

ESHB 1175 - S AMD  
By Senator Haugen

ADOPTED AND ENGROSSED 4/20/11

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

3 "2011-2013 FISCAL BIENNIUM

4 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state  
5 is hereby adopted and, subject to the provisions set forth, the several  
6 amounts specified, or as much thereof as may be necessary to accomplish  
7 the purposes designated, are hereby appropriated from the several  
8 accounts and funds named to the designated state agencies and offices  
9 for employee compensation and other expenses, for capital projects, and  
10 for other specified purposes, including the payment of any final  
11 judgments arising out of such activities, for the period ending June  
12 30, 2013.

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

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

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

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

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

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

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

1 (g) "LEAP" means the legislative evaluation and accountability  
2 program committee.

3 **2011-2013 FISCAL BIENNIUM**  
4 **GENERAL GOVERNMENT AGENCIES--OPERATING**

5 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**  
6 **HISTORIC PRESERVATION**

7 Motor Vehicle Account--State Appropriation . . . . . \$430,000

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

13 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**  
14 **COMMISSION**

15 Grade Crossing Protective Account--State  
16 Appropriation . . . . . \$504,000

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

18 Motor Vehicle Account--State Appropriation . . . . . \$2,216,000  
19 Puget Sound Ferry Operations Account--State  
20 Appropriation . . . . . \$4,624,000  
21 TOTAL APPROPRIATION . . . . . \$6,840,000

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

24 (1) The office of financial management, in consultation with the  
25 transportation committees of the legislature, shall conduct a budget  
26 evaluation study for the new traffic management center proposed by the  
27 department of transportation. The study must consider data resulting  
28 from the plan identified in section 604 of this act. The budget  
29 evaluation study team approach using value engineering techniques must  
30 be utilized by the office of financial management in conducting the  
31 study. The office of financial management shall select the budget  
32 evaluation study team members, contract for the study, and report the  
33 results to the transportation committees of the legislature and the  
34 department of transportation in a timely manner following the study.

1 Options reviewed must include use of existing facilities, including the  
2 Wheeler building data center in Olympia. Funds allocated for the new  
3 traffic management center must be used by the office of financial  
4 management through an interagency agreement with the department of  
5 transportation to cover the cost of the study.

6 (2) \$4,480,000 of the Puget Sound ferry operations account--state  
7 appropriation is provided solely for marine insurance. The  
8 appropriation is intended to fully fund a two-year policy, and the  
9 office of financial management shall increase the deductible to  
10 \$10,000,000 and reduce components of the policy in order to keep the  
11 total cost of the two-year policy at or below the appropriation in this  
12 subsection.

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

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

22 (5) \$840,000 of the motor vehicle account--state appropriation is  
23 provided out of funds set aside out of statewide fuel taxes distributed  
24 to counties according to RCW 46.68.120(3) solely for the office of  
25 financial management to contract with the Washington state association  
26 of counties to identify, evaluate, and implement performance measures  
27 associated with county transportation activities. The performance  
28 measures must include, at a minimum, those related to safety, system  
29 preservation, mobility, environmental protection, and project  
30 completion. A report on the county transportation performance  
31 implementation project must be provided to the transportation  
32 committees of the legislature by December 31, 2012.

33 (6) \$169,000 of the motor vehicle account--state appropriation is  
34 provided solely for the office of regulatory assistance integrated  
35 permitting project.

36 (7) \$40,000 of the Puget Sound ferry operations account--state  
37 appropriation is provided solely for the state's share of the marine  
38 salary survey.

1 (8) The office of financial management shall study the available  
2 data regarding statewide transit, bicycle, and pedestrian trips and  
3 recommend additional performance measures that will effectively measure  
4 the state's performance in increasing transit ridership and bicycle and  
5 pedestrian trips. The office of financial management shall report its  
6 findings and recommendations to the transportation committees of the  
7 legislature by November 15, 2011, and integrate the new performance  
8 measures into the report prepared by the office of financial management  
9 pursuant to RCW 47.04.280 regarding progress towards achieving  
10 Washington state's transportation system policy goals.

11 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**  
12 **COMMISSION**

13 Motor Vehicle Account--State Appropriation . . . . . \$986,000

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

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

18 Motor Vehicle Account--State Appropriation . . . . . \$1,210,000

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

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

24 (2) \$686,000 of the motor vehicle account--state appropriation is  
25 provided solely to test the quality of biofuel. The department must  
26 test fuel quality at the biofuel manufacturer, distributor, and  
27 retailer.

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

30 Motor Vehicle Account--State Appropriation . . . . . \$513,000

31 **TRANSPORTATION AGENCIES--OPERATING**

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

2    **COMMISSION**

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

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

10            (1) \$1,673,900 of the highway safety account--federal appropriation  
11 is provided solely for the conclusion of the target zero trooper pilot  
12 program, which the commission has developed and implemented in  
13 collaboration with the Washington state patrol. The pilot program must  
14 continue to demonstrate the effectiveness of intense, high visibility,  
15 driving under the influence enforcement in Washington. The commission  
16 shall continue to apply to the national highway traffic safety  
17 administration for federal highway safety grants to cover the cost of  
18 the pilot program.

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

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

27            (b) In order to ensure adequate time in the 2011-2013 fiscal  
28 biennium to evaluate the effectiveness of the pilot projects, any  
29 projects authorized by the commission must be authorized by December  
30 31, 2011.

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

35            (3) \$460,000 of the highway safety account--state appropriation is  
36 provided solely for the implementation of chapter ... (Engrossed Second  
37 Substitute House Bill No. 1789), Laws of 2011 (addressing DUI

1 accountability). If chapter ... (Engrossed Second Substitute House  
2 Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the  
3 amount provided in this subsection lapses.

4 (4) The commission shall conduct a review of the literature on  
5 potential safety benefits realized from drivers using their headlights  
6 and windshield wipers simultaneously and shall report to the  
7 transportation committees of the legislature by December 1, 2011.

8 (5) \$22,000,000 of the highway safety account--federal  
9 appropriation is provided solely for federal funds that may be  
10 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the  
11 2011-2013 fiscal biennium.

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

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

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

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

Transportation Improvement Account--State	
Appropriation . . . . .	\$3,707,000

31 The appropriation in this section is subject to the following  
32 conditions and limitations: The transportation improvement board shall  
33 submit a report to the transportation committees of the legislature by  
34 December 1, 2011, on the implementation of the recommendations that  
35 resulted from the evaluation of efficiencies in the delivery of  
36 transportation funding and services to local governments that was

1 required under section 204(8), chapter 247, Laws of 2010. The report  
2 must include a description of how recommendations were implemented,  
3 what efficiencies were achieved, and an explanation of any  
4 recommendations that were not implemented.

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

6 Motor Vehicle Account--State Appropriation . . . . . \$2,060,000

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

9 (1) \$200,000 of the motor vehicle account--state appropriation is  
10 for a study of Washington state ferries fares that recommends the most  
11 appropriate fare media for use with the reservation system and the  
12 implementation of demand management pricing and interoperability with  
13 other payment methods. The study must include direct collaboration  
14 with transportation commission members.

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

21 (3) \$200,000 of the motor vehicle account--state appropriation is  
22 from the cities statewide fuel tax distributions under RCW 46.68.110(2)  
23 for the joint transportation committee to study and make  
24 recommendations on RCW 90.03.525. The study must include: (a) An  
25 inventory of state highways subject to the federal clean water act (40  
26 C.F.R. Parts 122 through 124) (national pollutant discharge elimination  
27 system) that are within city boundaries; (b) a survey of cities that  
28 impose storm water fees or charges to the department of transportation,  
29 or otherwise manage storm water runoff from state highways within their  
30 jurisdiction; (c) case studies from a representative cross-section of  
31 cities on how the department and cities have used RCW 90.03.525; and  
32 (d) recommendations on how to achieve efficiencies in the cost and  
33 management of state highway storm water runoff within cities under RCW  
34 90.03.525.

35 (4) \$425,000 of the motor vehicle account--state appropriation is  
36 for the joint transportation committee to conduct a study to evaluate  
37 the potential for financing state transportation projects using public-

1 private partnerships. The study must compare the costs, advantages,  
 2 and disadvantages of various forms of public-private partnerships with  
 3 conventional financing. Projects to be evaluated include Interstate  
 4 405, state route number 509, state route number 167, the Columbia River  
 5 crossing, and the Monroe bypass. At a minimum, the study must identify  
 6 the public interest in the financing and construction of transportation  
 7 projects, the public interest in the operation of transportation  
 8 projects, and the provisions in public-private partnership agreements  
 9 that best protect the public interest. To the extent possible, the  
 10 study must identify the lowest-cost and best-value model for each  
 11 project that best protects the public interest. In addition, the study  
 12 must evaluate whether public-private partnerships serve the defined  
 13 public interest including, but not limited to, the advantage and  
 14 disadvantage of risk allocation, the effects of private versus public  
 15 financing on the state's bonding capacity, the state's ability to  
 16 retain public ownership of the asset, the process that would allow for  
 17 the most transparency during the negotiation of terms of a public-  
 18 private partnership agreement, and the state's ability to oversee the  
 19 private entity's management of the asset. The study must identify any  
 20 barriers to the implementation of funding models that best protect the  
 21 public interest, including statutory and constitutional barriers. The  
 22 committee shall issue a report of its evaluation to the house of  
 23 representatives and senate transportation committees by December 16,  
 24 2011.

25 (5) \$100,000 of the motor vehicle account--state appropriation is  
 26 for an investigation of the use of liquid natural gas on existing  
 27 Washington state ferry vessels as well as the 144-car class vessels and  
 28 report to the legislature by December 31, 2011.

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

30 Motor Vehicle Account--State Appropriation . . . . .	\$2,142,000
31 Multimodal Transportation Account--State Appropriation . . . . .	\$112,000
32 TOTAL APPROPRIATION . . . . .	\$2,254,000

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

35 (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,  
 36 during the 2011-2013 fiscal biennium, the legislature authorizes the  
 37 transportation commission to periodically review and, if necessary,

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

8 (2) Consistent with RCW 43.135.055 and 47.46.100, during the  
9 2011-2013 fiscal biennium, the legislature authorizes the  
10 transportation commission to periodically review and, if necessary,  
11 adjust the schedule of toll charges applicable to the Tacoma Narrows  
12 bridge only in amounts not greater than those sufficient to support (a)  
13 any required costs for operating and maintaining the toll bridge,  
14 including the cost of insurance, (b) any amount required by law to meet  
15 the redemption of bonds and applicable interest payments, and (c)  
16 repayment of the motor vehicle fund.

17 (3) The total appropriation provided in this section includes  
18 funding to conduct a survey to gather data on users of the statewide  
19 transportation system, including the state ferry system, as required  
20 under chapter ... (Substitute Senate Bill No. 5128), Laws of 2011  
21 (statewide transportation planning). However, if chapter ...  
22 (Substitute Senate Bill No. 5128), Laws of 2011 is not enacted by June  
23 30, 2011, \$169,000 of the motor vehicle account--state appropriation  
24 lapses.

25 (4) Consistent with its authority in RCW 47.56.840, the  
26 transportation commission shall consider the need for a citizen  
27 advisory group that provides oversight on new tolled facilities.

28 **NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**  
29 **INVESTMENT BOARD**

30 Motor Vehicle Account--State Appropriation . . . . . \$702,000

31 The appropriation in this section is subject to the following  
32 conditions and limitations: The freight mobility strategic investment  
33 board shall submit a report to the transportation committees of the  
34 legislature by December 1, 2011, on the implementation of the  
35 recommendations that resulted from the evaluation of efficiencies in  
36 the delivery of transportation funding and services to local  
37 governments that was required under section 204(8), chapter 247, Laws

1 of 2010. The report must include a description of how recommendations  
2 were implemented, what efficiencies were achieved, and an explanation  
3 of any recommendations that were not implemented.

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

5	Vehicle Licensing Fraud Account--State Appropriation . . . . .	\$100,000
6	State Patrol Highway Account--State	
7	Appropriation . . . . .	\$349,812,000
8	State Patrol Highway Account--Federal	
9	Appropriation . . . . .	\$10,903,000
10	State Patrol Highway Account--Private/Local	
11	Appropriation . . . . .	\$3,369,000
12	TOTAL APPROPRIATION . . . . .	\$364,184,000

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

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

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

32 (3) \$370,000 of the state patrol highway account--state  
33 appropriation is provided solely for costs associated with the pilot  
34 program described under section 216(5) of this act. The Washington  
35 state patrol may incur costs related only to the assignment of cadets  
36 and necessary computer equipment and to the reimbursement of the  
37 Washington state department of transportation for contract costs. The

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

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

19 (5) \$7,421,000 of the total appropriation is provided solely for  
20 the purchase of pursuit vehicles.

21 (6) \$6,611,000 of the total appropriation is provided solely for  
22 vehicle repair and maintenance costs of vehicles used for highway  
23 purposes.

24 (7) \$1,724,000 of the total appropriation is provided solely for  
25 the purchase of mission vehicles used for highway purposes in the  
26 commercial vehicle and traffic investigation sections of the Washington  
27 state patrol.

28 (8) \$1,200,000 of the total appropriation is provided solely for  
29 outfitting officers. The Washington state patrol shall prepare a cost-  
30 benefit analysis of the standard trooper uniform as compared to a  
31 battle dress uniform and uniforms used by other states and  
32 jurisdictions. The Washington state patrol shall report the results of  
33 the analysis to the transportation committees of the legislature by  
34 December 1, 2011.

35 (9) The Washington state patrol shall not account for or record  
36 locally provided DUI cost reimbursement payments as expenditure credits  
37 to the state patrol highway account. The patrol shall report the

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

4 (10) During the 2011-2013 fiscal biennium, the Washington state  
5 patrol shall continue to perform traffic accident investigations on  
6 Thurston county roads, and shall work with Thurston county to  
7 transition the traffic accident investigations on Thurston county roads  
8 to Thurston county by July 1, 2013.

9 (11) \$100,000 of the vehicle licensing fraud account--state  
10 appropriation is provided solely to support the transportation portion  
11 of the vehicle license fraud program during the 2011-2013 fiscal  
12 biennium.

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

14	Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
15	Motorcycle Safety Education Account--State	
16	Appropriation . . . . .	\$4,411,000
17	Wildlife Account--State Appropriation . . . . .	\$859,000
18	Highway Safety Account--State Appropriation . . . . .	\$149,904,000
19	Highway Safety Account--Federal Appropriation . . . . .	\$2,884,000
20	Motor Vehicle Account--State Appropriation . . . . .	\$78,586,000
21	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,721,000
22	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
23	Department of Licensing Services Account--State	
24	Appropriation . . . . .	\$5,815,000
25	Ignition Interlock Device Revolving Account--State	
26	Appropriation . . . . .	\$1,315,000
27	TOTAL APPROPRIATION . . . . .	\$245,769,000

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

30 (1) \$62,000 of the motor vehicle account--state appropriation is  
31 provided solely for the implementation of chapter ... (Engrossed  
32 Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee).  
33 If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of  
34 2011 is not enacted by June 30, 2011, the amount provided in this  
35 subsection lapses.

36 (2) \$231,000 of the motor vehicle account--state appropriation is  
37 provided solely for the implementation of chapter ... (Substitute

1 Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter  
2 ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by  
3 June 30, 2011, the amount provided in this subsection lapses.

4 (3) \$193,000 of the department of licensing services account--state  
5 appropriation is provided solely for a phased implementation of chapter  
6 ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel  
7 quick titles). Funding is contingent upon revenues associated with the  
8 vehicle and vessel quick title program paying all direct and indirect  
9 expenditures associated with the department's implementation of this  
10 subsection. If chapter ... (Substitute House Bill No. 1046), Laws of  
11 2011 is not enacted by June 30, 2011, the amount provided in this  
12 subsection lapses.

13 (4) The department may seek federal funds to implement a driver's  
14 license and identicard biometric matching system pilot program to  
15 verify the identity of applicants for, and holders of, drivers'  
16 licenses and identicards if applicants are provided the opportunity to  
17 opt out of participating in the program, which meets the requirement of  
18 RCW 46.20.037 that such a program be voluntary. If funds are received,  
19 the department shall report any benefits or problems identified during  
20 the course of the pilot program to the transportation committees of the  
21 legislature upon the completion of the program.

22 (5) \$1,938,000 of the highway safety account--federal appropriation  
23 is for federal funds that may be received during the 2011-2013 fiscal  
24 biennium. Upon receipt of the funds, the department shall provide a  
25 report on the use of the funds to the transportation committees of the  
26 legislature and the office of financial management.

27 (6) By December 31, 2011, the department shall submit to the office  
28 of financial management and the transportation committees of the  
29 legislature draft legislation that rewrites the tow truck statutes  
30 (chapter 46.55 RCW) in plain language and is revenue and policy  
31 neutral.

