funds, but does not report  
37 activity on the project within one year of the grant award, must be  
38 reviewed by the department to determine whether the grant should be

1 terminated. The department shall promptly close out grants when  
2 projects have been completed, and any remaining funds available to the  
3 office of transit mobility must be used only to fund projects  
4 identified in LEAP Transportation Document 2009-B, as developed April  
5 24, 2009. The department shall provide annual status reports on  
6 December 15, 2009, and December 15, 2010, to the office of financial  
7 management and the transportation committees of the legislature  
8 regarding the projects receiving the grants. It is the intent of the  
9 legislature to appropriate funds through the regional mobility grant  
10 program only for projects that will be completed on schedule.

11 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant  
12 program account--state appropriation must be obligated no later than  
13 December 31, 2010, and is provided solely for the following recommended  
14 contingency regional mobility grant projects identified in the 2009-11  
15 omnibus transportation appropriations act, LEAP Transportation Document  
16 2009-B, as developed April 24, 2009, as follows:

17 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the  
18 Rainier/Jackson transit priority corridor improvements;

19 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route  
20 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to  
21 west of 96th Ave NE) project; and

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

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

33 (9) \$130,000 of the multimodal transportation account-- state  
34 appropriation is provided solely to the department to distribute to  
35 support Engrossed Substitute House Bill No. 2072 (special needs  
36 transportation).

37 (a) \$80,000 of the amount provided in this subsection is provided

1 solely for implementation of the work group related to federal  
2 requirements in section 1, chapter . . . (Engrossed Substitute House  
3 Bill No. 2072), Laws of 2009.

4 (b) \$50,000 of the amount provided in this subsection is provided  
5 solely to support the pilot project to be developed or implemented by  
6 the local coordinating coalition comprised of a single county,  
7 described in sections 9, 10, and 11, chapter . . . (Engrossed  
8 Substitute House Bill No. 2072), Laws of 2009. The department shall  
9 assist the local coordinating coalition to seek funding sufficient to  
10 fully fund the pilot project from a variety of sources including, but  
11 not limited to, the regional transit authority serving the county, the  
12 regional transportation planning organization serving the county, and  
13 other appropriate state and federal agencies and grants. Development  
14 or implementation of the pilot project is contingent on securing  
15 funding sufficient to fully fund the pilot project.

16 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by  
17 June 30, 2009, the amount provided in this subsection (9) lapses. If  
18 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,  
19 but a commitment from other sources to fully fund the pilot project  
20 described in (b) of this subsection has not been obtained by September  
21 30, 2009, the amount provided in (b) of this subsection lapses.

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

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

29 (12) \$2,309,000 of the multimodal transportation account--state  
30 appropriation is provided solely for the tri-county connection service  
31 for Island, Skagit, and Whatcom transit agencies.

32 **Sec. 916.** 2010 c 247 s 222 (uncodified) is amended to read as  
33 follows:

34	<b>FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X</b>	
35	Puget Sound Ferry Operations Account--State	
36	Appropriation . . . . .	(( <del>\$425,922,000</del> ))
37		<u>\$447,460,000</u>

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

3 (1) (~~(\$78,754,952)~~) \$97,053,000 of the Puget Sound ferry operations  
4 account--state appropriation is provided solely for auto ferry vessel  
5 operating fuel in the 2009-11 fiscal biennium. This appropriation is  
6 contingent upon the enactment of sections 716 and 701 of this act. All  
7 fuel purchased by the Washington state ferries at Harbor Island truck  
8 terminal for the operation of the Washington state ferries diesel  
9 powered vessels must be a minimum of five percent biodiesel blend so  
10 long as the per gallon price of diesel containing a five percent  
11 biodiesel blend level does not exceed the per gallon price of diesel by  
12 more than five percent.

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

17 (3) If, after the department's review of fares and pricing  
18 policies, the department proposes a fuel surcharge, the department must  
19 evaluate other cost savings and fuel price stabilization strategies  
20 that would be implemented before the imposition of a fuel surcharge.  
21 The department shall report to the legislature and transportation  
22 commission on its progress of implementing new fuel forecasting and  
23 budgeting practices, price hedging contracts for fuel purchases, and  
24 fuel conservation strategies by November 30, 2010.

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

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

37 (6) The department shall analyze operational solutions to enhance

1 service on the Bremerton to Seattle ferry run. The Washington state  
2 ferries shall report its analysis to the transportation committees of  
3 the legislature by December 1, 2009.

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

10 (8) (~~(\$4,794,000)~~) \$6,116,000 of the Puget Sound ferry operations  
11 account--state appropriation is provided solely for commercial  
12 insurance for ferry assets. The office of financial management, after  
13 consultation with the transportation committees of the legislature,  
14 must present a business plan for the Washington state ferry system's  
15 insurance coverage to the 2010 legislature. The business plan must  
16 include a cost-benefit analysis of Washington state ferries' current  
17 commercial insurance purchased for ferry assets and a review of self-  
18 insurance for noncatastrophic events.

19 (9) \$1,100,000 of the Puget Sound ferry operations account--state  
20 appropriation is provided solely for a marketing program. The  
21 department shall present a marketing program proposal to the  
22 transportation committees of the legislature during the 2010  
23 legislative session before implementing this program. Of this amount,  
24 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of  
25 Coupeville for mitigation expenses related to only one vessel operating  
26 on the Port Townsend/Keystone ferry route. The moneys provided to the  
27 city of Port Townsend and town of Coupeville are not contingent upon  
28 the required marketing proposal.

29 (10) \$350,000 of the Puget Sound ferry operations account--state  
30 appropriation is provided solely for two extra trips per day during the  
31 summer of 2009 season, beyond the current schedule, on the Port  
32 Townsend/Keystone route.

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

36 (12) The legislature finds that measuring the performance of  
37 Washington state ferries requires the measurement of quality,  
38 timeliness, and unit cost of services delivered to customers.

1 Consequently, the department must develop a set of metrics that measure  
2 that performance and report to the transportation committees of the  
3 legislature and to the office of financial management on the  
4 development of these measurements along with recommendations to the  
5 2010 legislature on which measurements must become a part of the next  
6 omnibus transportation appropriations act.

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

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

25 (b) The process for appointing an investigating officer or officers  
26 and a description of the authorities and responsibilities of the  
27 investigating officer or officers. The investigating officer or  
28 officers must:

29 (i) Have the appropriate training and experience as determined by  
30 the policy;

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

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

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

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

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

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

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

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

18 (14) \$7,300,000 of the Puget Sound ferry operations account--state  
19 appropriation is provided solely for the purposes of travel time  
20 associated with Washington state ferries employees. However, if  
21 Engrossed Substitute House Bill No. 3209 (managing costs of ferry  
22 system) is enacted by June 30, 2010, containing an appropriation for  
23 purposes of travel time associated with Washington state ferries  
24 employees, the amount provided in this subsection lapses.

25 (15) \$50,000 of the Puget Sound ferry operations account--state  
26 appropriation is provided solely to implement a mechanism to report on-  
27 time performance statistics.