32 (7) \$128,000 of the highway safety account--state appropriation is  
33 provided solely for the implementation of chapter ... (Engrossed  
34 Substitute House Bill No. 1635), Laws of 2011 (driver's license exams).  
35 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011  
36 is not enacted by June 30, 2011, the amount provided in this subsection  
37 lapses.

1 (8) \$68,000 of the highway safety account--state appropriation is  
2 provided solely for the implementation of chapter ... (Engrossed Second  
3 Substitute House Bill No. 1789), Laws of 2011 (driving under the  
4 influence). If chapter ... (Engrossed Second Substitute House Bill No.  
5 1789), Laws of 2011 is not enacted by June 30, 2011, the amount  
6 provided in this subsection lapses.

7 (9) \$63,000 of the highway safety account--state appropriation is  
8 provided solely for the implementation of chapter ... (Substitute House  
9 Bill No. 1237), Laws of 2011 (selective service system). If chapter  
10 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by  
11 June 30, 2011, the amount provided in this subsection lapses.

12 (10) \$340,000 of the motor vehicle account--private/local  
13 appropriation is provided solely for the implementation of chapter ...  
14 (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion  
15 reduction charge). If chapter ... (Engrossed Substitute Senate Bill  
16 No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount  
17 provided in this subsection lapses.

18 (11) \$648,000 of the motor vehicle account--federal appropriation  
19 is provided solely for the implementation of chapter ... (House Bill  
20 No. 1229), Laws of 2011 (commercial drivers' licenses). If chapter ...  
21 (House Bill No. 1229), Laws of 2011 is not enacted by June 30, 2011,  
22 the amount provided in this subsection lapses.

23 (12) \$1,738,000 of the department of licensing services account--  
24 state appropriation is provided solely for purchasing equipment for  
25 field licensing service offices and subagent offices.

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

28	High Occupancy Toll Lanes Operations Account--State	
29	Appropriation . . . . .	\$1,295,000
30	Motor Vehicle Account--State Appropriation . . . . .	\$550,000
31	Tacoma Narrows Toll Bridge Account--State	
32	Appropriation . . . . .	\$23,429,000
33	State Route Number 520 Corridor Account--State	
34	Appropriation . . . . .	\$27,295,000
35	State Route Number 520 Civil Penalties	
36	Account--State Appropriation . . . . .	\$4,622,000
37	TOTAL APPROPRIATION . . . . .	\$57,191,000

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

3 (1) The department shall make detailed quarterly expenditure  
4 reports available to the transportation commission and to the public on  
5 the department's web site using current department resources. The  
6 reports must include a summary of toll revenue by facility on all  
7 operating toll facilities and high occupancy toll lane systems, and an  
8 itemized depiction of the use of that revenue.

9 (2) \$4,622,000 of the state route number 520 civil penalties  
10 account--state appropriation and \$1,458,000 of the Tacoma Narrows toll  
11 bridge account--state appropriation are provided solely for  
12 expenditures related to the toll adjudication process. The department  
13 shall report quarterly on the civil penalty process to the office of  
14 financial management and the house of representatives and senate  
15 transportation committees beginning September 30, 2011. The reports  
16 must include a summary table for each toll facility that includes: The  
17 number of notices of civil penalty issued; the number of recipients who  
18 pay before the notice becomes a penalty; the number of recipients who  
19 request a hearing and the number who do not respond; workload costs  
20 related to hearings; the cost and effectiveness of debt collection  
21 activities; and revenues generated from notices of civil penalty.

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

30 (4) The department shall ensure that, at no cost to the Tacoma  
31 Narrows toll bridge account, new electronic tolling tag readers are  
32 installed on the Tacoma Narrows bridge as soon as practicable that are  
33 able to read existing and new electronic tolling tags.

34 (5) \$17,786,000 of the state route number 520 corridor account--  
35 state appropriation is provided solely for nonvendor costs associated  
36 with tolling the state route number 520 bridge. Funds from the state  
37 route number 520 corridor account--state appropriation shall not be  
38 used to pay for items prohibited by Executive Order No. 1057, including

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

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

7	Motor Vehicle Account--State Appropriation . . . . .	\$69,107,000
8	Transportation Partnership Account--State	
9	Appropriation . . . . .	\$1,460,000
10	Multimodal Transportation Account--State	
11	Appropriation . . . . .	\$363,000
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation . . . . .	\$1,460,000
14	TOTAL APPROPRIATION . . . . .	\$72,390,000

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

17 (1) The department shall consult with the office of financial  
18 management and the department of information services to: (a) Ensure  
19 that the department's current and future system development is  
20 consistent with the overall direction of other key state systems; and  
21 (b) when possible, use or develop common statewide information systems  
22 to encourage coordination and integration of information used by the  
23 department and other state agencies and to avoid duplication.

24 (2) \$1,460,000 of the transportation partnership account--state  
25 appropriation and \$1,460,000 of the transportation 2003 account (nickel  
26 account)--state appropriation are provided solely for maintaining the  
27 department's project management reporting system.

28 (3) \$210,000 of the motor vehicle account--state appropriation is  
29 provided solely for the department's compliance with its national  
30 pollution discharge elimination system permit.

31 (4) Beginning December 1, 2011, and on a quarterly basis  
32 thereafter, the department shall report to the office of financial  
33 management and the transportation committees of the legislature on the  
34 status of the development and integration of the time, leave, and labor  
35 distribution system identified in section 601 of this act. The first  
36 report must include a detailed work plan for the development and  
37 integration of the system, including timelines and budget milestones.

1 At a minimum, the ensuing reports must indicate the status of the work  
2 as it compares to the work plan, any discrepancies, and proposed  
3 adjustments necessary to bring the project back on schedule or budget  
4 if necessary. It is the intent of the legislature that the state  
5 auditor will provide advice based on the auditor's technical knowledge  
6 and expertise in the implementation and acquisition of the time, leave,  
7 and labor distribution system. It is further the intent of the  
8 legislature that if any portion of the system is leveraged in the  
9 future for the time, leave, and labor distribution of any other  
10 agencies, the motor vehicle account will be reimbursed proportionally  
11 for the development of the system since the funds from the motor  
12 vehicle account must be used exclusively for highway purposes in  
13 conformance with Article II, section 40 of the state Constitution.  
14 This must be accomplished through a loan arrangement with the current  
15 interest rate under the terms set by the office of the state treasurer  
16 at the time the system is deployed to additional agencies. If the  
17 motor vehicle account is not reimbursed for future use of the system,  
18 it is the intent of the legislature that reductions will be made to  
19 central service agency charges accordingly.

20 (5) \$502,000 of the motor vehicle account--state appropriation is  
21 provided solely to provide support for the transportation executive  
22 information system.

23 (6) If chapter ... (Substitute House Bill No. 1720), Laws of 2011  
24 (department of enterprise services) is enacted, the department shall  
25 work with the department of enterprise services to:

26 (a) Make enhancements to the 511 traveler information system to  
27 provide a more timely and user friendly format; and

28 (b) Develop or purchase software that would allow public  
29 transportation users to enter in their start and end locations using a  
30 computer or mobile device to determine the public transportation  
31 options available to them.

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

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

1 (1) The department shall submit a predesign proposal for a new  
2 traffic management center to the office of financial management  
3 consistent with the process followed by nontransportation capital  
4 construction projects. The department shall not award a contract for  
5 construction of a new traffic management center until the predesign  
6 proposal has been submitted and the office of financial management has  
7 completed a budget evaluation study that indicates a new building is  
8 the recommended option for accommodating additional traffic management  
9 operations.

10 (2) \$850,000 of the motor vehicle account--state appropriation is  
11 provided solely for the department's compliance with its national  
12 pollution discharge elimination system permit.

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

Aeronautics Account--State Appropriation . . . . .	\$6,066,000
Aeronautics Account--Federal Appropriation . . . . .	\$2,150,000
TOTAL APPROPRIATION . . . . .	\$8,216,000

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

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

Motor Vehicle Account--State Appropriation . . . . .	\$47,418,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$500,000
Multimodal Transportation Account--State 27 Appropriation . . . . .	\$250,000
TOTAL APPROPRIATION . . . . .	\$48,168,000

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

31 (1) The department shall provide updated information on six project  
32 milestones for all active projects, funded in part or in whole with  
33 2005 transportation partnership account funds or 2003 nickel account  
34 funds, on a quarterly basis in the transportation executive information  
35 system. The department shall also provide updated information on six

1 project milestones for projects funded with preexisting funds and that  
2 are agreed to by the legislature, office of financial management, and  
3 the department, on a quarterly basis.

4 (2) \$3,754,000 of the motor vehicle account--state appropriation is  
5 provided solely for the department's compliance with its national  
6 pollution discharge elimination system permit.

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

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

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

32	Motor Vehicle Account--State Appropriation . . . . .	\$622,000
33	Multimodal Transportation Account--State Appropriation . . . . .	\$110,000
34	TOTAL APPROPRIATION . . . . .	\$732,000

35 The appropriations in this section are subject to the following  
36 conditions and limitations: The department shall conduct a study on  
37 the potential to generate revenue from off-premise outdoor advertising

1 signs that are erected or maintained adjacent and visible to the  
2 interstate system highways, primary system highways, or scenic system  
3 highways. The study must provide an evaluation of the market for  
4 outdoor advertising signs, including an evaluation of the number of  
5 potential advertisers and the amount charged by other jurisdictions for  
6 sign permits, and must provide a recommendation for a revised fee  
7 structure that recognizes the market value for off-premise signs and  
8 considers charging differential fees based on the size, type, and  
9 location of the sign.

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

12	Motor Vehicle Account--State Appropriation . . . . .	\$380,327,000
13	Motor Vehicle Account--Federal Appropriation . . . . .	\$7,000,000
14	TOTAL APPROPRIATION . . . . .	\$387,327,000

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

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

22 (2) \$7,000,000 of the motor vehicle account--state appropriation is  
23 provided solely for third-party damages to the highway system where the  
24 responsible party is known and reimbursement is anticipated. The  
25 department shall request additional appropriation authority for any  
26 funds received for reimbursements of third-party damages that are in  
27 excess of this appropriation.

28 (3) \$7,000,000 of the motor vehicle account--federal appropriation  
29 is for unanticipated federal funds that may be received during the  
30 2011-2013 fiscal biennium. Upon receipt of the funds, the department  
31 shall provide a report on the use of the funds to the transportation  
32 committees of the legislature and the office of financial management.

33 (4) The department may work with the department of corrections to  
34 utilize corrections crews for the purposes of litter pickup on state  
35 highways.

36 (5) \$4,530,000 of the motor vehicle account--state appropriation is

1 provided solely for the department's compliance with its national  
2 pollution discharge elimination system permit.

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

7 (7) \$6,884,000 of the motor vehicle account--state appropriation is  
8 provided solely for the high priority maintenance backlog. Addressing  
9 the maintenance backlog must result in increased levels of service. If  
10 chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011  
11 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the  
12 appropriation provided in this subsection lapses.

13 (8) \$317,000 of the motor vehicle account--state appropriation is  
14 provided solely for maintaining a new active traffic management system  
15 on Interstate 5, Interstate 90, and state route number 520. The  
16 department shall track the costs associated with these systems on a  
17 corridor basis and report to the transportation committees of the  
18 legislature on the costs and benefits of the systems by December 1,  
19 2011.

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

22	Motor Vehicle Account--State Appropriation . . . . .	\$50,166,000
23	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
24	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
25	TOTAL APPROPRIATION . . . . .	\$52,343,000

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

28 (1) \$6,000,000 of the motor vehicle account--state appropriation is  
29 provided solely for low-cost enhancements. The department shall give  
30 priority to low-cost enhancement projects that improve safety or  
31 provide congestion relief. The department shall prioritize low-cost  
32 enhancement projects on a statewide rather than regional basis. By  
33 September 1st of each even-numbered year, the department shall provide  
34 a report to the legislature listing all low-cost enhancement projects  
35 prioritized on a statewide rather than regional basis completed in the  
36 prior year.

1 (2) \$145,000 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.

7 (3) During the 2011-2013 fiscal biennium, the department shall  
8 implement a pilot program that expands private transportation  
9 providers' access to high occupancy vehicle lanes. Under the pilot  
10 program, when the department reserves a portion of a highway based on  
11 the number of passengers in a vehicle, the following vehicles must be  
12 authorized to use the reserved portion of the highway if the vehicle  
13 has the capacity to carry eight or more passengers, regardless of the  
14 number of passengers in the vehicle: (a) Auto transportation company  
15 vehicles regulated under chapter 81.68 RCW; (b) passenger charter  
16 carrier vehicles regulated under chapter 81.70 RCW, except marked or  
17 unmarked stretch limousines and stretch sport utility vehicles as  
18 defined under department of licensing rules; (c) private nonprofit  
19 transportation provider vehicles regulated under chapter 81.66 RCW; and  
20 (d) private employer transportation service vehicles. For purposes of  
21 this subsection, "private employer transportation service" means  
22 regularly scheduled, fixed-route transportation service that is offered  
23 by an employer for the benefit of its employees. By June 30, 2013, the  
24 department shall report to the transportation committees of the  
25 legislature on whether private transportation provider use of high  
26 occupancy vehicle lanes under the pilot program reduces the speeds of  
27 high occupancy vehicle lanes. Nothing in this subsection is intended  
28 to authorize the conversion of public infrastructure to private, for-  
29 profit purposes or to otherwise create an entitlement or other claim by  
30 private users to public infrastructure. If chapter ... (Substitute  
31 Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this  
32 subsection is null and void.

33 (4) \$9,000,000 of the motor vehicle account--state appropriation is  
34 provided solely for the department's incident response program.

35 (5) The department, in consultation with the Washington state  
36 patrol, must continue a pilot program for the patrol to issue  
37 infractions based on information from automated traffic safety cameras  
38 in roadway construction zones on state highways. The department must

1 report to the joint transportation committee by January 1, 2012, and  
2 January 1, 2013, on the status of this pilot program. For the purpose  
3 of this pilot program, during the 2011-2013 fiscal biennium, a roadway  
4 construction zone includes areas where public employees or private  
5 contractors may be present or where a driving condition exists that  
6 would make it unsafe to drive at higher speeds, such as, when the  
7 department is redirecting or realigning lanes on any public roadway  
8 pursuant to ongoing construction. The department shall use the  
9 following guidelines to administer the program:

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

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

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

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

27 (e) For purposes of the 2011-2013 fiscal biennium pilot program,  
28 infractions detected through the use of automated traffic safety  
29 cameras are not part of the registered owner's driving record under RCW  
30 46.52.101 and 46.52.120. Additionally, infractions generated by the  
31 use of automated traffic safety cameras must be processed in the same  
32 manner as parking infractions for the purposes of RCW 3.50.100,  
33 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the  
34 fine issued under this subsection (5) for an infraction generated  
35 through the use of an automated traffic safety camera is one hundred  
36 thirty-seven dollars. The court shall remit thirty-two dollars of the  
37 fine to the state treasurer for deposit into the state patrol highway  
38 account; and

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

16 (6) The department shall track the costs associated with active  
17 traffic management systems on a corridor basis and report to the  
18 transportation committees of the legislature on the cost and benefits  
19 of the systems by December 1, 2011.

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

22	Motor Vehicle Account--State Appropriation . . . . .	\$28,430,000
23	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
24	Multimodal Transportation Account--State	
25	Appropriation . . . . .	\$973,000
26	TOTAL APPROPRIATION . . . . .	\$29,433,000

27 The appropriations in this section are subject to the following  
28 conditions and limitations: The department shall utilize existing  
29 resources and customer service staff to develop and implement new  
30 policies and procedures to ensure compliance with new federal passenger  
31 vessel Americans with disabilities act requirements.

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

34	Motor Vehicle Account--State Appropriation . . . . .	\$23,394,000
35	Motor Vehicle Account--Federal Appropriation . . . . .	\$21,885,000
36	Multimodal Transportation Account--State	

1	Appropriation . . . . .	\$662,000
2	Multimodal Transportation Account--Federal	
3	Appropriation . . . . .	\$3,559,000
4	Multimodal Transportation Account--Private/Local	
5	Appropriation . . . . .	\$100,000
6	TOTAL APPROPRIATION . . . . .	.\$49,600,000

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

9 (1) \$70,000 of the motor vehicle account--state appropriation is a  
10 reappropriation provided solely for a corridor study of state route  
11 number 516 from the eastern border of Maple Valley to state route  
12 number 167 to determine whether improvements are needed and the costs  
13 of any needed improvements.

14 (2) \$200,000 of the motor vehicle account--state appropriation is  
15 provided solely for extending the freight database pilot project that  
16 began in 2009. Global positioning system (GPS) data is intended to  
17 help guide freight investment decisions and track highway project  
18 effectiveness as it relates to freight traffic.

19 (3) Within available resources, the department must collaborate  
20 with the affected metropolitan planning organizations, regional  
21 transportation planning organizations, transit agencies, and private  
22 transportation providers to develop a plan to reduce vehicle demand,  
23 increase public transportation options, and reduce vehicle miles  
24 traveled on corridors affected by growth at Joint Base Lewis-McChord.

25 (4) As part of their ongoing regional transportation planning, the  
26 regional transportation planning organizations across the state shall  
27 work together to provide a comprehensive framework for sources and uses  
28 of next-stage investments in transportation needed to improve  
29 structural conditions and ongoing operations and lay the groundwork for  
30 the transportation systems to support the long-term economic vitality  
31 of the state. This planning must include all forms of transportation  
32 to reflect the state's interests, including: Highways, streets, and  
33 roads; ferries; public transportation; systems for freight; and walking  
34 and biking systems. The department shall support this planning by  
35 providing information on potential state transportation uses and an  
36 analysis of potential sources of revenue to implement investments. In  
37 carrying out this planning, regional transportation planning

1 organizations must be broadly inclusive of business, civic, labor,  
2 governmental, and environmental interests in regional communities  
3 across the state.

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

6	Motor Vehicle Account--State Appropriation . . . . .	\$85,209,000
7	Motor Vehicle Account--Federal Appropriation . . . . .	\$400,000
8	Multimodal Transportation Account--State	
9	Appropriation . . . . .	\$3,320,000
10	TOTAL APPROPRIATION . . . . .	\$88,929,000

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

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

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

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

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

23 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
24 GENERAL ADMINISTRATION . . . . . \$6,060,000

25 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF  
26 PERSONNEL . . . . . \$6,347,000

27 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY  
28 PREMIUMS AND ADMINISTRATION . . . . . \$44,418,000

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

30 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS  
31 ENTERPRISES . . . . . \$1,008,000

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

34 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE  
35 DEPARTMENT OF INFORMATION SERVICES . . . . . \$1,980,000

36 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
37 GENERAL'S OFFICE . . . . . \$8,526,000

1 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY  
2 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT  
3 LITIGATION . . . . . \$672,000

4 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**  
5 **PUBLIC TRANSPORTATION--PROGRAM V**

6 State Vehicle Parking Account--State Appropriation . . . . . \$452,000  
7 Regional Mobility Grant Program Account--State  
8 Appropriation . . . . . \$48,942,000  
9 Multimodal Transportation Account--State  
10 Appropriation . . . . . \$41,706,000  
11 Multimodal Transportation Account--Federal  
12 Appropriation . . . . . \$2,582,000  
13 Multimodal Transportation Account--Private/Local  
14 Appropriation . . . . . \$1,027,000  
15 Rural Mobility Grant Program Account--State  
16 Appropriation . . . . . \$17,000,000  
17 TOTAL APPROPRIATION . . . . . \$111,709,000

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

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

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

30 (b) \$19,500,000 of the amount provided in this subsection is  
31 provided solely for grants to transit agencies to transport persons  
32 with special transportation needs. To receive a grant, the transit  
33 agency must have a maintenance of effort for special needs  
34 transportation that is no less than the previous year's maintenance of  
35 effort for special needs transportation. Grants for transit agencies  
36 must be prorated based on the amount expended for demand response  
37 service and route deviated service in calendar year 2009 as reported in

1 the "Summary of Public Transportation - 2009" published by the  
2 department of transportation. No transit agency may receive more than  
3 thirty percent of these distributions.

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

6 (a) \$8,500,000 of the rural mobility grant program account--state  
7 appropriation is provided solely for grants for those transit systems  
8 serving small cities and rural areas as identified in the "Summary of  
9 Public Transportation - 2009" published by the department of  
10 transportation. Noncompetitive grants must be distributed to the  
11 transit systems serving small cities and rural areas in a manner  
12 similar to past disparity equalization programs. If the funding  
13 provided in this subsection (2)(a) exceeds the amount required for  
14 recipient counties to reach eighty percent of the average per capita  
15 sales tax, funds in excess of that amount may be used for the  
16 competitive grant process established in (b) of this subsection.

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

21 (3)(a) \$6,000,000 of the multimodal transportation account--state  
22 appropriation is provided solely for a vanpool grant program for: (a)  
23 Public transit agencies to add vanpools or replace vans; and (b)  
24 incentives for employers to increase employee vanpool use. The grant  
25 program for public transit agencies will cover capital costs only;  
26 operating costs for public transit agencies are not eligible for  
27 funding under this grant program. Additional employees may not be  
28 hired from the funds provided in this section for the vanpool grant  
29 program, and supplanting of transit funds currently funding vanpools is  
30 not allowed. The department shall encourage grant applicants and  
31 recipients to leverage funds other than state funds.

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

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

37 (4) \$8,942,000 of the regional mobility grant program account--  
38 state appropriation is reappropriated and provided solely for the

1 regional mobility grant projects identified in LEAP Transportation  
2 Document 2007-B, as developed April 20, 2007, or LEAP Transportation  
3 Document 2009-B, as developed April 24, 2009. The department shall  
4 continue to review all projects receiving grant awards under this  
5 program at least semiannually to determine whether the projects are  
6 making satisfactory progress. The department shall promptly close out  
7 grants when projects have been completed, and any remaining funds must  
8 be used only to fund projects identified in: LEAP Transportation  
9 Document 2007-B, as developed April 20, 2007; LEAP Transportation  
10 Document 2009-B, as developed April 24, 2009; or LEAP Transportation  
11 Document 2011-B, as developed April 19, 2011. It is the intent of the  
12 legislature to appropriate funds through the regional mobility grant  
13 program only for projects that will be completed on schedule and that  
14 all funds in the regional mobility grant program be used as soon as  
15 practicable to advance eligible projects.

16 (5)(a) \$40,000,000 of the regional mobility grant program account--  
17 state appropriation is provided solely for the regional mobility grant  
18 projects identified in LEAP Transportation Document 2011-B, as  
19 developed April 19, 2011. The department shall review all projects  
20 receiving grant awards under this program at least semiannually to  
21 determine whether the projects are making satisfactory progress. Any  
22 project that has been awarded funds, but does not report activity on  
23 the project within one year of the grant award, must be reviewed by the  
24 department to determine whether the grant should be terminated. The  
25 department shall promptly close out grants when projects have been  
26 completed, and any remaining funds must be used only to fund projects  
27 identified in LEAP Transportation Document 2011-B, as developed April  
28 19, 2011. The department shall provide annual status reports on  
29 December 15, 2011, and December 15, 2012, to the office of financial  
30 management and the transportation committees of the legislature  
31 regarding the projects receiving the grants. It is the intent of the  
32 legislature to appropriate funds through the regional mobility grant  
33 program only for projects that will be completed on schedule.

34 (b) In order to be eligible to receive a grant under (a) of this  
35 subsection during the 2011-2013 fiscal biennium, a transit agency must  
36 establish a process for private transportation providers to apply for  
37 the use of park and ride facilities. For purposes of this subsection,  
38 (i) "private transportation provider" means: An auto transportation

1 company regulated under chapter 81.68 RCW; a passenger charter carrier  
2 regulated under chapter 81.70 RCW, except marked or unmarked stretch  
3 limousines and stretch sport utility vehicles as defined under  
4 department of licensing rules; a private nonprofit transportation  
5 provider regulated under chapter 81.66 RCW; or a private employer  
6 transportation service provider; and (ii) "private employer  
7 transportation service" means regularly scheduled, fixed-route  
8 transportation service that is offered by an employer for the benefit  
9 of its employees.

10 (6) \$2,309,000 of the multimodal transportation account--state  
11 appropriation is provided solely for the tri-county connection service  
12 for Island, Skagit, and Whatcom transit agencies.

13 (7) \$200,000 of the multimodal transportation account--state  
14 appropriation is contingent on the timely development of an annual  
15 report summarizing the status of public transportation systems as  
16 identified under RCW 35.58.2796.

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

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

24 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**  
25 **MARINE--PROGRAM X**

26 Puget Sound Ferry Operations Account--State  
27 Appropriation . . . . . \$467,773,000

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

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

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

4 (3) The legislature finds that measuring the performance of the  
5 Washington state ferries requires the measurement of quality,  
6 timeliness, and unit cost of services delivered to customers.  
7 Consequently, the department must develop a set of metrics that measure  
8 that performance and report to the transportation committees of the  
9 legislature and the office of financial management on the development  
10 of these measurements along with recommendations to the 2012  
11 legislature on which measurements must become a part of the next  
12 omnibus transportation appropriations act. If chapter ... (Substitute  
13 House Bill No. 1516), Laws of 2011 (state ferry system management) is  
14 enacted, the report under this subsection is not required.

15 (4) The department shall continue to identify and implement process  
16 changes that will improve on-time performance on a route-by-route  
17 basis. These changes must include considering the slowing down of  
18 vessels for fuel economy purposes and touch-and-go sailings on peak  
19 runs. The department shall report its findings to the transportation  
20 committees of the legislature by December 1, 2011.

21 (5) Until a reservation system is operational on the San Juan  
22 islands inner-island route, the department shall provide the same  
23 priority loading benefits on the San Juan islands inner-island route to  
24 home health care workers as are currently provided to patients  
25 traveling for purposes of receiving medical treatment.

26 (6) The department shall request from the United States coast guard  
27 variable minimum staffing levels on all of its vessels by December 31,  
28 2011.

29 (7) The department shall provide fiscal year reports to the  
30 transportation committees of the legislature outlining wages and  
31 benefits provided to employees.

32 (8) The department shall provide support to the legislative  
33 evaluation and accountability program committee's work of upgrading the  
34 transportation executive information system to include more detailed  
35 information for ferry projects.

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

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

19 (11) For the 2011-2013 fiscal biennium, the department of  
20 transportation may enter into a distributor controlled fuel hedging  
21 program.

22 (12) The department shall target service reductions totaling  
23 \$4,000,000, such that the shortening of shoulder seasons and  
24 eliminations of off-peak runs on all routes are considered. Prior to  
25 implementing the reductions, the department shall consult with ferry  
26 employees and ferry advisory committees to determine which reductions  
27 would impact the fewest number of riders. The reductions must be  
28 identified and implementation must begin no later than the fall 2011  
29 schedule.

30 (13) \$135,248,000 of the Puget Sound ferry operations account--  
31 state appropriation is provided solely for auto ferry vessel operating  
32 fuel in the 2011-2013 fiscal biennium.

33 (14) \$150,000 of the Puget Sound ferry operations account--state  
34 appropriation is provided solely for the department to increase  
35 recreation and tourist ridership by entering into agreements for  
36 marketing and outreach strategies with local economic development  
37 agencies. The department shall identify the number of tourist and  
38 recreation riders on the applicable ferry routes both before and after

1 implementation of marketing and outreach strategies developed through  
2 the agreements. The department shall report results of the marketing  
3 and outreach strategies to the transportation committees of the  
4 legislature by October 15, 2012.

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

13 (16) The department, office of financial management, and  
14 transportation committees of the legislature shall make recommendations  
15 regarding an appropriate budget structure for the Washington state  
16 ferries. The recommendation may include a potential restructuring of  
17 the Washington state ferries budget. The recommendation must  
18 facilitate transparency in reporting and budgeting as well as provide  
19 the opportunity to link revenue sources with expenditures. Findings  
20 and recommendations must be reported to the office of financial  
21 management and the joint transportation committee by September 1, 2011.

22 (17) Two Kwa-di-tabil class ferry vessels must be placed on the  
23 Port Townsend/Coupeville (Keystone) route to provide service at the  
24 same levels provided when the steel electric vessels were in service.  
25 After the vessels as funded under section 308(7) of this act are in  
26 service, the two most appropriate of these vessels for the Port  
27 Townsend/Coupeville (Keystone) route must be placed on the route.  
28 \$100,000 of the Puget Sound ferry operations account--state  
29 appropriation is provided solely for the additional staffing required  
30 to maintain a reservation system at this route when the second vessel  
31 is in service.

32 (18) The department shall link all vessel asset condition reports  
33 with its vessel life-cycle cost model in such a way that it will lend  
34 itself to integration with a vessel asset management system. Each  
35 quarter the department shall complete the activity of linking the asset  
36 condition of one class of vessels to the life-cycle cost model,  
37 beginning with the jumbo mark II class, followed by the Issaquah class,  
38 the jumbo mark I class, the super class, and finally the Kwa-di-tabil

1 class. The department shall continue to regularly inspect life-cycle  
 2 cost model assets and link the resulting asset condition reports with  
 3 its vessel life-cycle cost model as the assessments are completed. The  
 4 department shall provide the transportation committees of the  
 5 legislature with progress reports of this activity as the work for each  
 6 class of vessels has been completed. This activity must be completed  
 7 with the results reported to the transportation committees of the  
 8 legislature by June 1, 2012. The department's 2013-2015 budget request  
 9 must be developed using the updated life-cycle cost model and must also  
 10 provide a project scope for implementing a vessel asset management  
 11 system.

12 (19) \$706,000 of the Puget Sound ferry operations account--state  
 13 appropriation is provided solely for terminal operations to implement  
 14 new federal passenger vessel Americans with disabilities act  
 15 requirements.

16 (20) \$152,000 of the Puget Sound ferry operations account--state  
 17 appropriation is provided solely for the department's compliance with  
 18 its national pollution discharge elimination system permit.

19 (21) If chapter ... (Substitute House Bill No. 2053), Laws of 2011  
 20 (additive transportation funding) is not enacted by June 30, 2011, the  
 21 \$4,000,000 in service reductions identified in subsection (12) of this  
 22 section must be restored and an identical amount must be reduced from  
 23 the amount provided for the second 144-car vessel identified in section  
 24 308(8) of this act.

25 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 26 **RAIL--PROGRAM Y--OPERATING**

27 Multimodal Transportation Account--State

28	Appropriation . . . . .	\$29,688,000
29	Multimodal Transportation Account--Federal	
30	Appropriation . . . . .	\$300,000
31	TOTAL APPROPRIATION . . . . .	\$29,988,000

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

34 (1) \$24,091,000 of the multimodal transportation account--state  
 35 appropriation is provided solely for the Amtrak service contract and  
 36 Talgo maintenance contract associated with providing and maintaining  
 37 state-supported passenger rail service. The department is directed to

1 continue to pursue efforts to reduce costs, increase ridership, and  
2 review fares or fare schedules. Within thirty days of each annual  
3 cost/revenue reconciliation under the Amtrak service contract, the  
4 department shall report annual credits to the office of financial  
5 management and the legislative transportation committees. Annual  
6 credits from Amtrak to the department including, but not limited to,  
7 credits for increased revenue due to higher ridership, and fare or fare  
8 schedule adjustments, must be used to offset corresponding amounts of  
9 the multimodal transportation account--state appropriation, which must  
10 be placed in reserve. Upon completion of the rail platform project in  
11 the city of Stanwood, the department shall continue to provide daily  
12 Amtrak Cascades service to the city.

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

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

16 (4) The department shall conduct a pilot program by partnering with  
17 the travel industry on the Amtrak Cascades service between Vancouver,  
18 British Columbia, and Seattle to test opportunities for increasing  
19 ridership, maximizing farebox recovery, and stimulating private  
20 investment. The pilot program must run from July 1, 2011, to June 30,  
21 2012. The department shall report on the results of the pilot program  
22 to the office of financial management and the legislature by September  
23 30, 2012.

24 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**  
25 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

26	Motor Vehicle Account--State Appropriation . . . . .	\$8,853,000
27	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,567,000
28	TOTAL APPROPRIATION . . . . .	\$11,420,000

29 The appropriations in this section are subject to the following  
30 conditions and limitations: The department shall submit a report to  
31 the transportation committees of the legislature by December 1, 2011,  
32 on the implementation of the recommendations that resulted from the  
33 evaluation of efficiencies in the delivery of transportation funding  
34 and services to local governments that was required under section  
35 204(8), chapter 247, Laws of 2010. The report must include a  
36 description of how recommendations were implemented, what efficiencies

1 were achieved, and an explanation of any recommendations that were not  
2 implemented.

3 **TRANSPORTATION AGENCIES--CAPITAL**

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

5 State Patrol Highway Account--State Appropriation . . . . . \$6,487,000

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

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

14 (2) \$3,226,000 of the state patrol highway account--state  
15 appropriation is provided solely for the Shelton academy of the  
16 Washington state patrol for the new waste water treatment lines, waste  
17 water plants, water lines, and water systems. However, \$2,129,000 of  
18 this amount is contingent on the department of corrections receiving  
19 funding for its portion of the regional water project in the 2011-2013  
20 omnibus capital appropriations act. If this funding is not provided by  
21 June 30, 2011, \$2,129,000 of the appropriation provided in this  
22 subsection lapses.