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

34 (b) The department shall, by November 1, 2010, report to the  
35 transportation committees of the legislature statistics regarding its  
36 on-time arrival and departure status on a route-by-route and month-by-  
37 month basis, as well as an annual route-by-route and systemwide basis,  
38 weighted by the number of customers on each sailing and distinguishing

1 peak period on-time performance. The statistics must include reasons  
2 for any delays over ten minutes from the scheduled time. The  
3 statistics must be prominently displayed on the Washington state  
4 ferries' web site. Each Washington state ferries vessel and terminal  
5 must prominently display the statistics as they relate to their  
6 specific route.

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

11 (17) By July 1, 2010, the department shall provide to the governor  
12 and the transportation committees of the senate and house of  
13 representatives a listing of all benefits that Washington state ferries  
14 union employees receive that other state employees do not traditionally  
15 receive. The listing must include any costs associated with these  
16 benefits.

17 **Sec. 917.** 2010 c 247 s 223 (uncodified) is amended to read as  
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
20 Multimodal Transportation Account--State  
21 Appropriation . . . . . ((~~\$37,371,000~~))  
22 \$29,871,000  
23 Multimodal Transportation Account--Federal  
24 Appropriation . . . . . \$100,000  
25 TOTAL APPROPRIATION . . . . . \$29,971,000

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

28 (1) (~~\$31,591,000~~) \$24,091,000 of the multimodal transportation  
29 account--state appropriation is provided solely for the Amtrak service  
30 contract and Talgo maintenance contract associated with providing and  
31 maintaining the state-supported passenger rail service. Upon  
32 completion of the rail platform project in the city of Stanwood, the  
33 department shall provide daily Amtrak Cascades service to the city.

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

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





1 initial fees collected for the new waste water treatment lines, waste  
2 water plants, water lines, and water systems.

3 **Sec. 1002.** 2010 c 247 s 301 (uncodified) is amended to read as  
4 follows:

5 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

6 Rural Arterial Trust Account--State Appropriation . . .	(( <del>\$73,000,000</del> ))
7	<u>\$71,500,000</u>
8 Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
9 County Arterial Preservation Account--State	
10 Appropriation . . . . .	(( <del>\$31,400,000</del> ))
11	<u>\$30,400,000</u>
12 TOTAL APPROPRIATION . . . . .	(( <del>\$105,448,000</del> ))
13	<u>\$102,948,000</u>

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

16 (1) \$1,048,000 of the motor vehicle account--state appropriation  
17 may be used for county ferry projects as developed pursuant to RCW  
18 47.56.725(4).

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

27 (3) \$22,000,000 of the rural arterial trust account--state  
28 appropriation is provided solely for additional grants for county road  
29 projects as approved by the county road administration board.

30 **Sec. 1003.** 2010 c 247 s 302 (uncodified) is amended to read as  
31 follows:

32 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

33 Small City Pavement and Sidewalk Account--State	
34 Appropriation . . . . .	\$3,927,000
35 Urban Arterial Trust Account--State Appropriation . .	(( <del>\$123,900,000</del> ))
36	<u>\$122,344,000</u>

1	Transportation Improvement Account--State	
2	Appropriation . . . . .	(( <del>\$81,643,000</del> ))
3		<u>\$80,643,000</u>
4	TOTAL APPROPRIATION . . . . .	(( <del>\$209,470,000</del> ))
5		<u>\$206,914,000</u>

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

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

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

14 **Sec. 1004.** 2009 c 470 s 305 (uncodified) is amended to read as  
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**  
17 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

18	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$4,810,000</del> ))
19		<u>\$4,623,000</u>

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

22 (1) \$1,198,000 of the motor vehicle account--state appropriation is  
23 provided solely for the Olympic region site acquisition debt service  
24 payments and administrative costs associated with capital improvement  
25 and preservation project and financial management.

26 (2) ((~~\$3,612,000~~)) \$3,425,000 of the motor vehicle account--state  
27 appropriation is provided solely for high priority safety projects that  
28 are directly linked to employee safety, environmental risk, or minor  
29 works that prevent facility deterioration. This includes the  
30 administrative costs associated with those projects and the  
31 reconstruction of the Wandermere facility that was destroyed in the  
32 2008-09 winter storms.

33 **Sec. 1005.** 2010 c 247 s 303 (uncodified) is amended to read as  
34 follows:

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

36 Multimodal Transportation Account--State

1	Appropriation . . . . .	(( <del>\$98,000</del> ))
2		<u>\$2,000</u>
3	Transportation Partnership Account--State	
4	Appropriation . . . . .	(( <del>\$1,665,644,000</del> ))
5		<u>\$1,326,290,000</u>
6	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$85,534,000</del> ))
7		<u>\$66,880,000</u>
8	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$570,107,000</del> ))
9		<u>\$532,554,000</u>
10	Motor Vehicle Account--Private/Local	
11	Appropriation . . . . .	(( <del>\$70,714,000</del> ))
12		<u>\$83,270,000</u>
13	Special Category C Account--State Appropriation . . . . .	\$25,221,000
14	Transportation 2003 Account (Nickel Account)--State	
15	Appropriation . . . . .	(( <del>\$713,205,000</del> ))
16		<u>\$590,797,000</u>
17	Freight Mobility Multimodal Account--State	
18	Appropriation . . . . .	(( <del>\$4,574,000</del> ))
19		<u>\$4,575,000</u>
20	Tacoma Narrows Toll Bridge Account--State	
21	Appropriation . . . . .	(( <del>\$789,000</del> ))
22		<u>\$797,000</u>
23	State Route Number 520 Corridor Account--State	
24	Appropriation . . . . .	(( <del>\$231,763,000</del> ))
25		<u>\$229,838,000</u>
26	<del>((State Route Number 520 Civil Penalties Account--State</del>	
27	<del>Appropriation . . . . .</del>	<del>\$1,190,000))</del>
28	TOTAL APPROPRIATION . . . . .	(( <del>\$3,368,839,000</del> ))
29		<u>\$2,860,224,000</u>

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

32 (1) Except as provided otherwise in this section, the entire  
33 transportation 2003 account (nickel account) appropriation and the  
34 entire transportation partnership account appropriation are provided  
35 solely for the projects and activities as listed by fund, project, and  
36 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed  
37 March ((~~8, 2010~~)) 22, 2011, Program - Highway Improvement Program (I).  
38 However, limited transfers of specific line-item project appropriations

1 may occur between projects for those amounts listed subject to the  
2 conditions and limitations in section 603 (~~(of this act)~~), chapter  
3 . . . (Senate Bill No. 5176), Laws of 2011.

4 (2) (~~(\$163,385,000)~~) \$158,094,000 of the transportation partnership  
5 account--state appropriation and (~~(\$231,763,000)~~) \$229,838,000 of the  
6 state route number 520 corridor account--state appropriation are  
7 provided solely for the state route number 520 bridge replacement and  
8 HOV project. The department shall submit an application for the  
9 eastside transit and HOV project to the supplemental discretionary  
10 grant program for regionally significant projects as provided in the  
11 American Recovery and Reinvestment Act of 2009.

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

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

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

25 (6) The department shall, on a quarterly basis beginning July 1,  
26 2009, provide to the office of financial management and the legislature  
27 reports providing the status on each active project funded in part or  
28 whole by the transportation 2003 account (nickel account) or the  
29 transportation partnership account. Funding provided at a programmatic  
30 level for transportation partnership account and transportation 2003  
31 account (nickel account) projects relating to bridge rail, guard rail,  
32 fish passage barrier removal, and roadside safety projects should be  
33 reported on a programmatic basis. Projects within this programmatic  
34 level funding should be completed on a priority basis and scoped to be  
35 completed within the current programmatic budget. Report formatting  
36 and elements must be consistent with the October 2009 quarterly project  
37 report. On a representative sample of new construction contracts

1 valued at fifteen million dollars or more, the department must also use  
2 an earned value method of project monitoring.

3 (7) The transportation 2003 account (nickel account)--state  
4 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds  
5 from the sale of bonds authorized by RCW 47.10.861.

6 (8) The transportation partnership account--state appropriation  
7 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the  
8 sale of bonds authorized in RCW 47.10.873.

9 (9) The special category C account--state appropriation includes up  
10 to (~~(\$25,221,000)~~) \$25,022,000 in proceeds from the sale of bonds  
11 authorized in RCW 47.10.812.

12 (10) The motor vehicle account--state appropriation includes up to  
13 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds  
14 authorized in RCW 47.10.843.

15 (11) The state route number 520 corridor account--state  
16 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds  
17 from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

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

7 (i) Funding a portion of the Columbia river crossing project with  
8 tolls;

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

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

13 (h) Provide a report to the governor and the legislature by January  
14 2010.

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

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

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

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

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

34 (iv) Provide a report to the governor and the legislature by  
35 January 2010.

36 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state  
37 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--  
38 federal appropriation are provided solely for project 100224I, US 2

1 high priority safety project. Expenditure of these funds is for safety  
2 projects on state route number 2 between Monroe and Gold Bar, which may  
3 include median rumble strips, traffic cameras, and electronic message  
4 signs.

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

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

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

25 (18) \$250,000 of the motor vehicle account--state appropriation is  
26 provided solely for the design and construction of a right turn lane to  
27 improve visibility and traffic flow on state route number 195 and  
28 Cheney-Spokane Road (project L1000001).

29 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal  
30 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--  
31 state appropriation are provided solely for the Westview school noise  
32 wall (project WESTV).

33 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state  
34 appropriation and \$131,000 of the motor vehicle account--federal  
35 appropriation are provided solely for interchange design and planning  
36 work on US 12 at A Street and Tank Farm Road (project PASCO).

37 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership  
38 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle



1 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor  
2 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)  
3 \$9,422,000 of the motor vehicle account--federal appropriation are  
4 provided solely for project 400506A, the I-5/Columbia river  
5 crossing/Vancouver project. The funding described in this subsection  
6 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of  
7 Oregon.

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

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

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

22 (23) The department shall evaluate a potential deep bore culvert  
23 for the state route number 305/Bjorgen creek fish barrier project  
24 identified as project 330514A in LEAP Transportation Document ALL  
25 PROJECTS 2009-2, as developed April 24, 2009. The department shall  
26 evaluate whether a deep bore culvert will be a less costly alternative  
27 than a traditional culvert since a traditional culvert would require  
28 extensive road detours during construction.

29 (24) Project number 330215A in the LEAP transportation document  
30 described in subsection (1) of this section is expanded to include  
31 safety and congestion improvements from the Key Peninsula Highway to  
32 the vicinity of Purdy. The department shall consult with the  
33 Washington traffic safety commission to ensure that this project  
34 includes improvements at intersections and along the roadway to reduce  
35 the frequency and severity of collisions related to roadway conditions  
36 and traffic congestion.

37 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership  
38 account--state appropriation is provided solely for project 109040Q,

1 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3  
2 project, as indicated in the LEAP transportation document referenced in  
3 subsection (1) of this section.

4 (26) The department shall continue to work with the local partners  
5 in developing transportation solutions necessary for the economic  
6 growth in the Red Mountain American Viticulture Area of Benton county.

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

18 (28) Within the motor vehicle account--state appropriation and  
19 motor vehicle account--federal appropriation, the department may  
20 transfer funds between programs I and P, except for funds that are  
21 otherwise restricted in this act.

22 (29) Within the amounts provided in this section, \$200,000 of the  
23 transportation partnership account--state appropriation is provided  
24 solely for the department to prepare a comprehensive tolling study of  
25 the state route number 167 corridor to determine the feasibility of  
26 administering tolls within the corridor, identified as project number  
27 316718A in the LEAP transportation document described in subsection (1)  
28 of this section. The department shall report to the joint  
29 transportation committee by September 30, 2010. The department shall  
30 regularly report to the Washington transportation commission regarding  
31 the progress of the study for the purpose of guiding the commission's  
32 potential toll setting on the facility. The elements of the study must  
33 include, at a minimum:

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

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

37 (c) Economic considerations for future system investments.

1 (30) Within the amounts provided in this section, \$200,000 of the  
2 transportation partnership account--state appropriation is provided  
3 solely for the department to prepare a comprehensive tolling study of  
4 the state route number 509 corridor to determine the feasibility of  
5 administering tolls within the corridor, identified as project number  
6 850901F in the LEAP transportation document described in subsection (1)  
7 of this section. The department shall report to the joint  
8 transportation committee by September 30, 2010. The department shall  
9 regularly report to the Washington transportation commission regarding  
10 the progress of the study for the purpose of guiding the commission's  
11 potential toll setting on the facility. The elements of the study must  
12 include, at a minimum:

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

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

28 (32) \$400,000 of the motor vehicle account--state appropriation is  
29 provided solely for the department to conduct a state route number 2  
30 route development plan (project L2000016) that will identify essential  
31 improvements needed between the port of Everett/Naval station and  
32 approaching the state route number 9 interchange near the city of  
33 Snohomish.

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

1 (34) \$200,000 of the transportation partnership account--state  
2 appropriation, identified on project number 400506A in the LEAP  
3 transportation document described in subsection (1) of this section, is  
4 provided solely for the department to work with the department of  
5 archaeology and historic preservation to ensure that the cultural  
6 resources investigation is properly conducted on the Columbia river  
7 crossing project. This project must be conducted with active  
8 archaeological management and result in one report that spans the  
9 single cultural area in Oregon and Washington. Additionally, the  
10 department shall establish a scientific peer review of independent  
11 archaeologists that are knowledgeable about the region and its cultural  
12 resources.

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

20 (36) Within the amounts provided in this section, \$1,500,000 of the  
21 motor vehicle account--state appropriation is provided solely for  
22 necessary work along the south side of SR 532, identified as project  
23 number 053255C in the LEAP transportation document described in  
24 subsection (1) of this section.

25 (37) \$10,000,000 of the transportation partnership account--state  
26 appropriation is provided solely for the Spokane street viaduct portion  
27 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as  
28 indicated in the LEAP transportation document referenced in subsection  
29 (1) of this section.

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

1 (39) The department shall apply for the competitive portion of  
2 federal transit administration funds for eligible transit-related costs  
3 of the state route number 520 bridge replacement and HOV project and  
4 the Columbia river crossing project. The federal funds described in  
5 this subsection must not include those federal transit administration  
6 funds distributed by formula. The department shall provide a report  
7 regarding this effort to the legislature by January 1, 2010.

8 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--  
9 federal appropriation (~~(is)~~) and \$1,405,000 of the motor vehicle  
10 account--state appropriation are provided solely for the Alaskan Way  
11 Viaduct - Automatic Shutdown project, identified as project L1000034.