23 (3) \$421,000 of the state patrol highway account--state  
24 appropriation is provided solely for the reappropriation of the Shelton  
25 regional water project.

26 (4) \$2,187,000 of the total appropriation is provided solely for  
27 mobile office platforms.

28 (5) It is the intent of the legislature that the omnibus operating  
29 appropriations act provide funding for the portion of any applicable  
30 debt service payments, resulting from financial contracts identified  
31 under section 601 of this act, that are attributable to the general  
32 fund as identified in the Washington state patrol's cost allocation  
33 model.

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

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

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

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

(2) \$37,417,000 of the rural arterial trust account--state appropriation is provided solely for county road preservation grant projects as approved by the county road administration board. These funds may be used to assist counties recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding, and may only be made using existing fund balances. It is the intent of the legislature that the rural arterial trust account be managed based on cash flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

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

Small City Pavement and Sidewalk Account--State Appropriation . . . . .	\$3,812,000
Transportation Improvement Account--State Appropriation . . . . .	\$201,050,000
TOTAL APPROPRIATION . . . . .	\$204,862,000

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

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

Motor Vehicle Account--State Appropriation . . . . .	\$5,433,000
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1 The appropriation in this section is subject to the following  
2 conditions and limitations:

3 (1) \$1,364,000 of the motor vehicle account--state appropriation is  
4 provided solely for the Olympic region site acquisition debt service  
5 payments and administrative costs associated with capital improvement  
6 and preservation project and financial management.

7 (2) \$3,669,000 of the motor vehicle account--state appropriation is  
8 provided solely for high priority safety projects that are directly  
9 linked to employee safety, environmental risk, or minor works that  
10 prevent facility deterioration.

11 (3) \$400,000 of the motor vehicle account--state appropriation is  
12 provided solely for the department's compliance with its national  
13 pollution discharge elimination system permit.

14 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**  
15 **IMPROVEMENTS--PROGRAM I**

16	Multimodal Transportation Account--State	
17	Appropriation . . . . .	\$1,000
18	Transportation Partnership Account--State	
19	Appropriation . . . . .	\$1,991,547,000
20	Motor Vehicle Account--State Appropriation . . . . .	\$86,139,000
21	Motor Vehicle Account--Federal Appropriation . . . . .	\$450,691,000
22	Motor Vehicle Account--Private/Local	
23	Appropriation . . . . .	\$50,485,000
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation . . . . .	\$436,005,000
26	State Route Number 520 Corridor Account--State	
27	Appropriation . . . . .	\$1,019,460,000
28	TOTAL APPROPRIATION . . . . .	\$4,034,328,000

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

31 (1) Except as provided otherwise in this section, the entire  
32 transportation 2003 account (nickel account) appropriation and the  
33 entire transportation partnership account appropriation are provided  
34 solely for the projects and activities as listed by fund, project, and  
35 amount in LEAP Transportation Document 2011-1 as developed April 19,  
36 2011, Program - Highway Improvement Program (I). However, limited

1 transfers of specific line-item project appropriations may occur  
2 between projects for those amounts listed subject to the conditions and  
3 limitations in section 603 of this act.

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

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

22 (4) The department shall apply for surface transportation program  
23 enhancement funds to be expended in lieu of or in addition to state  
24 funds for eligible costs of projects in programs I and P including, but  
25 not limited to, the state route number 518, state route number 520,  
26 Columbia river crossing, and Alaskan Way viaduct projects.

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

34 (6) Any redistributed federal funds received by the department  
35 must, to the greatest extent possible, be applied first to offset  
36 planned expenditures of state funds, and second, to offset planned  
37 expenditures of federal funds, on projects as identified in the LEAP  
38 transportation documents described in this act. If the redistributed

1 federal funds cannot be used in this manner, the department must  
2 consult with the joint transportation committee prior to obligating any  
3 redistributed federal funds.

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

11 (8) For highway construction projects where the department  
12 considers agricultural lands of long-term commercial significance, as  
13 defined in RCW 36.70A.030, in reviewing and selecting sites to meet  
14 environmental mitigation requirements under the national environmental  
15 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental  
16 policy act (chapter 43.21C RCW), the department shall, to the greatest  
17 extent possible, consider using public land first. If public lands are  
18 not available that meet the required environmental mitigation needs,  
19 the department may use other sites while making every effort to avoid  
20 any net loss of agricultural lands that have a designation of long-term  
21 commercial significance.

22 (9) \$361,000 of the transportation partnership account--state  
23 appropriation and \$1,245,000 of the transportation 2003 account (nickel  
24 account)--state appropriation are provided solely for project OBI4ENV,  
25 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in  
26 the LEAP transportation document referenced in subsection (1) of this  
27 section. Funds may be used only for environmental mitigation work that  
28 is required by permits that were issued for projects funded by the  
29 transportation partnership account or transportation 2003 account  
30 (nickel account). As part of the 2012 budget submittal, the department  
31 shall provide a list of all projects and associated amounts that are  
32 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

33 (10) The transportation 2003 account (nickel account)--state  
34 appropriation includes up to \$361,005,000 in proceeds from the sale of  
35 bonds authorized by RCW 47.10.861.

36 (11) The transportation partnership account--state appropriation  
37 includes up to \$1,427,696,000 in proceeds from the sale of bonds  
38 authorized in RCW 47.10.873.

1 (12) The motor vehicle account--state appropriation includes up to  
2 \$66,373,000 in proceeds from the sale of bonds authorized in RCW  
3 47.10.843.

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

7 (14) \$391,000 of the motor vehicle account--state appropriation and  
8 \$4,027,000 of the motor vehicle account--federal appropriation are  
9 provided solely for the US 2 High Priority Safety project (100224I).  
10 Expenditure of these funds is for safety projects on state route number  
11 2 between Monroe and Gold Bar, which may include median rumble strips,  
12 traffic cameras, and electronic message signs.

13 (15) \$687,000 of the motor vehicle account--federal appropriation,  
14 \$16,308,000 of the motor vehicle account--private/local appropriation,  
15 and \$22,000 of the motor vehicle account--state appropriation are  
16 provided solely for the US 2/Bickford Avenue - Intersection Safety  
17 Improvements project (100210E).

18 (16) \$435,000 of the motor vehicle account--state appropriation is  
19 provided solely for environmental work on the Belfair Bypass project  
20 (300344C).

21 (17) \$108,000 of the motor vehicle account--federal appropriation  
22 and \$3,000 of the motor vehicle account--state appropriation are  
23 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -  
24 Install Ramp Meters project (300596M).

25 (18) \$253,444,000 of the transportation partnership account--state  
26 appropriation and \$66,034,000 of the transportation 2003 account  
27 (nickel account)--state appropriation are provided solely for the I-  
28 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of  
29 funds in this subsection to renovate any buildings is subject to the  
30 requirements of section 604 of this act. The department shall report  
31 to the legislature and the office of financial management on any costs  
32 associated with building renovations funded in this subsection.

33 (19)(a) \$8,321,000 of the transportation partnership account--state  
34 appropriation and \$31,380,000 of the motor vehicle account--federal  
35 appropriation are provided solely for the I-5/Columbia River Crossing  
36 project (400506A). Of this amount, \$200,000 of the transportation  
37 partnership account--state appropriation is provided solely for the  
38 department to work with the department of archaeology and historic

1 preservation to ensure that the cultural resources investigation is  
2 properly conducted on the Columbia river crossing project. This  
3 project must be conducted with active archaeological management and  
4 result in one report that spans the single cultural area in Oregon and  
5 Washington. Additionally, the department shall establish a scientific  
6 peer review of independent archaeologists that are knowledgeable about  
7 the region and its cultural resources. No funding from any account may  
8 be expended until written confirmation has been received by the  
9 department that the state of Oregon is providing an equal amount of  
10 additional funding to the project.

11 (b) Consistent with the draft environmental impact statement and  
12 the Columbia river crossing project's independent review panel report,  
13 the Columbia river crossing project's financial plan must include  
14 recognition of state transportation funding contributions from both  
15 Washington and Oregon, federal transportation funding, and a funding  
16 contribution from toll bond proceeds. Following the refinement of the  
17 finance plan as recommended by the independent review panel, the  
18 department may seek authorization from the legislature to collect tolls  
19 on the existing Columbia river crossing or on a replacement crossing  
20 over Interstate 5.

21 (20) \$107,000 of the motor vehicle account--federal appropriation  
22 and \$27,000 of the motor vehicle account--state appropriation are  
23 provided solely for the SR 9/SR 204 Intersection Improvement project  
24 (L2000040).

25 (21) \$2,134,000 of the motor vehicle account--federal appropriation  
26 and \$47,000 of the motor vehicle account--state appropriation are  
27 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -  
28 Build New Highway project (501210T).

29 (22) \$294,000 of the motor vehicle account--federal appropriation  
30 and \$13,000 of the motor vehicle account--state appropriation are  
31 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage  
32 Road project (301639C). The frontage road must be built for driving  
33 speeds of no more than thirty-five miles per hour.

34 (23) \$1,000,000 of the motor vehicle account--federal appropriation  
35 is provided solely for the SR 20/Race Road to Jacob's Road safety  
36 project (L2200042).

37 (24) \$24,002,000 of the transportation partnership account--state

1 appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont  
2 Avenue Extension project (202800D).

3 (25) \$569,000 of the motor vehicle account--federal appropriation  
4 and \$9,000 of the motor vehicle account--state appropriation are  
5 provided solely for design and right-of-way work on the I-82/Red  
6 Mountain Vicinity project (508208M). The department shall continue to  
7 work with the local partners in developing transportation solutions  
8 necessary for the economic growth in the Red Mountain American  
9 viticulture area of Benton county.

10 (26) \$1,500,000 of the motor vehicle account--federal appropriation  
11 is provided solely for the I-90 Comprehensive Tolling Study project  
12 (100067T).

13 (27) \$9,422,000 of the motor vehicle account--federal appropriation  
14 and \$193,000 of the motor vehicle account--state appropriation are  
15 provided solely for the I-90/Sullivan Road to Barker Road - Additional  
16 Lanes project (609049N).

17 (28) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie  
18 Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be  
19 used for design work on the next two-mile segment of the corridor. Any  
20 additional savings on this project must remain on the corridor.  
21 \$590,000 of the funds appropriated for this project may be used to  
22 purchase land currently owned by the state parks department. Project  
23 funds may not be used to build or improve buildings until the plan  
24 described in section 604 of this act is complete.

25 (29) \$932,000 of the motor vehicle account--federal appropriation  
26 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence  
27 project (209790B).

28 (30) The department shall reconvene an expert review panel of no  
29 more than three members as described under RCW 47.01.400 for the  
30 purpose of updating the work that was previously completed by the panel  
31 on the Alaskan Way viaduct replacement project and to ensure that an  
32 appropriate and viable financial plan is created and regularly  
33 reviewed. The expert review panel must be selected cooperatively by  
34 the chairs of the senate and house of representatives transportation  
35 committees, the secretary of transportation, and the governor. The  
36 expert review panel must report findings and recommendations to the  
37 transportation committees of the legislature, the governor's Alaskan

1 Way viaduct project oversight committee, and the transportation  
2 commission by October 2011, and annually thereafter until the project  
3 is operationally complete.

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

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

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

18 (32) Within the amounts provided in this section, \$20,000 of the  
19 motor vehicle account--state appropriation and \$980,000 of the motor  
20 vehicle account--federal appropriation are provided solely for the  
21 department to continue work on a comprehensive tolling study of the  
22 state route number 167 corridor (project 316718S). As funding allows,  
23 the department shall also continue work on a comprehensive tolling  
24 study of the state route number 509 corridor.

25 (33)(a) \$131,303,000 of the transportation partnership  
26 account--state appropriation, \$51,410,000 of the transportation 2003  
27 account (nickel account)--state appropriation, and \$10,000,000 of the  
28 motor vehicle account--federal appropriation are provided solely for  
29 the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This  
30 project must be completed as soon as practicable as a design-build  
31 project and must be constructed with a footprint that would accommodate  
32 potential future express toll lanes.

33 (b) As part of the project, the department shall conduct a traffic  
34 and revenue analysis and complete a financial plan to provide  
35 additional information on the revenues, expenditures, and financing  
36 options available for active traffic management and congestion relief  
37 in the Interstate 405 and state route number 167 corridors. A report  
38 must be provided to the transportation committees of the legislature

1 and the office of financial management by January 2012. However, this  
2 subsection (33)(b) is null and void if chapter . . . (Engrossed House  
3 Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by  
4 June 30, 2011.

5 (34) Funding for a signal at state route number 507 and Yew Street  
6 is included in the appropriation for intersection and spot improvements  
7 (0BI2002).

8 (35) \$226,809,000 of the transportation partnership account--state  
9 appropriation and \$1,019,460,000 of the state route number 520 corridor  
10 account--state appropriation are provided solely for the state route  
11 number 520 bridge replacement and HOV program (8BI1003). When  
12 developing the financial plan for the program, the department shall  
13 assume that all maintenance and operation costs for the new facility  
14 are to be covered by tolls collected on the toll facility, and not by  
15 the motor vehicle account.

16 (36) \$650,000 of the motor vehicle account--federal appropriation  
17 is provided solely for the SR 522 Improvements/61st Avenue NE and NE  
18 181st Street project (L1000055).

19 (37) \$300,000 of the motor vehicle account--federal appropriation  
20 is provided solely for the SR 523 Corridor study (L1000059).

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

24 (39) 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 . . . . .	\$67,790,000
32	Motor Vehicle Account--Federal Appropriation . . . . .	\$632,489,000
33	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$19,253,000
34	TOTAL APPROPRIATION . . . . .	\$753,714,000

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 April 19,  
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.

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 \$17,652,000 in proceeds from the sale of bonds authorized in RCW  
10 47.10.843.

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

16 (9) \$277,000 of the motor vehicle account--federal appropriation  
17 and \$10,000 of the motor vehicle account--state appropriation are  
18 provided solely for the environmental impact statement and preliminary  
19 planning for the replacement of the state route number 9 Snohomish  
20 river bridge (project L2000018).

21 (10) \$9,641,000 of the motor vehicle account--federal  
22 appropriation, \$2,000,000 of the motor vehicle account--private/local  
23 appropriation, and \$361,000 of the motor vehicle account--state  
24 appropriation are provided solely for the SR 21/Keller Ferry - Replace  
25 Boat project (602110J).

26 (11) \$3,093,000 of the motor vehicle account--federal appropriation  
27 is provided solely for the I-90/Ritzville to Tokio - Paving of Outside  
28 Lanes project (609041G).

29 (12) \$2,733,000 of the motor vehicle account--federal appropriation  
30 and \$114,000 of the motor vehicle account--state appropriation are  
31 provided solely for the SR 167/Puyallup River Bridge Replacement  
32 project (316725A). This project must be completed as a design-build  
33 project. The department must work with local jurisdictions and the  
34 community during the environmental review process to develop  
35 appropriate esthetic design elements, at no additional cost to the  
36 department, and traffic management plans pertaining to this project.  
37 The department must report to the transportation committees of the

1 legislature on estimated cost and/or time savings realized as a result  
2 of using the design-build process.

3 (13) \$295,000 of the motor vehicle account--federal appropriation  
4 and \$5,000 of the motor vehicle account--state appropriation are  
5 provided solely for the SR 906/Travelers Rest - Building Renovation  
6 project (090600A).

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

9	Motor Vehicle Account--State Appropriation . . . . .	\$6,439,000
10	Motor Vehicle Account--Federal Appropriation . . . . .	\$5,600,000
11	TOTAL APPROPRIATION . . . . .	\$12,039,000

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

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

21	Puget Sound Capital Construction Account--State	
22	Appropriation . . . . .	\$68,013,000
23	Puget Sound Capital Construction Account--Federal	
24	Appropriation . . . . .	\$41,500,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation . . . . .	\$118,027,000
27	Transportation Partnership Account--State	
28	Appropriation . . . . .	\$12,536,000
29	Multimodal Transportation Account--State	
30	Appropriation . . . . .	\$43,265,000
31	TOTAL APPROPRIATION . . . . .	\$283,341,000

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

34 (1) \$68,013,000 of the Puget Sound capital construction  
35 account--state appropriation, \$41,500,000 of the Puget Sound capital  
36 construction account--federal appropriation, \$12,536,000 of the

1 transportation partnership account--state appropriation, \$118,027,000  
2 of the transportation 2003 account (nickel account)--state  
3 appropriation, and \$43,265,000 of the multimodal transportation  
4 account--state appropriation are provided solely for ferry projects, as  
5 listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed  
6 April 19, 2011, Program - Washington State Ferries Capital Program (W).