12 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--  
13 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle  
14 account--state appropriation are provided solely for the US 12/Nine  
15 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified  
16 as project 501210T.

17 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal  
18 appropriation is provided solely for the Express Lanes System Concept  
19 Study project, identified as project 800020A. As part of this project,  
20 the department shall prepare a comprehensive tolling study of the  
21 Interstate 5 express lanes to determine the feasibility of  
22 administering tolls within the corridor. The department shall  
23 regularly report to the Washington transportation commission regarding  
24 the progress of the study. The elements of the study must include, at  
25 a minimum:

26 (i) The potential for value pricing to generate revenues for needed  
27 transportation facilities;

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

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

30 (iv) An analysis of the impacts to the regional transportation  
31 system.

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

34 (~~(44) \$226,000~~) (43) \$206,000 of the motor vehicle account--  
35 federal appropriation and \$9,000 of the motor vehicle account--state  
36 appropriation are provided solely for the SR 16/Rosedale Street NW  
37 Vicinity - Frontage Road project (301639C). These funds must not be

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

4 ~~((45))~~ (44) The department shall work with the Washington state  
5 transportation commission, the Oregon state department of  
6 transportation, and the Oregon state transportation commission to  
7 analyze and review potential options for a bistate, toll setting  
8 framework. As part of the analysis, the department shall undertake the  
9 following actions: Review statutory provisions and the governance  
10 structures of toll facilities in the United States that are located  
11 within two or more states; review relevant federal law regarding  
12 transportation facilities that are located within two or more states;  
13 consult with the state treasurers in Washington and Oregon regarding  
14 the appropriate structure for the issuance of debt for toll facilities  
15 that are located within two states; report findings and recommendations  
16 to the Columbia river project sponsor's council by October 1, 2010; and  
17 provide a final report to the governor and the legislature by June 30,  
18 2011.

19 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state  
20 appropriation is provided solely for improvements from Allan Road to  
21 state route number 12 (501207Z).

22 ~~((47) \$500,000)~~ (46) \$455,000 of the motor vehicle account--state  
23 appropriation is provided solely for a traffic signal at the  
24 intersection of state route number 7 and state route number 702  
25 (300738A).

26 ~~((48) \$750,000)~~ (47) \$316,000 of the motor vehicle account--state  
27 appropriation is provided solely for environmental work on the Belfair  
28 Bypass (project 300344C).

29 ~~((49))~~ (48) The legislature finds that state route number 522  
30 corridor provides an important link between Interstates 5 and 405 and  
31 will be impacted by diversion from tolling elsewhere in the region.  
32 State route number 522 must be reviewed as part of the scoping work  
33 conducted under section 220(4) of this act. As such, the legislature  
34 intends to provide additional funding for the corridor as a priority in  
35 the next revenue package. The state will work with the affected cities  
36 and the federal government to secure the necessary resources to address  
37 the needs of this critical corridor.

1           (~~(+50)~~ \$500,000) (49) \$558,000 of the motor vehicle account--state  
2 appropriation is provided solely for the US 12/SR 122/Mossyrock -  
3 Intersection project (401212R) for safety improvements.

4           (~~(+51)~~) (50) \$200,000 of the motor vehicle account--federal  
5 appropriation is provided solely for project US 97A/North of Wenatchee  
6 - Wildlife Fence (209790B), and an offsetting reduction is anticipated  
7 in the 2011-13 biennium.

8           (~~(+52)~~) (51) If a planned roundabout in the vicinity of state  
9 route number 526 and 84th Street SW would divert commercial traffic  
10 onto neighborhood streets, the department may not proceed with  
11 improvements at state route number 526 and 84th Street SW until the  
12 traffic impacts in the vicinity of state route number 526 and 40th  
13 Avenue West are addressed.

14           (~~(+53)~~) (52) The department shall conduct a collision analysis  
15 corridor study on state route number 167 from milepost 0 to milepost 5  
16 and report to the transportation committees of the legislature on the  
17 analysis results by December 1, 2010.

18           (~~(+54)~~ \$2,600,000) (53) \$357,000 of the motor vehicle account--  
19 federal appropriation is provided solely for the ITS Advanced Traveler  
20 Information System project in Whatcom county (100589B).

21           (~~(+55)~~ \$900,000) (54) \$94,000 of the motor vehicle account--  
22 federal appropriation is provided solely for the US 97/Cameron Lake  
23 Road intersection improvements project in Okanogan county (209700W).

24           (~~(+56)~~ \$400,000) (55) \$294,000 of the motor vehicle account--  
25 federal appropriation and (~~(\$100,000)~~) \$74,000 of the motor vehicle  
26 account--state appropriation are provided solely for the SR 9/SR 204  
27 Intersection Improvement project (L2000040).

28           (~~(+57)~~) (56) The legislature finds that the state route number 12  
29 widening from state route number 124 to Walla Walla is an important  
30 east-west corridor in the southeast region of the state. Widening the  
31 highway to four lanes will increase safety and improve freight  
32 mobility. Therefore, the legislature intends for the department to use  
33 up to two million dollars in future redistributed federal obligation  
34 authority that may be received by the department for right-of-way  
35 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -  
36 Phase 7-A project (501210T).





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

3 (4) \$6,636,000 of the Puyallup tribal settlement account--state  
4 appropriation is provided solely for costs associated with the Murray  
5 Morgan/11th Street bridge project. The city of Tacoma may use the  
6 Puyallup tribal settlement account appropriation and other appropriated  
7 funds for bridge rehabilitation, bridge replacement, bridge demolition,  
8 and related mitigation. The department's participation, including  
9 prior expenditures, may not exceed \$40,270,000. The city of Tacoma has  
10 taken ownership of the bridge in its entirety, and the payment of these  
11 funds extinguishes any real or implied agreements regarding future  
12 bridge expenditures.

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

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

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

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

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

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

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

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

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

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

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

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

28 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state  
29 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle  
30 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the  
31 transportation partnership account--state appropriation are provided  
32 solely for the SR 104/Hood Canal bridge - replace east half project,  
33 identified as project 310407B in the LEAP transportation document  
34 described in subsection (1) of this section.

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

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

4 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--  
5 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle  
6 account--state appropriation are provided solely for the environmental  
7 impact statement and preliminary planning for the replacement of the  
8 state route number 9 Snohomish river bridge (project L2000018).

9 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--  
10 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle  
11 account--state appropriation are provided solely for the SR 410/Nile  
12 Valley Landslide - Establish Interim Detour project (541002R).

13 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--  
14 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle  
15 account--state appropriation are provided solely for the SR 410/Nile  
16 Valley Landslide - Reconstruct Route project (541002T).

17 ((+16)) (15) The legislature anticipates a report in September  
18 2010 that will outline the department's recommendation for developing  
19 a Keller Ferry replacement at the lowest cost. The legislature  
20 supports the request to the federal government for federal aid for a  
21 replacement vessel and intends to provide reasonable matching amounts  
22 as necessary.

23 ((+17) ~~\$2,100,000~~) (16) \$194,000 of the motor vehicle account--  
24 federal appropriation is provided solely for the SR 21/Kettle River to  
25 Malo paving project in Ferry county (602117A).

26 **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as  
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
29 **CAPITAL**

30	Motor Vehicle Account--State Appropriation . . . . .	( <del>(\$8,158,000)</del> )
31		<u>\$6,847,000</u>
32	Motor Vehicle Account--Federal Appropriation . . . . .	( <del>(\$18,037,000)</del> )
33		<u>\$11,412,000</u>
34	Motor Vehicle Account--Private/Local Appropriation . . . . .	( <del>(\$173,000)</del> )
35		<u>\$174,000</u>
36	TOTAL APPROPRIATION . . . . .	( <del>(\$26,368,000)</del> )
37		<u>\$18,433,000</u>

1       **Sec. 1008.** 2010 c 283 s 19 (uncodified) is amended to read as  
2 follows:

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

5	Puget Sound Capital Construction Account--State	
6	Appropriation . . . . .	(( <del>\$126,824,000</del> ))
7		<u>\$117,533,000</u>
8	Puget Sound Capital Construction Account--Federal	
9	Appropriation . . . . .	(( <del>\$60,364,000</del> ))
10		<u>\$51,194,000</u>
11	Puget Sound Capital Construction Account--Local	
12	Appropriation . . . . .	\$200,000
13	Transportation 2003 Account (Nickel Account)--State	
14	Appropriation . . . . .	(( <del>\$51,734,000</del> ))
15		<u>\$51,735,000</u>
16	Transportation Partnership Account--State	
17	Appropriation . . . . .	(( <del>\$66,879,000</del> ))
18		<u>\$102,660,000</u>
19	Multimodal Transportation Account--State	
20	Appropriation . . . . .	\$149,000
21	TOTAL APPROPRIATION . . . . .	(( <del>\$306,150,000</del> ))
22		<u>\$323,471,000</u>

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

25       (1) ((~~\$126,824,000~~)) \$102,533,000 of the Puget Sound capital  
26 construction account--state appropriation, ((~~\$60,364,000~~)) \$51,194,000  
27 of the Puget Sound capital construction account--federal appropriation,  
28 \$200,000 of the Puget Sound capital construction account--local  
29 appropriation, ((~~\$66,879,000~~)) \$102,660,000 of the transportation  
30 partnership account--state appropriation, ((~~\$51,734,000~~)) \$51,735,000  
31 of the transportation 2003 account (nickel account)--state  
32 appropriation, and \$149,000 of the multimodal transportation account--  
33 state appropriation are provided solely for ferry capital projects,  
34 project support, and administration as listed in LEAP Transportation  
35 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed March ((~~8, 2010~~))  
36 22, 2011, Program - Washington State Ferries ((~~Construction~~)) Capital  
37 Program (W). Of the total appropriation, a maximum of \$10,627,000 may  
38 be used for administrative support, a maximum of ((~~\$8,184,000~~))

1 \$7,635,000 may be used for terminal project support, and a maximum of  
2 \$4,497,000 may be used for vessel project support. Of the total  
3 appropriation, \$5,851,000 is provided solely for a reservation system  
4 and associated communications projects.

5 (2) (~~(\$51,734,000)~~) \$51,724,000 of the transportation 2003 account  
6 (nickel account)--state appropriation, (~~(\$63,100,000)~~) \$99,862,000 of  
7 the transportation partnership account--state appropriation, and  
8 (~~(\$10,164,000)~~) \$10,165,000 of the Puget Sound capital construction  
9 account--state appropriation are provided solely for the acquisition of  
10 three new Island Home class ferry vessels subject to the conditions of  
11 RCW 47.56.780. The department shall pursue a contract for the second  
12 and third Island Home class ferry vessels with an option to purchase a  
13 fourth Island Home class ferry vessel. However, if sufficient  
14 resources are available to build one 144-auto vessel prior to  
15 exercising the option to build the fourth Island Home class ferry  
16 vessel, procurement of the fourth Island Home class ferry vessel will  
17 be postponed and the department shall pursue procurement of a 144-auto  
18 vessel.

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

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

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

30 (3)(a) \$8,450,000 of the Puget Sound capital construction account--  
31 state appropriation (~~(and \$2,450,000)~~), \$2,000 of the Puget Sound  
32 capital construction account--federal appropriation, and \$1,450,000 of  
33 the transportation partnership account--state appropriation are  
34 provided solely for the following projects related to the design of a  
35 144-vehicle vessel class: (i) (~~(\$1,380,000)~~) \$700,000 is provided  
36 solely for completion of the contract for owner-furnished equipment;  
37 (ii) \$8,320,000 is provided solely for completion of the technical  
38 design, detail design, and production drawings(~~(, all of which must~~

1 ~~plan for an aluminum superstructure~~); (iii) ~~(((\$480,000))~~ \$300,000 is  
2 provided solely for the storage of owner-furnished equipment; and (iv)  
3 a maximum of ~~(((\$720,000))~~ \$582,000 is for construction engineering. In  
4 completing the contract for owner-furnished equipment, the department  
5 shall use as much of the already procured equipment as is practicable  
6 on the Island Home class ferry vessels if it is likely to be obsolete  
7 before it is used in procured 144-vehicle vessels.

8 (b) The department shall conduct a cost-benefit study on  
9 alternative furnishings and fittings for the 144-vehicle vessel class.  
10 The study must review the proposed interior furnishings and fittings  
11 for the long-term maintenance and out-of-service vessel costs and, if  
12 appropriate, propose alternative interior furnishings and fittings that  
13 will decrease long-term maintenance and out-of-service vessel costs.  
14 The study must include a projection of out-of-service time and a life-  
15 cycle cost analysis of planned out-of-service time, including the  
16 impact on fleet size. The department must submit the study to the  
17 joint transportation committee by August 1, 2010.

18 ~~((c) The department shall identify costs for any additional detail  
19 design and production drawings costs related to incorporating the  
20 aluminum superstructure and any changes in the proposed furnishings and  
21 fittings.))~~

22 (4) ~~(((\$6,300,000))~~ \$2,000,000 of the Puget Sound capital  
23 construction account-- state appropriation is provided solely for  
24 emergency capital costs.

25 (5) \$3,000,000 of the Puget Sound capital construction account--  
26 federal appropriation is provided solely for completing the Anacortes  
27 terminal design up to the maximum allowable construction cost phase.  
28 Beyond preparing environmental work, these funds may be spent only  
29 after the following conditions have been met: (a) A value engineering  
30 process is conducted on the existing design and the concept of a  
31 terminal building smaller than preferred alternative; (b) the office of  
32 financial management participates in the value engineering process; (c)  
33 the office of financial management concurs with the recommendations of  
34 the value engineering process; and (d) the office of financial  
35 management gives its approval to proceed with the design work.

36 (6) ~~(((\$3,965,000 of the Puget Sound capital construction account--  
37 state appropriation is provided solely for the following vessel  
38 projects: Waste heat recovery pilot project for the Issaquah; jumbo~~

1 ~~Mark 1 class steering gear ventilation pilot project; and improvements~~  
2 ~~to the Yakima and Kaleetan propulsion controls to allow for two engine~~  
3 ~~operation. Before beginning these projects, the Washington state~~  
4 ~~ferries must ensure the vessels' out of service time does not~~  
5 ~~negatively impact service to the system.~~

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

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

21 ~~((9))~~ (8) The department shall review and adjust its capital  
22 program staffing levels to ensure staffing is at the most efficient  
23 level necessary to implement the capital program in the omnibus  
24 transportation appropriations act. The Washington state ferries shall  
25 report this review and adjustment to the office of financial management  
26 and the house and senate transportation committees of the legislature  
27 by July 2009.