7 (2) The department shall work with the department of archaeology  
8 and historic preservation to ensure that the cultural resources  
9 investigation is properly conducted on all large ferry terminal  
10 projects. These projects must be conducted with active archaeological  
11 management.

12 (3) The multimodal transportation account--state appropriation  
13 includes up to \$43,265,000 in proceeds from the sale of bonds  
14 authorized in RCW 47.10.867.

15 (4) The transportation 2003 account (nickel account)--state  
16 appropriation includes up to \$82,143,000 in proceeds from the sale of  
17 bonds authorized in RCW 47.10.861.

18 (5) The Puget Sound capital construction account--state  
19 appropriation includes up to \$52,516,000 in proceeds from the sale of  
20 bonds authorized in RCW 47.10.843.

21 (6) Appropriations used for labor costs may be used only for  
22 obligations under applicable collective bargaining agreements, civil  
23 service laws, court orders, and judgments.

24 (7) \$20,906,000 of the transportation 2003 account (nickel  
25 account)--state appropriation, \$9,711,000 of the multimodal  
26 transportation account--state appropriation, and \$1,537,000 of the  
27 Puget Sound capital construction account--state appropriation are  
28 provided solely for the acquisition of new Kwa-di-tabil class ferry  
29 vessels subject to the conditions of RCW 47.56.780.

30 (8) \$33,404,000 of the multimodal transportation account--state  
31 appropriation, \$2,000,000 of the Puget Sound capital construction  
32 account--state appropriation, \$11,500,000 of the transportation  
33 partnership account--state appropriation, and \$81,085,000 of the  
34 transportation 2003 account (nickel account)--state appropriation are  
35 provided solely for the acquisition of two 144-car vessels contingent  
36 upon new and sufficient resources. Of these amounts, \$123,828,000 is  
37 provided solely for the first 144-car vessel. The department shall use  
38 as much already procured equipment as practicable on the 144-car

1 vessel. The vendor must present to the joint transportation committee  
2 and the office of financial management, by August 15, 2011, a list of  
3 options that will result in significant cost savings changes in terms  
4 of construction or the long-term maintenance and operations of the  
5 vessel. The vendor must allow for exercising the options without a  
6 penalty. If neither chapter ... (Engrossed Substitute Senate Bill No.  
7 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011  
8 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003  
9 account (nickel account)--state appropriation in this subsection  
10 lapses.

11 (9) The department shall provide to the office of financial  
12 management and the legislature quarterly reports providing the status  
13 on each project listed in this section and in the project lists  
14 submitted pursuant to this act and on any additional projects for which  
15 the department has expended funds during the 2011-2013 fiscal biennium.  
16 Elements must include, but not be limited to, project scope, schedule,  
17 and costs. The department shall also provide the information required  
18 under this subsection via the transportation executive information  
19 system. The quarterly report regarding the status of projects  
20 identified on the list referenced in subsection (1) of this section  
21 must be developed according to an earned value method of project  
22 monitoring.

23 (10) The department shall review and adjust its capital program  
24 staffing levels to ensure staffing is at the most efficient level  
25 necessary to implement the capital program in the omnibus  
26 transportation appropriations act. The review must include a  
27 comparison to the findings of the 2009 capital staffing levels report.  
28 The Washington state ferries shall report this review and adjustment to  
29 the office of financial management and the house and senate  
30 transportation committees of the legislature by July 2012.

31 (11) \$3,932,000 of the total appropriation is provided solely for  
32 continued permitting work on the Mukilteo ferry terminal (project  
33 952515P). The department shall seek additional federal funding for  
34 this project. Prior to beginning terminal improvements, the department  
35 shall report to the legislature on the final environmental impact  
36 statement by December 31, 2012. The report must include an overview of  
37 the costs and benefits of each of the alternatives considered, as well

1 as an identification of costs and a funding plan for the preferred  
2 alternative.

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

8 (13) The department shall review all terminal project cost  
9 estimates to identify projects where similar design requirements could  
10 result in reduced preliminary engineering or miscellaneous items costs.  
11 The department shall report to the legislature by September 1, 2011.  
12 The report must use programmatic design and include estimated cost  
13 savings by reducing repetitive design costs or miscellaneous costs, or  
14 both, applied to projects.

15 (14) \$2,000,000 of the Puget Sound capital construction account--  
16 state appropriation is provided solely for emergency capital repair  
17 costs. Funds may be spent only after approval from the office of  
18 financial management.

19 (15) \$7,167,000 of the Puget Sound capital construction account--  
20 state appropriation is provided solely for the reservation and  
21 communications system project.

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

24	Essential Rail Assistance Account--State	
25	Appropriation . . . . .	\$1,000,000
26	Transportation Infrastructure Account--State	
27	Appropriation . . . . .	\$5,838,000
28	Multimodal Transportation Account--State	
29	Appropriation . . . . .	\$52,000,000
30	Multimodal Transportation Account--Federal	
31	Appropriation . . . . .	\$366,314,000
32	Multimodal Transportation Account--Private/Local	
33	Appropriation . . . . .	\$1,292,000
34	TOTAL APPROPRIATION . . . . .	\$426,444,000

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

1 (1)(a) Except as provided otherwise in this section, the entire  
2 appropriations in this section are provided solely for the projects and  
3 activities as listed by project and amount in LEAP Transportation  
4 Document 2011-2 ALL PROJECTS as developed April 19, 2011, Program -  
5 Rail Capital Program (Y).

6 (b) Within the amounts provided in this section, \$2,903,000 of the  
7 transportation infrastructure account--state appropriation is for low-  
8 interest loans through the freight rail investment bank program for  
9 specific projects listed as recipients of these loans in the LEAP  
10 transportation document identified in (a) of this subsection. The  
11 department shall issue freight rail investment bank program loans with  
12 a repayment period of no more than ten years, and only so much interest  
13 as is necessary to recoup the department's costs to administer the  
14 loans.

15 (c) Within the amounts provided in this section, \$1,754,000 of the  
16 multimodal transportation account--state appropriation and \$1,000,000  
17 of the essential rail assistance account--state appropriation are for  
18 statewide emergent freight rail assistance projects identified in the  
19 LEAP transportation document identified in (a) of this subsection.

20 (2)(a) If any funds remain in the program reserves (F01001A &  
21 F01000A) for the program and projects listed in subsection (1)(b) and  
22 (c) of this section, the department shall issue a call for projects for  
23 the freight rail investment bank (FRIB) loan program and the emergent  
24 freight rail assistance program (FRAP) grants, and shall evaluate the  
25 applications according to the cost-benefit methodology developed during  
26 the 2008 interim using the legislative priorities specified in (c) of  
27 this subsection. Unsuccessful FRAP grant applicants should be  
28 encouraged to apply to the FRIB loan program, if eligible. By November  
29 1, 2011, the department shall submit a prioritized list of recommended  
30 projects to the office of financial management and the transportation  
31 committees of the legislature.

32 (b) When the department identifies a prospective rail project that  
33 may have strategic significance for the state, or at the request of a  
34 proponent of a prospective rail project or a member of the legislature,  
35 the department shall evaluate the prospective project according to the  
36 cost-benefit methodology developed during the 2008 interim using the  
37 legislative priorities specified in (c) of this subsection. The  
38 department shall report its cost-benefit evaluation of the prospective

1 rail project, as well as the department's best estimate of an  
2 appropriate construction schedule and total project costs, to the  
3 office of financial management and the transportation committees of the  
4 legislature.

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

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

9 (ii) Self-sustaining economic development that creates family-wage  
10 jobs;

11 (iii) Preservation of transportation corridors that would otherwise  
12 be lost;

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

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

17 (vi) Mitigation of impacts of increased rail traffic on  
18 communities.

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

22 (4) The department shall provide quarterly reports to the office of  
23 financial management and the transportation committees of the  
24 legislature regarding applications that the department submits for  
25 federal funds and the status of such applications.

26 (5) The department shall, on a quarterly basis, provide to the  
27 office of financial management and the legislature reports providing  
28 the status on active projects identified in the LEAP transportation  
29 document described in subsection (1)(a) of this section. Report  
30 formatting and elements must be consistent with the October 2009  
31 quarterly project report.

32 (6) The multimodal transportation account--state appropriation  
33 includes up to \$19,684,000 in proceeds from the sale of bonds  
34 authorized in RCW 47.10.867.

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

1 (8) \$1,087,000 of the multimodal transportation account--state  
2 appropriation is provided solely as state matching funds for successful  
3 grant applications to either the federal rail line relocation and  
4 improvement program (project 798999D) or new federal high-speed rail  
5 grants.

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

13 (10) \$339,139,000 of the multimodal transportation account--federal  
14 appropriation and \$5,099,000 of the multimodal transportation account--  
15 state appropriation are provided solely for expenditures related to  
16 passenger high-speed rail grants. At one and one-half percent of the  
17 total project funds, the multimodal transportation account--state funds  
18 are provided solely for expenditures that are not federally  
19 reimbursable. Funding in this subsection is the initial portion of  
20 multiyear high-speed rail program grants awarded to Washington state  
21 for high-speed intercity passenger rail investments. Funding will  
22 allow for two additional round trips between Seattle and Portland and  
23 other rail improvements.

24 (11) \$750,000 of the multimodal transportation account--state  
25 appropriation is provided solely for the Port of Royal Slope  
26 rehabilitation project (L1000053). Funding is contingent upon the  
27 project completing the rail cost-benefit methodology process developed  
28 during the 2008 interim using the legislative priorities outlined in  
29 subsection (2)(c) of this section.

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

32	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
33	Highway Infrastructure Account--Federal	
34	Appropriation . . . . .	\$1,602,000
35	Motor Vehicle Account--State Appropriation . . . . .	\$3,754,000
36	Motor Vehicle Account--Federal Appropriation . . . . .	\$31,856,000
37	Freight Mobility Investment Account--State	

1	Appropriation . . . . .	\$11,278,000
2	Transportation Partnership Account--State	
3	Appropriation . . . . .	\$6,035,000
4	Freight Mobility Multimodal Account--State	
5	Appropriation . . . . .	\$15,117,000
6	Freight Mobility Multimodal Account--Local	
7	Appropriation . . . . .	\$4,752,000
8	Multimodal Transportation Account--State	
9	Appropriation . . . . .	\$18,453,000
10	Passenger Ferry Account--State Appropriation . . . . .	\$1,115,000
11	TOTAL APPROPRIATION . . . . .	\$94,169,000

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

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

23 (2) \$1,115,000 of the passenger ferry account--state appropriation  
24 is provided solely for near and long-term costs of capital improvements  
25 and operating expenses that are consistent with the business plan  
26 approved by the governor for passenger ferry service.

27 (3) The department shall apply for surface transportation program  
28 enhancement funds to be expended in lieu of or in addition to state  
29 funds for eligible costs of projects in local programs, program  
30 Z--capital.

31 (4) Federal funds may be transferred from program Z to programs I  
32 and P and state funds must be transferred from programs I and P to  
33 program Z to replace those federal funds in a dollar-for-dollar match.  
34 Fund transfers authorized under this subsection shall not affect  
35 project prioritization status. Appropriations must initially be  
36 allotted as appropriated in this act. The department may not transfer  
37 funds as authorized under this subsection without approval of the  
38 office of financial management. The department shall submit a report

1 on those projects receiving fund transfers to the office of financial  
2 management and the transportation committees of the legislature by  
3 December 1, 2011, and December 1, 2012.

4 (5) The city of Winthrop may utilize a design-build process for the  
5 Winthrop bike path project.

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

31 (7) Except as provided otherwise in this section, the entire  
32 appropriations in this section are provided solely for the projects and  
33 activities as listed by project and amount in LEAP Transportation  
34 Document 2011-2 ALL PROJECTS as developed April 19, 2011, Program -  
35 Local Program (Z).

36 (8) For the 2011-2013 project appropriations, unless otherwise  
37 provided in this act, the director of the office of financial  
38 management may authorize a transfer of appropriation authority between

1 projects managed by the freight mobility strategic investment board in  
2 order for the board to manage project spending and efficiently deliver  
3 all projects in the respective program.

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

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

18 (11) \$267,000 of the motor vehicle account--state appropriation and  
19 \$2,859,000 of the motor vehicle account--federal appropriation are  
20 provided solely for completion of the US 101 northeast peninsula safety  
21 rest area and associated roadway improvements east of Port Angeles at  
22 the Deer Park scenic view point (3LP187A). The department must surplus  
23 any right-of-way previously purchased for this project near Sequim.  
24 Approval to proceed with construction is contingent on surplus of  
25 previously purchased right-of-way.

26 (12) Up to \$3,650,000 of the motor vehicle account--federal  
27 appropriation and \$23,000 of the motor vehicle account--state  
28 appropriation are provided solely to reimburse the cities of Kirkland  
29 and Redmond for pavement and bridge deck rehabilitation on state route  
30 number 908 (1LP611A). These funds may not be expended unless the  
31 cities sign an agreement stating that the cities agree to take  
32 ownership of state route number 908 in its entirety and agree that the  
33 payment of these funds represents the entire state commitment to the  
34 cities for state route number 908 expenditures.

35 (13) \$225,000 of the multimodal transportation account--state  
36 appropriation is provided solely for the Shell Valley emergency road  
37 and bicycle/pedestrian path (L1000036).

1 (14) \$150,000 of the motor vehicle account--state appropriation is  
2 provided solely for flood reduction solutions on state route number 522  
3 caused by the lower McAleer and Lyon creek basins (L1000041).

4 (15) \$896,000 of the multimodal transportation account--state  
5 appropriation is provided solely for realignment of Parker Road and  
6 construction of secondary access off of state route number 20  
7 (L2200040).

8 (16) An additional \$2,500,000 of the motor vehicle account--federal  
9 appropriation is provided solely for the Strander Blvd/SW 27th St  
10 Connection project (1LP902F), which amount is reflected in the LEAP  
11 transportation document identified in subsection (7) of this section.  
12 These funds may only be committed if needed, may not be used to  
13 supplant any other committed project partnership funding, and must be  
14 the last funds expended.

15 (17) \$500,000 of the motor vehicle account--federal appropriation  
16 is provided solely for safety improvements at the intersection of South  
17 Wapato and McDonald Road (L1000052).

18 (18) \$2,000,000 of the multimodal transportation account--state  
19 appropriation is provided solely for the state route number 432 rail  
20 realignment and highway improvements project (L1000056).

21 (19) \$500,000 of the multimodal transportation account--state  
22 appropriation is provided solely for a multimodal corridor plan on  
23 state route number 520 between Interstate 405 and Avondale Road in  
24 Redmond (L1000054).

25 (20) \$100,000 of the motor vehicle account--federal appropriation  
26 is provided solely for state route number 164 and Auburn Way South  
27 pedestrian improvements (L1000057).

28 (21) \$115,000 of the motor vehicle account--federal appropriation  
29 is provided solely for median street lighting on state route number 410  
30 (L1000058).

31 (22) \$60,000 of the multimodal transportation account--state  
32 appropriation is provided solely for a cross docking study for the port  
33 of Douglas county (L1000060).

34 (23) \$100,000 of the motor vehicle account--federal appropriation  
35 is provided solely for city of Auburn - 8th and R Street NE  
36 intersection improvements (L2200043).

37 (24) \$65,000 of the multimodal transportation account--state  
38 appropriation is provided solely for the Puget Sound regional council

1 to further the implementation of multimodal concurrency practice  
 2 through a transit service overlay zone implemented at the local level  
 3 (L1000061). This approach will improve the linkage of land use and  
 4 transportation investment decisions, improve the efficiency of transit  
 5 service by encouraging transit-supportive development, provide  
 6 incentives for developers, and support integrated regional growth,  
 7 economic development, and transportation plans. In carrying out this  
 8 work, the council shall involve representatives from cities and  
 9 counties, developers, transit agencies, and other interested  
 10 stakeholders, and shall consult with other regional transportation  
 11 planning organizations across the state. The council shall report the  
 12 results of their work and recommendations to the joint transportation  
 13 committee by December 2011, with a final report to the transportation  
 14 committees of the legislature by January 31, 2012.

15 NEW SECTION. **Sec. 311. FEDERAL FUNDS RECEIVED FOR CAPITAL**  
 16 **PROJECT EXPENDITURES**

17 To the greatest extent practicable, the department of  
 18 transportation shall expend federal funds received for capital project  
 19 expenditures before state funds.

20 **TRANSFERS AND DISTRIBUTIONS**

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

25	Highway Bond Retirement Account--State Appropriation . . .	\$920,560,000
26	Ferry Bond Retirement Account--State Appropriation . . . .	\$31,801,000
27	State Route Number 520 Corridor Account--State	
28	Appropriation . . . . .	\$1,075,000
29	Transportation Improvement Board Bond Retirement	
30	Account--State Appropriation . . . . .	\$16,544,000
31	Nondebt-Limit Reimbursable Account Appropriation . . . . .	\$25,200,000
32	Transportation Partnership Account--State	
33	Appropriation . . . . .	\$3,142,000
34	Motor Vehicle Account--State Appropriation . . . . .	\$333,000

1	Transportation 2003 Account (Nickel Account)--State	
2	Appropriation . . . . .	\$1,140,000
3	Transportation Improvement Account--State Appropriation . . . .	\$29,000
4	Multimodal Transportation Account--State	
5	Appropriation . . . . .	\$138,000
6	Toll Facility Bond Retirement Account--State	
7	Appropriation . . . . .	\$33,792,000
8	Toll Facility Bond Retirement Account--Federal	
9	Appropriation . . . . .	\$14,649,000
10	TOTAL APPROPRIATION . . . . .	\$1,048,403,000

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

13 (1) \$4,610,000 of the highway bond retirement account--state  
14 appropriation is provided solely for debt service on bonds issued to  
15 construct a ferry boat vessel with a carrying capacity of one hundred  
16 forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of  
17 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is  
18 enacted by June 30, 2011, the amount provided in this subsection  
19 lapses.

20 (2) \$165,000 of the transportation 2003 account (nickel account)--  
21 state appropriation is provided solely for discounts on bonds sold to  
22 construct a ferry boat vessel with a carrying capacity of one hundred  
23 forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of  
24 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is  
25 enacted by June 30, 2011, the amount provided in this subsection  
26 lapses.

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

30	State Route Number 520 Corridor Account--State	
31	Appropriation . . . . .	\$68,000
32	Transportation Partnership Account--State	
33	Appropriation . . . . .	\$608,000
34	Motor Vehicle Account--State Appropriation . . . . .	\$60,000
35	Transportation 2003 Account (Nickel Account)--State	
36	Appropriation . . . . .	\$219,000
37	Transportation Improvement Account--State Appropriation . . . .	\$5,000



1 **TRANSFERS**  
2 Motor Vehicle Account--State Appropriation: For  
3 motor vehicle fuel tax refunds and transfers . . . . \$127,984,000

4 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**  
5 **TRANSFERS**

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

9 (2) Motor Vehicle Account--State Appropriation:  
10 For transfer to the Puget Sound Ferry Operations  
11 Account--State . . . . . \$46,500,000

12 (3) Recreational Vehicle Account--State  
13 Appropriation: For transfer to the Motor Vehicle  
14 Account--State . . . . . \$1,450,000

15 (4) License Plate Technology Account--State  
16 Appropriation: For transfer to the Highway Safety  
17 Account--State . . . . . \$3,200,000

18 (5) Multimodal Transportation Account--State  
19 Appropriation: For transfer to the Puget Sound  
20 Ferry Operations Account--State . . . . . \$43,000,000

21 (6) Highway Safety Account--State Appropriation:  
22 For transfer to the Motor Vehicle Account--State . . . . . \$23,000,000

23 (7) Department of Licensing Services Account--State  
24 Appropriation: For transfer to the Motor Vehicle  
25 Account--State . . . . . \$400,000

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

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

31 (10) Rural Mobility Grant Program Account--State  
32 Appropriation: For transfer to the Multimodal  
33 Transportation Account--State . . . . . \$3,000,000

34 (11) Motor Vehicle Account--State Appropriation:  
35 For transfer to the State Patrol Highway Account--  
36 State . . . . . \$14,000,000

1 (12) State Route Number 520 Corridor Account--State Appropriation:  
2 For transfer to the Motor Vehicle Account--State, in an amount equal to  
3 funds dispersed during the 2009-2011 fiscal biennium authorized under  
4 section 805(7) of this act.

5 (13) Motor Vehicle Account--State Appropriation:  
6 For transfer to the Special Category C Account--State . . . \$1,500,000

7 (14) Regional Mobility Grant Program Account--State  
8 Appropriation: For transfer to the Multimodal  
9 Transportation Account--State . . . . . \$1,000,000

10 (15) State Patrol Highway Account--State  
11 Appropriation: For transfer to the Vehicle  
12 Licensing Fraud Account . . . . . \$100,000

13 (16) State Route Number 520 Corridor Account--State  
14 Appropriation: For transfer to the Motor Vehicle  
15 Account . . . . . \$2,435,000

16 (17) The transfers identified in this section are subject to the  
17 following conditions and limitations:

18 (a) The amount transferred in subsection (1) of this section  
19 represents repayment of operating loans and reserve payments provided  
20 to the Tacoma Narrows toll bridge account from the motor vehicle  
21 account in the 2005-2007 fiscal biennium.

22 (b) The transfer in subsection (9) of this section represents toll  
23 revenue collected from toll violations.

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

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

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

1 legislature recognizes that the use of state funds may be required to  
2 temporarily fund expenditures of the federal appropriations for the  
3 highway construction and preservation programs for federal advance  
4 construction projects prior to conversion to federal funding.

5 **COMPENSATION**

6 **NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS**

7 Provisions or terms and conditions of collective bargaining  
8 agreements contained in this act are described in general terms. The  
9 collective bargaining agreements or terms and conditions contained in  
10 this section and sections 502 through 505 of this act may also be  
11 funded by expenditures from nonappropriated accounts. If positions are  
12 funded with lidded grants or dedicated fund sources with insufficient  
13 revenue, additional funding from other sources is not provided.

14 **NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS--WSP**  
15 **TROOPERS ASSOCIATION**

16 No agreement has been reached between the governor and the  
17 Washington state patrol trooper's association under chapter 41.56 RCW  
18 for the 2011-2013 fiscal biennium. Appropriations for the Washington  
19 state patrol in this act are sufficient to fund the provisions of the  
20 2009-2011 agreement.

21 **NEW SECTION. Sec. 503. COLLECTIVE BARGAINING AGREEMENTS--WSP**  
22 **LIEUTENANTS ASSOCIATION**

23 No agreement has been reached between the governor and the  
24 Washington state patrol lieutenant's association under chapter 41.56  
25 RCW for the 2011-2013 fiscal biennium. Appropriations for the  
26 Washington state patrol in this act are sufficient to fund the  
27 provisions of the 2009-2011 agreement.

28 **NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**  
29 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU, METAL TRADES, OPEIU,**  
30 **MEBA-UL, MEBA-L, MM&P, FASSPA, SEIU LOCAL NO. 6**

31 (1) Agreements have been reached between the governor and the  
32 following unions effective July 1, 2011: Inlandboatmen's union of the

1 pacific; Puget Sound metal trades council; office and professional  
2 employees international union local No. 8; marine engineers' beneficial  
3 association (unlicensed engine room employees); marine engineers'  
4 beneficial association (licensed engineer officers); masters, mates,  
5 and pilots; ferry agents, supervisors, and project administrators  
6 association and service employees international union local No. 6 under  
7 chapter 47.64 RCW for the 2011-2013 fiscal biennium.

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

11 (3) Except for office and professional employees international  
12 union local No. 8, funding is reduced to reflect a three percent  
13 temporary salary reduction for all employees for fiscal years 2012 and  
14 2013 through June 29, 2013. Entry level rates for employees under the  
15 inlandboatmen's union of the pacific and service employees  
16 international union local No. 6 are not subject to the three percent  
17 temporary salary reduction.

18 (4) For employees covered under the office and professional  
19 employees international union local No. 8 agreement, funding is reduced  
20 to reflect a three percent temporary salary reduction for all employees  
21 whose monthly full-time equivalent salary is two thousand five hundred  
22 dollars or more per month for fiscal years 2012 and 2013 through June  
23 29, 2013. Temporary salary reduction leave is granted for employees  
24 covered under the office and professional employees international union  
25 local No. 8 agreement for the term of the 2011-2013 agreement.

26 (5) Effective June 30, 2013, the salary schedules effective July 1,  
27 2009, through June 29, 2011, will be reinstated for all of the  
28 agreements.

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

32 (7) Appropriations in this act do not reflect funding to fund state  
33 employee health benefits for employees represented by the super  
34 coalition on health benefits or employees outside of the super  
35 coalition on health benefits. Acceptance of the super coalition on  
36 health benefits agreement will be contingent upon sufficient funding in  
37 the 2011-2013 omnibus operating appropriations act. Funding for health

1 benefits for employees outside of the super coalition on health  
2 benefits will be in accordance with appropriations in the 2011-2013  
3 omnibus operating appropriations act.

4 NEW SECTION. **Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE**  
5 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

6 No agreement has been reached between the governor and the masters,  
7 mates, and pilots marine operations watch supervisors under chapter  
8 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this  
9 act reflect funding to maintain the provisions or terms and conditions  
10 of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013  
11 appropriations are reduced to reflect management priorities in  
12 collective bargaining.

13 **IMPLEMENTING PROVISIONS**

14 NEW SECTION. **Sec. 601. ACQUISITION OF PROPERTIES AND FACILITIES**  
15 **THROUGH FINANCIAL CONTRACTS**

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

31 (2) State agencies may enter into agreements with the department of  
32 general administration and the state treasurer's office to develop  
33 requests to the legislature for the acquisition of properties and

1 facilities through financial contracts. The agreements may include  
2 charges for services rendered.

3 (a) Department of transportation: Enter into a financing contract  
4 for up to \$10,824,000 plus financing expenses and required reserves  
5 pursuant to chapter 39.94 RCW for the acquisition and implementation of  
6 a time, leave, and labor distribution system that is integrated with  
7 the state's accounting and human resource management systems.

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

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

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

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

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

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

32 (1) The transportation 2003 projects or improvements and the 2005  
33 transportation partnership projects or improvements are listed in LEAP  
34 Transportation Document 2011-1 as developed April 19, 2011, which  
35 consists of a list of specific projects by fund source and amount over  
36 a sixteen-year period. Current fiscal biennium funding for each

1 project is a line-item appropriation, while the outer year funding  
2 allocations represent a sixteen-year plan. The department is expected  
3 to use the flexibility provided in this section to assist in the  
4 delivery and completion of all transportation partnership account and  
5 transportation 2003 account (nickel account) projects on the LEAP  
6 transportation documents referenced in this act. For the 2009-2011 and  
7 2011-2013 project appropriations, unless otherwise provided in this  
8 act, the director of financial management may authorize a transfer of  
9 appropriation authority between projects funded with transportation  
10 2003 account (nickel account) appropriations, or transportation  
11 partnership account appropriations, in order to manage project spending  
12 and efficiently deliver all projects in the respective program under  
13 the following conditions and limitations:

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

16 (b) Transfers from a project may not be made as a result of the  
17 reduction of the scope of a project or be made to support increases in  
18 the scope of a project;

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

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

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 604.** (1) The department of transportation shall  
18 prepare a plan to improve the oversight of real estate procurement and  
19 management practices across all departmental programs and regions,  
20 including the Washington state ferries. The plan must be submitted to  
21 the governor and the joint transportation committee by September 1,  
22 2012. The plan must include:

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

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

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

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

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

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

3 (2) Except as provided otherwise in the act, until September 1,  
4 2012, the department of transportation may not enter into new leases,  
5 equal value exchanges, or property acquisitions for office needs  
6 without first consulting with the office of financial management and  
7 the joint transportation committee.

8 NEW SECTION. **Sec. 605.** Executive Order number 05-05,  
9 archaeological and cultural resources, was issued effective November  
10 10, 2005. Agencies and higher education institutions that issue grants  
11 or loans for capital projects shall comply with the requirements set  
12 forth in this executive order.

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

14 As part of its annual budget submittal, the department shall  
15 provide an annual update to the legislature and the office of financial  
16 management that:

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

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

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

25 (4) Identifies highway projects that have lost significant local or  
26 regional contributions that were essential to completing the project;  
27 and

28 (5) Identifies contingency amounts allocated to projects.

29 NEW SECTION. **Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION**

30 As part of its 2012 supplemental budget submittal, the department  
31 shall provide a report to the legislature and the office of financial  
32 management that:

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

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

4 NEW SECTION. **Sec. 608. STAFFING LEVELS**

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

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

23 (3) In order to successfully deliver the highway construction  
24 program as funded, the department of transportation may continue to  
25 contract out engineering and technical services. In addition, the  
26 department may continue the incentive program for retirements and  
27 employee separations. The department shall report quarterly to the  
28 office of financial management and the transportation committees of the  
29 legislature on its progress and plans to reduce highway construction  
30 workforce levels to two thousand FTEs by June 2015. This report must  
31 also be posted on the department's web site.

32 NEW SECTION. **Sec. 609. VOLUNTARY RETIREMENT, SEPARATION, AND**  
33 **DOWNSHIFTING INCENTIVES**

34 As a management tool to reduce costs and make more effective use of  
35 resources, while improving employee productivity and morale, agencies  
36 may implement a voluntary retirement, separation, and/or downshifting

1 incentive program that is cost neutral or results in cost savings over  
2 a two-year period following the commencement of the program, provided  
3 that such a program is approved by the director of financial  
4 management.

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

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

24 NEW SECTION. **Sec. 610.** (1) The department of transportation shall  
25 provide a report to the joint transportation committee by August 1,  
26 2011, providing recommendations on the department's future business  
27 model, staffing scenarios, and methods of program and project delivery.  
28 The report must:

29 (a) Detail the sustainable staffing level by program to deliver  
30 core functions of the department in the context of forecasted resources  
31 as of March 2011;

32 (b) Analyze the effect new funding scenarios would have on the  
33 sustainable staffing levels for core functions and recommend  
34 appropriate staffing levels;

35 (c) Describe how the department's sustainable staffing levels would  
36 be affected by new funding scenarios and any other actions the

1 department would need to deliver the program associated with the new  
2 funding; and

3 (d) Evaluate alternative program and project delivery methods to  
4 improve efficiency and effectiveness and provide recommendations on  
5 legislative changes, if necessary, for their implementation.

6 (2) The department shall provide stakeholder involvement  
7 opportunities in the development of the report. There must be a  
8 minimum of two such meetings: One for the purpose of providing  
9 contextual and background information; and a second for review and  
10 comment of conclusions and recommendations. Stakeholders must include  
11 labor, private engineering contractors, general business interests,  
12 representatives of various transportation modes, and others groups as  
13 appropriate.

14 NEW SECTION. **Sec. 611. FOR THE DEPARTMENT OF TRANSPORTATION**

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

22 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

23 **Sec. 701.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to  
24 read as follows:

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

29 (1) Provisions that specify unsolicited proposals must meet  
30 predetermined criteria;

31 (2) Provisions governing procedures for the cessation of  
32 negotiations and consideration;

33 (3) Provisions outlining that unsolicited proposals are subject to

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

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

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

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

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

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

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

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

25 NEW SECTION. **Sec. 702.** To the extent that any appropriation  
26 authorizes expenditures of state funds from the motor vehicle account,  
27 special category C account, Tacoma Narrows toll bridge account,  
28 transportation 2003 account (nickel account), transportation  
29 partnership account, transportation improvement account, Puget Sound  
30 capital construction account, multimodal transportation account, state  
31 route number 520 corridor account, or other transportation capital  
32 project account in the state treasury for a state transportation  
33 program that is specified to be funded with proceeds from the sale of  
34 bonds authorized in chapter 47.10 RCW, the legislature declares that  
35 any such expenditures made prior to the issue date of the applicable  
36 transportation bonds for that state transportation program are intended

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

3 **Sec. 703.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161  
4 s 604 are each reenacted and amended to read as follows:

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

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

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

13 (b) Report annually to the (~~senate and house of representatives~~  
14 ~~transportation committees~~) joint transportation committee on the  
15 special license plate applications that were considered by the  
16 department;

17 (c) Issue approval and rejection notification letters to sponsoring  
18 organizations, the department, the (~~chairs of the senate and house of~~  
19 ~~representatives transportation committees~~) executive committee of the  
20 joint transportation committee, and the legislative sponsors identified  
21 in each application. The letters must be issued within seven days of  
22 making a determination on the status of an application; and

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

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

1       **Sec. 704.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to  
2 read as follows:

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

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

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

17       (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated  
18 traffic safety cameras may be used to detect speed violations for the  
19 purposes of ((section 201(2), chapter 470, Laws of 2009)) section  
20 201(2) of this act if the local legislative authority first enacts an  
21 ordinance authorizing the use of cameras to detect speed violations.

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

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

1 the infraction. A person receiving a notice of infraction based on  
2 evidence detected by an automated traffic safety camera may respond to  
3 the notice by mail.

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

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

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

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

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

1 the amount of a fine issued for other parking infractions within the  
2 jurisdiction.

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

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

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

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

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

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

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

1 a camera used to detect speed violations for the purposes of (~~section~~  
2 ~~201(2), chapter 470, Laws of 2009~~) section 201(2) of this act.