28 ~~((10))~~ (9) \$1,200,000 of the total appropriation is provided  
29 solely for improving the toll booth configuration at the Port Townsend  
30 and Keystone ferry terminals.

31 ~~((11))~~ (10) \$2,636,000 of the total appropriation is provided  
32 solely for continued permitting work on the Mukilteo ferry terminal.  
33 The department shall seek additional federal funding for this project.

34 ~~((12))~~ (11) The department shall develop a proposed ferry vessel  
35 maintenance, preservation, and improvement program and present it to  
36 the transportation committees of the legislature by July 1, 2010. The  
37 proposal must:

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

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

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

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

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

16 (iv) A review of the department's vessel maintenance, preservation,  
17 and improvement program contracting process and contractual  
18 requirements;

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

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

24 (vii) Coordination with required United States coast guard dry  
25 dockings;

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

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

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

33 (~~(+13)~~) (12) \$247,000 of the Puget Sound capital construction  
34 account-- state appropriation is provided solely for the Washington  
35 state ferries to review and update its vessel life-cycle cost model and  
36 report the results to the house of representatives and senate  
37 transportation committees of the legislature by December 1, 2010. This  
38 review will evaluate the impact of the planned out-of-service periods



1 scheduled for each vessel on the ability of the overall system to  
2 deliver uninterrupted service and will assess the risk of service  
3 disruption from unscheduled maintenance or longer than planned  
4 maintenance periods.

5 ~~((+14))~~ (13) The department shall work with the department of  
6 archaeology and historic preservation to ensure that the cultural  
7 resources investigation is properly conducted on all large ferry  
8 terminal projects. These projects must be conducted with active  
9 archaeological management. Additionally, the department shall  
10 establish a scientific peer review of independent archaeologists that  
11 are knowledgeable about the region and its cultural resources.

12 ~~((+15))~~ (14) The Puget Sound capital construction account--state  
13 appropriation includes up to ~~(((\$114,000,000))~~ \$91,000,000 in proceeds  
14 from the sale of bonds authorized in RCW 47.10.843.

15 ~~((+16))~~ (15) The Puget Sound capital construction account--state  
16 appropriation reflects the reduction of three terminal positions due to  
17 decreased terminal activity and funding.

18 ~~((+17))~~ (16) The department shall provide data to the  
19 transportation committees of the senate and house of representatives  
20 for a transparent analysis of travel pay policies.

21 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as  
22 follows:

<b>FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL</b>	
Essential Rail Assistance Account--State	
Appropriation . . . . .	<del>(((\$333,000))</del>
	<u>\$334,000</u>
Transportation Infrastructure Account--State	
Appropriation . . . . .	<del>(((\$13,184,000))</del>
	<u>\$12,348,000</u>
Multimodal Transportation Account--State	
Appropriation . . . . .	<del>(((\$102,202,000))</del>
	<u>\$82,141,000</u>
Multimodal Transportation Account--Federal	
Appropriation . . . . .	<del>(((\$619,527,000))</del>
	<u>\$48,445,000</u>
<del>((Multimodal Transportation Account--Private/Local</del>	
Appropriation . . . . .	<del>(\$81,000))</del>

1 TOTAL APPROPRIATION . . . . . ((~~\$735,327,000~~))  
2 \$143,268,000

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 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed March ((~~8, 2010~~))  
9 22, 2011, Program - Rail Capital Program (Y).

10 (b)(i) Within the amounts provided in this section, \$116,000 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 Ephrata (BIN 722710A) for rehabilitation of a rail spur.

14 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))  
15 \$400,000 of the transportation infrastructure account--state  
16 appropriation is for a low-interest loan through the freight rail  
17 investment bank program to the Port of Everett (BIN 722810A) for a new  
18 rail track to connect a cement loading facility to the mainline.

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

23 (c)(i) Within the amounts provided in this section, \$1,713,000 of  
24 the multimodal transportation account--state appropriation and \$333,000  
25 of the essential rail assistance account--state appropriation are for  
26 statewide - emergent freight rail assistance projects as follows: Port  
27 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
28 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
29 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
30 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track  
31 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved  
32 locomotive facility (BIN 711010B) \$525,000.

33 (ii) Within the amounts provided in this section, ((~~\$338,000~~))  
34 \$346,000 of the multimodal transportation account--state appropriation  
35 is for a statewide - emergent freight rail assistance project grant for  
36 the Lincoln County PDA/Creston - new rail spur (BIN ((~~710510A~~))  
37 F01001E) project, provided that the grantee first documents to the  
38 satisfaction of the department sufficient commitments from the new

1 shipper or shippers to locate in the publicly owned industrial park  
2 west of Creston to ensure that the net present value of the public  
3 benefits of the project is greater than the grant amount.

4 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)  
5 \$8,079,000 of the transportation infrastructure account--state  
6 appropriation is for grants to any intergovernmental entity or local  
7 rail district to which the department of transportation assigns the  
8 management and oversight responsibility for the business and economic  
9 development elements of existing operating leases on the Palouse River  
10 and Coulee City (PCC) rail lines. \$300,000 of the transportation  
11 infrastructure account--state appropriation is provided solely for the  
12 fence line replacement project on the CW line. The PCC rail line  
13 system is made up of the CW, P&L, and PV Hooper rail lines. Business  
14 and economic development elements include such items as levels of  
15 service and business operating plans, but must not include the state's  
16 oversight of railroad regulatory compliance, rail infrastructure  
17 condition, or real property management issues. The PCC rail system  
18 must be managed in a self-sustaining manner and best efforts must be  
19 used to ensure that it does not require state capital or operating  
20 subsidy beyond the level of state funding expended on it to date. The  
21 assignment of the stated responsibilities to an intergovernmental  
22 entity or rail district must be on terms and conditions as the  
23 department of transportation and the intergovernmental entity or rail  
24 district mutually agree. The grant funds may be used only to refurbish  
25 the rail lines. It is the intent of the legislature to make the funds  
26 appropriated in this section available as grants to an  
27 intergovernmental entity or local rail district for the purposes stated  
28 in this section at least until June 30, 2012, and to reappropriate as  
29 necessary any portion of the appropriation in this section that is not  
30 used by June 30, 2011.

31 (2)(a) The department shall issue a call for projects for the  
32 freight rail investment bank program and the emergent freight rail  
33 assistance program, and shall evaluate the applications according to  
34 the cost benefit methodology developed during the 2008 interim using  
35 the legislative priorities specified in (c) of this subsection. By  
36 November 1, 2010, the department shall submit a prioritized list of  
37 recommended projects to the office of financial management and the  
38 transportation committees of the legislature.

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

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

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

16 (ii) Self-sustaining economic development that creates family-wage  
17 jobs;

18 (iii) Preservation of transportation corridors that would otherwise  
19 be lost;

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

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

24 (vi) Mitigation of impacts of increased rail traffic on  
25 communities.