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

7 **Sec. 705.** RCW 46.63.160 and 2010 c 249 s 6 are each amended to  
8 read as follows:

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

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

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

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

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

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

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

36 (b) A notice of civil penalty must include with it a certificate or  
37 facsimile thereof, based upon inspection of photographs,

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

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

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

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

1 (7) Civil penalties for toll nonpayment detected through the use of  
2 photo toll systems must be issued to the registered owner of the  
3 vehicle identified by the photo toll system, but are not part of the  
4 registered owner's driving record under RCW 46.52.101 and 46.52.120.

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

8 (9) Except as provided otherwise in this subsection, all civil  
9 penalties, including the photo toll and associated fees, collected  
10 under this section must be deposited into the toll facility account of  
11 the facility on which the toll was assessed. However, (~~beginning on~~  
12 ~~July 1, 2011~~) through June 30, 2013, civil penalties deposited into  
13 the Tacoma Narrows toll bridge account created under RCW 47.56.165 that  
14 are in excess of amounts necessary to support the toll adjudication  
15 process applicable to toll collection on the Tacoma Narrows bridge must  
16 first be allocated toward repayment of operating loans and reserve  
17 payments provided to the account from the motor vehicle account under  
18 section 1005(15), chapter 518, Laws of 2007. Additionally, all civil  
19 penalties, resulting from nonpayment of tolls on the state route number  
20 520 corridor, shall be deposited into the state route number 520 civil  
21 penalties account created under section 4, chapter 248, Laws of 2010  
22 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

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

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

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

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

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

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

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

10 **Sec. 706.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to  
11 read as follows:

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

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

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

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

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

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

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

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

10 **Sec. 707.** RCW 43.19.534 and 2009 c 470 s 717 are each amended to  
11 read as follows:

12 (1) State agencies, the legislature, and departments shall purchase  
13 for their use all goods and services required by the legislature,  
14 agencies, or departments that are produced or provided in whole or in  
15 part from class II inmate work programs operated by the department of  
16 corrections through state contract. These goods and services shall not  
17 be purchased from any other source unless, upon application by the  
18 department or agency: (a) The department of general administration  
19 finds that the articles or products do not meet the reasonable  
20 requirements of the agency or department, (b) are not of equal or  
21 better quality, or (c) the price of the product or service is higher  
22 than that produced by the private sector. However, the criteria  
23 contained in (a), (b), and (c) of this section for purchasing goods and  
24 services from sources other than correctional industries do not apply  
25 to goods and services produced by correctional industries that  
26 primarily replace goods manufactured or services obtained from outside  
27 the state. The department of corrections and department of general  
28 administration shall adopt administrative rules that implement this  
29 section.

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

34 **Sec. 708.** RCW 47.01.380 and 2009 c 470 s 705 are each amended to  
35 read as follows:

36 The department shall not commence construction on any part of the

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

13 **Sec. 709.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to  
14 read as follows:

15 (1) The department may provide for the establishment, construction,  
16 and operation of a pilot project of high occupancy toll lanes on state  
17 route 167 high occupancy vehicle lanes within King county. The  
18 department may issue, buy, and redeem bonds, and deposit and expend  
19 them; secure and remit financial and other assistance in the  
20 construction of high occupancy toll lanes, carry insurance, and handle  
21 any other matters pertaining to the high occupancy toll lane pilot  
22 project.

23 (2) Tolls for high occupancy toll lanes will be established as  
24 follows:

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

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

30 (c) The department shall establish performance standards for the  
31 state route 167 high occupancy toll lane pilot project. The department  
32 must automatically adjust the toll charge, using dynamic tolling, to  
33 ensure that toll-paying single-occupant vehicle users are only  
34 permitted to enter the lane to the extent that average vehicle speeds  
35 in the lane remain above forty-five miles per hour at least ninety  
36 percent of the time during peak hours. The toll charge may vary in  
37 amount by time of day, level of traffic congestion within the highway

1 facility, vehicle occupancy, or other criteria, as the commission may  
2 deem appropriate. The commission may also vary toll charges for  
3 single-occupant inherently low-emission vehicles such as those powered  
4 by electric batteries, natural gas, propane, or other clean burning  
5 fuels.

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

9 (3) The department shall monitor the state route 167 high occupancy  
10 toll lane pilot project and shall annually report to the transportation  
11 commission and the legislature on operations and findings. At a  
12 minimum, the department shall provide facility use data and review the  
13 impacts on:

14 (a) Freeway efficiency and safety;

15 (b) Effectiveness for transit;

16 (c) Person and vehicle movements by mode;

17 (d) Ability to finance improvements and transportation services  
18 through tolls; and

19 (e) The impacts on all highway users. The department shall analyze  
20 aggregate use data and conduct, as needed, separate surveys to assess  
21 usage of the facility in relation to geographic, socioeconomic, and  
22 demographic information within the corridor in order to ascertain  
23 actual and perceived questions of equitable use of the facility.

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

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

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

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

35 (6) The department of transportation shall adopt rules that allow  
36 automatic vehicle identification transponders used for electronic toll  
37 collection to be compatible with other electronic payment devices or

1 transponders from the Washington state ferry system, other public  
2 transportation systems, or other toll collection systems to the extent  
3 that technology permits.

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

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

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

12 **Sec. 710.** RCW 47.28.030 and 2010 c 283 s 9 and 2010 c 5 s 11 are  
13 each reenacted and amended to read as follows:

14 (1)(a) A state highway shall be constructed, altered, repaired, or  
15 improved, and improvements located on property acquired for  
16 right-of-way purposes may be repaired or renovated pending the use of  
17 such right-of-way for highway purposes, by contract or state forces.  
18 The work or portions thereof may be done by state forces when the  
19 estimated costs thereof are less than fifty thousand dollars and  
20 effective July 1, 2005, sixty thousand dollars.

21 (b) When delay of performance of such work would jeopardize a state  
22 highway or constitute a danger to the traveling public, the work may be  
23 done by state forces when the estimated cost thereof is less than  
24 eighty thousand dollars and effective July 1, 2005, one hundred  
25 thousand dollars.

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

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

37 (2) The rules adopted under this section:

1 (a) Shall provide for competitive bids to the extent that  
2 competitive sources are available except when delay of performance  
3 would jeopardize life or property or inconvenience the traveling  
4 public; and

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

11 (c) May establish prequalification standards and procedures as an  
12 alternative to those set forth in RCW 47.28.070, but the  
13 prequalification standards and procedures under RCW 47.28.070 shall  
14 always be sufficient.

15 (3) The department of transportation shall comply with such goals  
16 and rules as may be adopted by the office of minority and women's  
17 business enterprises to implement chapter 39.19 RCW with respect to  
18 contracts entered into under this chapter. The department may adopt  
19 such rules as may be necessary to comply with the rules adopted by the  
20 office of minority and women's business enterprises under chapter 39.19  
21 RCW.

22 (4)(a) For the period of March 15, 2010, through June 30, (~~2011~~)  
23 2013, work for less than one hundred twenty thousand dollars may be  
24 performed on ferry vessels and terminals by state forces.

25 (b) The department shall hire a disinterested, third party to  
26 conduct an independent analysis to identify methods of reducing out-of-  
27 service times for vessel maintenance, preservation, and improvement  
28 projects. The analysis must include options that consider  
29 consolidating work while vessels are at shipyards by having state  
30 forces perform services traditionally performed at Eagle Harbor at the  
31 shipyard and decreasing the allowable time at shipyards. The analysis  
32 must also compare the out-of-service vessel times of performing  
33 services by state forces versus contracting out those services which in  
34 turn must be used to form a recommendation as to what the threshold of  
35 work performed on ferry vessels and terminals by state forces should  
36 be. This analysis must be presented to the transportation committees  
37 of the senate and house of representatives by December 1, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       **Sec. 711.** RCW 43.105.330 and 2006 c 76 s 2 are each amended to  
2 read as follows:

3       (1) The board shall appoint a state interoperability executive  
4 committee, the membership of which must include, but not be limited to,  
5 representatives of the military department, the Washington state  
6 patrol, the department of transportation, the department of information  
7 services, the department of natural resources, city and county  
8 governments, state and local fire chiefs, police chiefs, and sheriffs,  
9 and state and local emergency management directors. The chair and  
10 legislative members of the board will serve as nonvoting ex officio  
11 members of the committee. Voting membership may not exceed fifteen  
12 members.

13       (2) The chair of the board shall appoint the chair of the committee  
14 from among the voting members of the committee.

15       (3) The state interoperability executive committee has the  
16 following responsibilities:

17       (a) Develop policies and make recommendations to the board for  
18 technical standards for state wireless radio communications systems,  
19 including emergency communications systems. The standards must  
20 address, among other things, the interoperability of systems, taking  
21 into account both existing and future systems and technologies;

22       (b) Coordinate and manage on behalf of the board the licensing and  
23 use of state-designated and state-licensed radio frequencies, including  
24 the spectrum used for public safety and emergency communications, and  
25 serve as the point of contact with the federal communications  
26 commission on matters relating to allocation, use, and licensing of  
27 radio spectrum;

28       (c) ~~((Coordinate the purchasing of all state wireless radio~~  
29 ~~communications system equipment to ensure that:~~

30       ~~(i) After the transition from a radio over internet protocol~~  
31 ~~network, any new trunked system shall be, at a minimum, project 25;~~

32       ~~(ii) Any new system that requires advanced digital features shall~~  
33 ~~be, at a minimum, project 25; and~~

34       ~~(iii) Any new system or equipment purchases shall be, at a minimum,~~  
35 ~~upgradeable to project 25;~~

36       (d)) Seek support, including possible federal or other funding,  
37 for state-sponsored wireless communications systems;

1       ~~((e))~~ (d) Develop recommendations for legislation that may be  
2 required to promote interoperability of state wireless communications  
3 systems;

4       ~~((f))~~ (e) Foster cooperation and coordination among public safety  
5 and emergency response organizations;

6       ~~((g))~~ (f) Work with wireless communications groups and  
7 associations to ensure interoperability among all public safety and  
8 emergency response wireless communications systems; and

9       ~~((h))~~ (g) Perform such other duties as may be assigned by the  
10 board to promote interoperability of wireless communications systems.

11       (4) During the 2011-2013 fiscal biennium, the requirement that any  
12 state or local entity must purchase radios or communication systems  
13 that are the P25 communication standard is suspended.

14       **Sec. 712.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to  
15 read as follows:

16       (1) Any ferry employee organization certified as the bargaining  
17 representative shall be the exclusive representative of all ferry  
18 employees in the bargaining unit and shall represent all such employees  
19 fairly.

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

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

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

31       (5) Ferry system employees or any employee organization shall not  
32 negotiate or attempt to negotiate directly with anyone other than the  
33 person who has been appointed or authorized a bargaining representative  
34 for the purpose of bargaining with the ferry employees or their  
35 representative.

36       (6)(a) Within ten working days after the first Monday in September  
37 of every odd-numbered year, the parties shall attempt to agree on an

1 interest arbitrator to be used if the parties are not successful in  
2 negotiating a comprehensive collective bargaining agreement. If the  
3 parties cannot agree on an arbitrator within the ten-day period, either  
4 party may request a list of seven arbitrators from the federal  
5 mediation and conciliation service. The parties shall select an  
6 interest arbitrator using the coin toss/alternate strike method within  
7 thirty calendar days of receipt of the list. Immediately upon  
8 selecting an interest arbitrator, the parties shall cooperate to  
9 reserve dates with the arbitrator for potential arbitration between  
10 August 1st and September 15th of the following even-numbered year. The  
11 parties shall also prepare a schedule of at least five negotiation  
12 dates for the following year, absent an agreement to the contrary. The  
13 parties shall execute a written agreement before November 1st of each  
14 odd-numbered year setting forth the name of the arbitrator and the  
15 dates reserved for bargaining and arbitration. This subsection (6)(a)  
16 imposes minimum obligations only and is not intended to define or limit  
17 a party's full, good faith bargaining obligation under other sections  
18 of this chapter.

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

22 (c) For negotiations covering the 2009-2011 biennium and subsequent  
23 biennia, the time periods specified in this section, and in RCW  
24 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of  
25 all agreements on or before October 1st of the even-numbered year next  
26 preceding the biennial budget period during which the agreement should  
27 take effect. These time periods may only be altered by mutual  
28 agreement of the parties in writing. Any such agreement and any  
29 impasse procedures agreed to by the parties under RCW 47.64.200 must  
30 include an agreement regarding the new time periods that will allow  
31 final resolution by negotiations or arbitration by October 1st of each  
32 even-numbered year.

33 (7) It is the intent of this section that the collective bargaining  
34 agreement or arbitrator's award shall commence on July 1st of each odd-  
35 numbered year and shall terminate on June 30th of the next odd-numbered  
36 year to coincide with the ensuing biennial budget year, as defined by  
37 RCW 43.88.020(7), to the extent practical. It is further the intent of  
38 this section that all collective bargaining agreements be concluded by

1 October 1st of the even-numbered year before the commencement of the  
2 biennial budget year during which the agreements are to be in effect.  
3 After the expiration date of a collective bargaining agreement  
4 negotiated under this chapter, except to the extent provided in  
5 subsection (11) of this section and RCW 47.64.270(4), all of the terms  
6 and conditions specified in the collective bargaining agreement remain  
7 in effect until the effective date of a subsequently negotiated  
8 agreement, not to exceed one year from the expiration date stated in  
9 the agreement. Thereafter, the employer may unilaterally implement  
10 according to law.

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

15 (9) Except as provided in subsection (11) of this section:

16 (a) The governor shall submit a request either for funds necessary  
17 to implement the collective bargaining agreements including, but not  
18 limited to, the compensation and fringe benefit provisions or for  
19 legislation necessary to implement the agreement, or both. Requests  
20 for funds necessary to implement the collective bargaining agreements  
21 shall not be submitted to the legislature by the governor unless such  
22 requests:

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

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

28 (b) The governor shall submit a request either for funds necessary  
29 to implement the arbitration awards or for legislation necessary to  
30 implement the arbitration awards, or both. Requests for funds  
31 necessary to implement the arbitration awards shall not be submitted to  
32 the legislature by the governor unless such requests:

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

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

1 (c) The legislature shall approve or reject the submission of the  
2 request for funds necessary to implement the collective bargaining  
3 agreements or arbitration awards as a whole for each agreement or  
4 award. The legislature shall not consider a request for funds to  
5 implement a collective bargaining agreement or arbitration award unless  
6 the request is transmitted to the legislature as part of the governor's  
7 budget document submitted under RCW 43.88.030 and 43.88.060. If the  
8 legislature rejects or fails to act on the submission, either party may  
9 reopen all or part of the agreement and award or the exclusive  
10 bargaining representative may seek to implement the procedures provided  
11 for in RCW 47.64.210 and 47.64.300.

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

18 (11)(a) For the collective bargaining agreements negotiated for the  
19 2011-2013 fiscal biennium, the legislature may consider a request for  
20 funds to implement a collective bargaining agreement even if the  
21 request for funds was not received by the office of financial  
22 management by October 1st and was not transmitted to the legislature as  
23 part of the governor's budget document submitted under RCW 43.88.030  
24 and 43.88.060.

25 (b) For the 2011-2013 fiscal biennium, a collective bargaining  
26 agreement related to employee health care benefits negotiated between  
27 the employer and coalition pursuant to RCW 41.80.020(3) regarding the  
28 dollar amount expended on behalf of each employee must be a separate  
29 agreement for which the governor may request funds necessary to  
30 implement the agreement. If such an agreement is negotiated and funded  
31 by the legislature, this agreement will supersede any terms and  
32 conditions of an expired 2009-2011 biennial master collective  
33 bargaining agreement under this chapter regarding health care benefits.

34 **Sec. 713.** RCW 47.64.270 and 2010 c 283 s 13 are each amended to  
35 read as follows:

36 (1) The employer and one coalition of all the exclusive bargaining

1 representatives subject to this chapter and chapter 41.80 RCW shall  
2 conduct negotiations regarding the dollar amount expended on behalf of  
3 each employee for health care benefits.

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

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

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

21 **Sec. 714.** RCW 47.64.280 and 2010 c 283 s 14 are each amended to  
22 read as follows:

23 (1) There is created the marine employees' commission. The  
24 governor shall appoint the commission with the consent of the senate.  
25 The commission shall consist of three members: One member to be  
26 appointed from labor, one member from industry, and one member from the  
27 public who has significant knowledge of maritime affairs. The public  
28 member shall be chair of the commission. One of the original members  
29 shall be appointed for a term of three years, one for a term of four  
30 years, and one for a term of five years. Their successors shall be  
31 appointed for terms of five years each, except that any person chosen  
32 to fill a vacancy shall be appointed only for the unexpired term of the  
33 member whom he or she succeeds. Commission members are eligible for  
34 reappointment. Any member of the commission may be removed by the  
35 governor, upon notice and hearing, for neglect of duty or malfeasance  
36 in office, but for no other cause. Commission members are not eligible  
37 for state retirement under chapter 41.40 RCW by virtue of their service

1 on the commission. Members of the commission shall be compensated in  
2 accordance with RCW 43.03.250 and shall receive reimbursement for  
3 official travel and other expenses at the same rate and on the same  
4 terms as provided for the transportation commission by RCW 47.01.061.  
5 The payments shall be made from the Puget Sound ferry operations  
6 account.