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

29 (4) At the earliest possible date, the department shall apply, and  
30 assist ports and local jurisdictions in applying, for any federal  
31 funding that may be available for any projects that may qualify for  
32 such federal funding. State projects must be (a) currently identified  
33 on the project list referenced in subsection (1)(a) of this section or  
34 (b) projects for which no state match is required to complete the  
35 project. Local or port projects must not require additional state  
36 funding in order to complete the project, with the exception of (c)  
37 state funds currently appropriated for such project if currently  
38 identified on the project list referenced in subsection (1)(a) of this

1 section or (d) potential grants awarded in the competitive grant  
2 process for the essential rail assistance program. If the department  
3 receives any federal funding, the department is authorized to obligate  
4 and spend the federal funds in accordance with federal law. To the  
5 extent permissible by federal law, federal funds may be used (e) in  
6 addition to state funds appropriated for projects currently identified  
7 on the project list referenced in subsection (1)(a) of this section in  
8 order to advance funding from future biennia for such project(s) or (f)  
9 in lieu of state funds; however, the state funds must be redirected  
10 within the rail capital program to advance funding for other projects  
11 currently identified on the project list referenced in subsection  
12 (1)(a) of this section. State funds may be redirected only upon  
13 consultation with the transportation committees of the legislature and  
14 the office of financial management, and approval by the director of the  
15 office of financial management. The department shall spend the federal  
16 funds before the state funds, and shall consult the office of financial  
17 management and the transportation committees of the legislature  
18 regarding project scope changes.

19 (5) The department shall provide quarterly reports to the office of  
20 financial management and the transportation committees of the  
21 legislature regarding applications that the department submits for  
22 federal funds and the status of such applications.

23 (6) The department shall, on a quarterly basis, provide to the  
24 office of financial management and the legislature reports providing  
25 the status on active projects identified in the LEAP transportation  
26 document described in subsection (1)(a) of this section. Report  
27 formatting and elements must be consistent with the October 2009  
28 quarterly project report.

29 (7) The multimodal transportation account--state appropriation  
30 includes up to \$48,000,000 in proceeds from the sale of bonds  
31 authorized in RCW 47.10.867.

32 (8) When the balance of that portion of the miscellaneous program  
33 account apportioned to the department for the grain train program  
34 reaches \$1,180,000, the department shall acquire twenty-nine additional  
35 grain train railcars.

36 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation  
37 account--federal appropriation is provided solely for high-speed rail  
38 projects awarded to Washington state from the high-speed intercity

1 passenger rail program under the American recovery and reinvestment  
2 act. Funding will allow for two additional round trips between Seattle  
3 and Portland, and other rail improvements.

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

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

15 (12) \$1,000,000 of the multimodal transportation account--state  
16 appropriation is provided solely for additional expenditures along the  
17 Chelatchie Prairie railroad (~~((LN2000025))~~) (710110A).

18 **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as  
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**  
21 **CAPITAL**

22	<del>((Highway Infrastructure Account--State Appropriation . . . . .</del>	<del>\$207,000</del>
23	<del>Highway Infrastructure Account--Federal</del>	
24	<del>Appropriation . . . . .</del>	<del>\$1,602,000))</del>
25	Freight Mobility Investment Account--State	
26	Appropriation . . . . .	(( <del>\$13,848,000</del> ))
27		<u>\$9,170,000</u>
28	Transportation Partnership Account--State	
29	Appropriation . . . . .	(( <del>\$8,863,000</del> ))
30		<u>\$6,828,000</u>
31	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$14,068,000</del> ))
32		<u>\$9,901,000</u>
33	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$43,835,000</del> ))
34		<u>\$25,727,000</u>
35	Freight Mobility Multimodal Account--State	
36	Appropriation . . . . .	(( <del>\$15,620,000</del> ))
37		<u>\$7,472,000</u>

1	Freight Mobility Multimodal Account--Local	
2	Appropriation . . . . .	(( <del>\$3,258,000</del> ))
3		<u>\$3,058,000</u>
4	Multimodal Transportation Account--Federal	
5	Appropriation . . . . .	\$2,118,000
6	Multimodal Transportation Account--State	
7	Appropriation . . . . .	(( <del>\$28,855,000</del> ))
8		<u>\$20,923,000</u>
9	Transportation 2003 Account (Nickel Account)--State	
10	Appropriation . . . . .	\$2,709,000
11	Passenger Ferry Account--State Appropriation . . . . .	(( <del>\$2,879,000</del> ))
12		<u>\$1,764,000</u>
13	Puyallup Tribal Settlement Account--State	
14	Appropriation . . . . .	(( <del>\$5,895,000</del> ))
15		<u>\$5,905,000</u>
16	TOTAL APPROPRIATION . . . . .	(( <del>\$143,757,000</del> ))
17		<u>\$95,575,000</u>

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

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

29       (2) ((~~\$2,729,000~~)) \$1,614,000 of the passenger ferry account--state  
30 appropriation is provided solely for near and long-term costs of  
31 capital improvements ((~~in a~~)) and operating expenses that are  
32 consistent with the business plan approved by the governor for  
33 passenger ferry service.

34       (3) \$150,000 of the passenger ferry account--state appropriation is  
35 provided solely for the Port of Kingston for a one-time operating  
36 subsidy needed to retain a federal grant.

37       (4) \$3,000,000 of the motor vehicle account--federal appropriation  
38 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

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

25 (9) (~~(\$18,289,000)~~) \$13,732,000 of the multimodal transportation  
26 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor  
27 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000  
28 of the transportation partnership account--state appropriation are  
29 provided solely for the pedestrian and bicycle safety program projects  
30 and safe routes to schools program projects identified in LEAP  
31 Transportation Document 2009-A, pedestrian and bicycle safety program  
32 projects and safe routes to schools program projects, as developed  
33 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and  
34 bicycle safety program projects and safe routes to schools program  
35 projects, as developed April 20, 2007, and LEAP Transportation Document  
36 2006-B, pedestrian and bicycle safety program projects and safe routes  
37 to schools program projects, as developed March 8, 2006. Projects must  
38 be allocated funding based on order of priority. The department shall



1 review all projects receiving grant awards under this program at least  
2 semiannually to determine whether the projects are making satisfactory  
3 progress. Any project that has been awarded funds, but does not report  
4 activity on the project within one year of the grant award must be  
5 reviewed by the department to determine whether the grant should be  
6 terminated. The department shall promptly close out grants when  
7 projects have been completed, and identify where unused grant funds  
8 remain because actual project costs were lower than estimated in the  
9 grant award.

10 (10) Except as provided otherwise in this section, the entire  
11 appropriations in this section are provided solely for the projects and  
12 activities as listed by project and amount in LEAP Transportation  
13 Document 2011-2 ALL PROJECTS ((2010-2)) as developed March ((8, 2010))  
14 22, 2011, Program - Local Program (Z).

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

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

31 ~~(13) \$5,894,000))~~ \$5,905,000 of the Puyallup tribal settlement  
32 account--state appropriation is provided solely for costs associated  
33 with the Murray Morgan/11th Street bridge project. The city of Tacoma  
34 may use the Puyallup tribal settlement account appropriation and other  
35 appropriated funds for bridge rehabilitation, bridge replacement,  
36 bridge demolition, and bridge mitigation. The department's  
37 participation, including prior expenditures, may not exceed

1 \$40,270,000. The city of Tacoma has taken ownership of the bridge in  
2 its entirety, and the payment of these funds extinguishes any real or  
3 implied agreements regarding future bridge expenditures.

4 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle  
5 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor  
6 vehicle account--state appropriation are provided solely to reimburse  
7 the cities of Kirkland and Redmond for pavement and bridge deck  
8 rehabilitation on state route number 908 (project 1LP611A). These  
9 funds may not be expended unless the cities sign an agreement stating  
10 that the cities agree to take ownership of state route number 908 in  
11 its entirety and agree that the payment of these funds represents the  
12 entire state commitment to the cities for state route number 908  
13 expenditures. The amount provided in this subsection is contingent on  
14 the enactment by June 30, 2010, of Senate Bill No. 6555.

15 ~~((+15))~~ (14) The department shall consider the condition of the  
16 Broadway bridge in the city of Everett when prioritizing bridge  
17 projects.

18 ~~((+16))~~ (15) In order to make the Hood Canal bridge safe for  
19 cyclists, the department must work with stakeholders to review bicycle  
20 safety needs on the bridge, including consideration of accident data  
21 and improvements already made to this project.

22 ~~((+17) \$250,000)~~ (16) \$25,000 of the multimodal transportation  
23 account--state appropriation is provided solely for the Shell Valley  
24 emergency access road and bicycle/pedestrian path.

25 ~~((+18) \$500,000)~~ (17) \$50,000 of the motor vehicle account--state  
26 appropriation is provided solely for improvements to the 150th and  
27 Murray Road intersection in the city of Lakewood.

28 ~~((+19) \$250,000)~~ (18) \$100,000 of the motor vehicle account--state  
29 appropriation is provided solely for flood reduction solutions on state  
30 route number 522 caused by the lower McAleer and Lyon creek basins.

31 ~~((+20))~~ (19) \$200,000 of the motor vehicle account--state  
32 appropriation is provided solely for improvements to the intersection  
33 of 39th Ave SE and state route number 96 in Snohomish county.

34 **TRANSFERS AND DISTRIBUTIONS**

1       **Sec. 1101.** 2010 c 247 s 401 (uncodified) is amended to read as  
2 follows:

3 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
4 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**  
5 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**  
6 **REVENUE**

7	Highway Bond Retirement Account Appropriation . . . . .	(( <del>\$733,667,000</del> ))	
8			<u>\$720,842,000</u>
9	Ferry Bond Retirement Account Appropriation . . . . .	\$33,771,000	
10	State Route Number 520 Corridor Account--State		
11	Appropriation . . . . .	(( <del>\$600,000</del> ))	
12			<u>\$1,308,000</u>
13	Transportation Improvement Board Bond Retirement		
14	Account--State Appropriation . . . . .	(( <del>\$22,962,000</del> ))	
15			<u>\$21,084,000</u>
16	Nondebt-Limit Reimbursable Account		
17	Appropriation . . . . .	(( <del>\$18,451,000</del> ))	
18			<u>\$16,850,000</u>
19	Transportation Partnership Account--State		
20	Appropriation . . . . .	(( <del>\$4,722,000</del> ))	
21			<u>\$6,818,000</u>
22	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$901,000</del> ))	
23			<u>\$672,000</u>
24	Transportation 2003 Account (Nickel Account)--State		
25	Appropriation . . . . .	(( <del>\$4,116,000</del> ))	
26			<u>\$3,116,000</u>
27	Special Category C Account--State Appropriation . . . . .	(( <del>\$148,000</del> ))	
28			<u>\$136,000</u>
29	Urban Arterial Trust Account--State Appropriation . . . . .	\$85,000	
30	Transportation Improvement Account--State Appropriation . . . . .	\$41,000	
31	Multimodal Transportation Account--State		
32	Appropriation . . . . .	(( <del>\$283,000</del> ))	
33			<u>\$164,000</u>
34	TOTAL APPROPRIATION . . . . .	(( <del>\$831,004,000</del> ))	
35			<u>\$804,887,000</u>

36       **Sec. 1102.** 2010 c 247 s 402 (uncodified) is amended to read as  
37 follows:

1 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
 2 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**  
 3 **FISCAL AGENT CHARGES**

4	State Route Number 520 Corridor Account--State	
5	Appropriation . . . . .	(((\$40,000))
6		<u>\$83,000</u>
7	Transportation Partnership Account--State	
8	Appropriation . . . . .	(((\$787,000))
9		<u>\$537,000</u>
10	Motor Vehicle Account--State Appropriation . . . . .	(((\$122,000))
11		<u>\$62,000</u>
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation . . . . .	(((\$364,000))
14		<u>\$264,000</u>
15	Special Category C Account--State Appropriation . . . . .	(((\$15,000))
16		<u>\$12,000</u>
17	Urban Arterial Trust Account--State Appropriation . . . . .	\$5,000
18	Transportation Improvement Account--State Appropriation . . . . .	\$3,000
19	Multimodal Transportation Account--State	
20	Appropriation . . . . .	(((\$34,000))
21		<u>\$40,000</u>
22	TOTAL APPROPRIATION . . . . .	(((\$1,370,000))
23		<u>\$1,006,000</u>

24 **Sec. 1103.** 2010 c 247 s 403 (uncodified) is amended to read as  
 25 follows:

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

28	Motor Vehicle Account--State Appropriation: For	
29	transfer to the Puget Sound Capital Construction	
30	Account . . . . .	(((\$114,000,000))
31		<u>\$91,000,000</u>

32 The department of transportation is authorized to sell up to  
 33 (((\$114,000,000)) \$91,000,000 in bonds authorized by RCW 47.10.843 for  
 34 vessel and terminal acquisition, major and minor improvements, and long  
 35 lead-time materials acquisition for the Washington state ferries.



1 For transfer to the State Patrol Highway Account--  
2 State . . . . . ((\$5,600,000))  
3 \$4,600,000

4 ~~((13) The transfers identified in this section are subject to the~~  
5 ~~following conditions and limitations:~~

6 ~~(a) The amount transferred in subsection (1) of this section~~  
7 ~~represents repayment of operating loans and reserve payments provided~~  
8 ~~to the Tacoma Narrows toll bridge account from the motor vehicle~~  
9 ~~account in the 2005-07 fiscal biennium. However, if Engrossed~~  
10 ~~Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the~~  
11 ~~transfer in subsection (1) of this section shall not occur.~~

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

16 ~~(c) The transfer in subsection (9) of this section represents toll~~  
17 ~~revenue collected from toll violations.)~~

18 (10) Highway Safety Account--State Appropriation:  
19 For transfer to the Motor Vehicle Account--State . . . . . \$19,000,000

20 **MISCELLANEOUS**

21 NEW SECTION. Sec. 1201. If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 1202. Except for sections 704, 706, 708, 709,  
26 711, and 713 of this act, this act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately.

30 NEW SECTION. Sec. 1203. Sections 704, 706, 708, and 711 of this  
31 act are necessary for the immediate preservation of the public peace,  
32 health, or safety, or support of the state government and its existing  
33 public institutions, and take effect July 1, 2011.

1        NEW SECTION.    **Sec. 1204.**    Sections 709 and 713 of this act take  
2 effect upon certification by the secretary of transportation that the  
3 new statewide tolling operations center and photo toll system are fully  
4 operational.    A notice of certification must be filed with the code  
5 reviser for publication in the state register.    If a certificate is not  
6 issued by the secretary of transportation by December 1, 2012, sections  
7 709 and 713 of this act are null and void.

(End of bill)

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