7 (2) The commission shall: (a) Adjust all complaints, grievances,  
8 and disputes between labor and management arising out of the operation  
9 of the ferry system as provided in RCW 47.64.150; (b) provide for  
10 impasse mediation as required in RCW 47.64.210; and (c) perform those  
11 duties required in RCW 47.64.300. However, through June 30, 2013, the  
12 commission's duties identified in this subsection are subject to the  
13 availability of amounts appropriated for these specific purposes.

14 (3)(a) In adjudicating all complaints, grievances, and disputes,  
15 the party claiming labor disputes shall, in writing, notify the  
16 commission, which shall make careful inquiry into the cause thereof and  
17 issue an order advising the ferry employee, or the ferry employee  
18 organization representing him or her, and the department of  
19 transportation, as to the decision of the commission.

20 (b) The parties are entitled to offer evidence relating to disputes  
21 at all hearings conducted by the commission. The orders and awards of  
22 the commission are final and binding upon any ferry employee or  
23 employees or their representative affected thereby and upon the  
24 department.

25 (c) The commission shall adopt rules of procedure under chapter  
26 34.05 RCW.

27 (d) The commission has the authority to subpoena any ferry employee  
28 or employees, or their representatives, and any member or  
29 representative of the department, and any witnesses. The commission  
30 may require attendance of witnesses and the production of all pertinent  
31 records at any hearings held by the commission. The subpoenas of the  
32 commission are enforceable by order of any superior court in the state  
33 of Washington for the county within which the proceeding may be  
34 pending. The commission may hire staff as necessary, appoint  
35 consultants, enter into contracts, and conduct studies as reasonably  
36 necessary to carry out this chapter.

1       **Sec. 715.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to  
2 read as follows:

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

13       **Sec. 716.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to  
14 read as follows:

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

27       **Sec. 717.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to  
28 read as follows:

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

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

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

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

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

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

11 **Sec. 718.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to  
12 read as follows:

13 There is hereby created in the state treasury a fund to be known as  
14 the highway safety fund to the credit of which shall be deposited all  
15 moneys directed by law to be deposited therein. This fund shall be  
16 used for carrying out the provisions of law relating to driver  
17 licensing, driver improvement, financial responsibility, cost of  
18 furnishing abstracts of driving records and maintaining such case  
19 records, and to carry out the purposes set forth in RCW 43.59.010.  
20 During the ((2007-2009-and)) 2009-2011 and 2011-2013 fiscal biennia,  
21 the legislature may transfer from the highway safety fund to the motor  
22 vehicle fund and the multimodal transportation account such amounts as  
23 reflect the excess fund balance of the highway safety fund.

24 **Sec. 719.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to  
25 read as follows:

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

- 31 (1) Information and service delivery systems for the department;
- 32 (2) Reimbursement of county licensing activities; and
- 33 (3) County auditor or other agent and subagent support including,  
34 but not limited to, the replacement of department-owned equipment in  
35 the possession of county auditors or other agents and subagents  
36 appointed by the director. During the ((2007-2009-and-2009-2011))

1 2011-2013 fiscal (~~(biennia)~~) biennium, the legislature may transfer  
2 from the department of licensing services account such amounts as  
3 reflect the excess fund balance of the account.

4 **Sec. 720.** RCW 47.56.876 and 2010 c 248 s 5 are each amended to  
5 read as follows:

6 (1) A special account to be known as the state route number 520  
7 civil penalties account is created in the state treasury. All state  
8 route number 520 bridge replacement and HOV program civil penalties  
9 generated from the nonpayment of tolls on the state route number 520  
10 corridor must be deposited into the account, as provided under RCW  
11 47.56.870(4)(b)(vii). Moneys in the account may be spent only after  
12 appropriation. Expenditures from the account may be used to fund any  
13 project within the state route number 520 bridge replacement and HOV  
14 program, including mitigation. During the 2011-2013 fiscal biennium,  
15 the legislature may transfer from the state route number 520 civil  
16 penalties account to the state route number 520 corridor account such  
17 amounts as reflect the excess fund balance of the state route number  
18 520 civil penalties account. Funds transferred must be used solely for  
19 capital expenditures for the state route number 520 bridge replacement  
20 and HOV project (8BI1003).

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

26 **Sec. 721.** RCW 46.68.--- and 2011 c ... (SHB 1897) s 1 are each  
27 amended to read as follows:

28 (1) The rural mobility grant program account is created in the  
29 state treasury. Moneys in the account may be spent only after  
30 appropriation. Expenditures from the account may be used only for the  
31 grants provided under section 2 (~~(of this act)~~), chapter ... (SHB  
32 1897), Laws of 2011.

33 (2) Beginning September 2011, by the last day of September,  
34 December, March, and June of each year, the state treasurer shall  
35 transfer from the multimodal transportation account to the rural

1 mobility grant program account two million five hundred thousand  
2 dollars.

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

7 NEW SECTION. Sec. 722. 2010 c 161 s 1126 is repealed.

8 **2009-2011 FISCAL BIENNIUM**  
9 **TRANSPORTATION AGENCIES--OPERATING**

10 **Sec. 801.** 2010 c 247 s 205 (uncodified) is amended to read as  
11 follows:

12 **FOR THE TRANSPORTATION COMMISSION**

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

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

21 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
22 the transportation commission shall periodically review and, if  
23 necessary, modify the schedule of fares for the Washington state ferry  
24 system. The transportation commission may increase ferry fares,  
25 except no fare schedule modifications may be made prior to September 1,  
26 2009. For purposes of this subsection, "modify" includes increases or  
27 decreases to the schedule.

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

1 (3) 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 toll charges applicable to the Tacoma  
4 Narrows bridge, taking into consideration the recommendations of the  
5 citizen advisory committee created under RCW 47.46.091. For purposes  
6 of this subsection, "modify" includes increases or decreases to the  
7 schedule.

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

13 (5) \$350,000 of the motor vehicle account--state appropriation is  
14 provided solely for consultant support services to assist the  
15 commission in updating the statewide transportation plan. The updated  
16 plan must be submitted to the legislature by December 1, 2010.

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

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

34 (8) As part of its development of the statewide transportation  
35 plan, the commission shall review prioritized projects, including  
36 preservation and maintenance projects, from regional transportation and  
37 metropolitan planning organizations to identify statewide  
38 transportation needs. The review should include a brief description

1 and status of each project along with the funding required and  
2 associated timeline from start to completion. The commission shall  
3 submit the review, along with recommendations, to the house of  
4 representatives and senate transportation committees by January 2011.

5 **Sec. 802.** 2010 c 247 s 207 (uncodified) is amended to read as  
6 follows:

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

8 State Patrol Highway Account--State	
9 Appropriation . . . . .	(( <del>\$227,958,000</del> ))
10	<u>\$224,558,000</u>
11 State Patrol Highway Account--Federal	
12 Appropriation . . . . .	\$10,903,000
13 State Patrol Highway Account--Private/Local	
14 Appropriation . . . . .	(( <del>\$867,000</del> ))
15	<u>\$939,000</u>
16 TOTAL APPROPRIATION . . . . .	(( <del>\$239,728,000</del> ))
17	<u>\$236,400,000</u>

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

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

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

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

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

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

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

17 (6) \$370,000 of the state patrol highway account--state  
18 appropriation is provided solely for costs associated with the pilot  
19 program described under section 218(2) of this act. The Washington  
20 state patrol may incur costs related only to the assignment of cadets  
21 and necessary computer equipment and to the reimbursement of the  
22 Washington state department of transportation for contract costs. The  
23 appropriation in this subsection must be funded from the portion of the  
24 automated traffic safety camera fines deposited into the state patrol  
25 highway account; however, if the fines deposited into the state patrol  
26 highway account from automated traffic safety camera infractions do not  
27 reach three hundred seventy thousand dollars, the department of  
28 transportation shall remit funds necessary to the Washington state  
29 patrol to ensure the completion of the pilot program. The Washington  
30 state patrol may not incur overtime as a result of this pilot program.  
31 The Washington state patrol shall not assign troopers to operate or  
32 deploy the pilot program equipment used in the roadway construction  
33 zones.

34 (7) If, as a result of lower than average rate of attrition among  
35 troopers, the Washington state patrol postpones the year 2011 training  
36 for trooper cadets beyond June 30, 2011, funding provided in section  
37 207, chapter 470, Laws of 2009 for the class must be used to fund the

1 salaries and benefits associated with the existing commissioned  
2 Washington state patrol troopers that are funded within the field  
3 operations bureau.

4 (8) \$2,832,000 of the state patrol highway account--state  
5 appropriation is provided solely for the aerial traffic enforcement  
6 program. The Washington state patrol shall evaluate the costs  
7 associated with aerial traffic highway enforcement to determine if the  
8 costs are accurately apportioned between the state patrol highway  
9 account and the general fund. It is the intent of the legislature that  
10 the state patrol highway account incurs costs that result only from  
11 highway enforcement activities and that the general fund incurs costs  
12 associated with the King Airs. The Washington state patrol shall  
13 report the results of the evaluation to the legislature by June 30,  
14 2010.

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

18 (10) \$3,601,000 of the state patrol highway account--state  
19 appropriation is provided solely for the costs associated with a basic  
20 trooper class.

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

27 **Sec. 803.** 2010 c 247 s 208 (uncodified) is amended to read as  
28 follows:

29 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**  
30 State Patrol Highway Account--State Appropriation . . . ((~~\$1,648,000~~))  
31 \$1,196,000

32 The appropriation in this section is subject to the following  
33 conditions and limitations: After May 1, 2011, unless specifically  
34 prohibited, the Washington state patrol may transfer state patrol  
35 highway account--state appropriations for the 2009-2011 fiscal biennium  
36 between operating programs after approval by the director of the office

1 of financial management. However, the state patrol shall not transfer  
2 state moneys that are provided solely for a specified purpose.

3 **Sec. 804.** 2010 c 247 s 209 (uncodified) is amended to read as  
4 follows:

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

6 State Patrol Highway Account--State Appropriation . . . . .	(( <del>\$108,560,000</del> ))
7	<u>\$105,488,000</u>
8 State Patrol Highway Account--Private/Local	
9 Appropriation . . . . .	\$2,510,000
10 TOTAL APPROPRIATION . . . . .	(( <del>\$111,070,000</del> ))
11	<u>\$107,998,000</u>

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

14 (1) The Washington state patrol shall work with the risk management  
15 division in the office of financial management in compiling the  
16 Washington state patrol's data for establishing the agency's risk  
17 management insurance premiums to the tort claims account. The office  
18 of financial management and the Washington state patrol shall submit a  
19 report to the legislative transportation committees by December 31st of  
20 each year on the number of claims, estimated claims to be paid, method  
21 of calculation, and the adjustment in the premium.

22 (2) ((~~\$10,425,000~~)) \$10,676,000 of the total appropriation is  
23 provided solely for automobile fuel in the 2009-11 fiscal biennium.

24 (3) \$7,421,000 of the total appropriation is provided solely for  
25 the purchase of pursuit vehicles.

26 (4) \$6,611,000 of the total appropriation is provided solely for  
27 vehicle repair and maintenance costs of vehicles used for highway  
28 purposes.

29 (5) \$1,724,000 of the total appropriation is provided solely for  
30 the purchase of mission vehicles used for highway purposes in the  
31 commercial vehicle and traffic investigation sections of the Washington  
32 state patrol.

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



1 Tacoma Narrows bridge and an itemized depiction of the use of that  
2 revenue.

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

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

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

17 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil  
18 penalties account--state appropriation and \$140,000 of the Tacoma  
19 Narrows toll bridge account--state appropriation are provided solely  
20 for expenditures related to the toll adjudication process. The amount  
21 provided in this subsection is contingent on the enactment by June 30,  
22 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute  
23 House Bill No. 2897; however, if the enacted bill does not specify the  
24 department as the toll penalty adjudicating agency, the amounts  
25 provided in this subsection lapse.

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

35 (7) Up to \$2,435,000 of the motor vehicle account--state  
36 appropriation is provided solely as an expenditure reserve in the event  
37 that toll revenue collection on the state route number 520 floating  
38 bridge is delayed beyond April 2, 2011. This appropriation must remain

1 in unallotted status and may be released by the office of financial  
2 management only to cover shortfalls in the state route number 520  
3 corridor account due to delayed toll revenue collection in order to  
4 support the activities funded in subsection (3) of this section.  
5 Repayment from the state route number 520 corridor account to the motor  
6 vehicle account regarding this appropriation is assumed in the  
7 2011-2013 biennial transportation budget.

8 **Sec. 806.** 2010 c 247 s 212 (uncodified) is amended to read as  
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**  
11 **C**

12	Transportation Partnership Account--State	
13	Appropriation . . . . .	(( <del>\$2,675,000</del> ))
14		<u>\$2,425,000</u>
15	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$68,650,000</del> ))
16		<u>\$67,546,000</u>
17	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
18	Multimodal Transportation Account--State	
19	Appropriation . . . . .	\$363,000
20	Transportation 2003 Account (Nickel Account)--State	
21	Appropriation . . . . .	(( <del>\$2,676,000</del> ))
22		<u>\$2,426,000</u>
23	TOTAL APPROPRIATION . . . . .	(( <del>\$74,604,000</del> ))
24		<u>\$73,000,000</u>

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

27 (1) The department shall consult with the office of financial  
28 management and the department of information services to: (a) Ensure  
29 that the department's current and future system development is  
30 consistent with the overall direction of other key state systems; and  
31 (b) when possible, use or develop common statewide information systems  
32 to encourage coordination and integration of information used by the  
33 department and other state agencies and to avoid duplication.

34 (2) ((~~\$1,216,000~~)) \$966,000 of the transportation partnership  
35 account--state appropriation and ((~~\$1,216,000~~)) \$966,000 of the  
36 transportation 2003 account (nickel account)--state appropriation are  
37 provided solely for the department to develop a project management and

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

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

18 (4) \$573,000 of the motor vehicle account--state appropriation is  
19 provided solely for the department to maintain the investment in the  
20 electronic fare system at Washington's ferry terminals. Investment in  
21 the electronic fare system must include the following: Replacement of  
22 critical hardware components that are at risk of failure;  
23 implementation of software to allow ORCA cards to be used for vehicles;  
24 repair of the turnstiles to ensure that the turnstiles properly record  
25 ORCA credit and debit card charges; and dedication of a communication  
26 line for transmission of ORCA data to the clearinghouse.

27 **Sec. 807.** 2010 c 247 s 213 (uncodified) is amended to read as  
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**  
30 **AND CONSTRUCTION--PROGRAM D--OPERATING**  
31 Motor Vehicle Account--State Appropriation . . . . . (~~(\$25,292,000)~~)  
32 \$24,639,000

33 **Sec. 808.** 2010 c 247 s 214 (uncodified) is amended to read as  
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**  
36 Aeronautics Account--State Appropriation . . . . . (~~(\$5,960,000)~~)

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

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

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

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

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

20 **Sec. 809.** 2010 c 247 s 215 (uncodified) is amended to read as  
21 follows:

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

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

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

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

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

37 (2) The legislature recognizes that the Dryden pit site (WSDOT  
38 Inventory Control (IC) No. 2-04-00103) is unused state-owned real

1 property under the jurisdiction of the department of transportation,  
 2 and that the public would benefit significantly from the complete  
 3 enjoyment of the natural scenic beauty and recreational opportunities  
 4 available at the site. Therefore, pursuant to RCW 47.12.080, the  
 5 legislature declares that transferring the property to the department  
 6 of fish and wildlife for recreational use and fish and wildlife  
 7 restoration efforts is consistent with the public interest in order to  
 8 preserve the area for the use of the public and the betterment of the  
 9 natural environment. The department of transportation shall work with  
 10 the department of fish and wildlife, and shall transfer and convey the  
 11 Dryden pit site to the department of fish and wildlife as is for an  
 12 adjusted fair market value reflecting site conditions, the proceeds of  
 13 which must be deposited in the motor vehicle fund. The department of  
 14 transportation is not responsible for any costs associated with the  
 15 cleanup or transfer of this property. By July 1, 2010, and annually  
 16 thereafter until the entire Dryden pit property has been transferred,  
 17 the department shall submit a status report regarding the transaction  
 18 to the chairs of the legislative transportation committees.

19 (3) \$3,175,000 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 (4) The department shall provide updated information on six project  
 23 milestones for all active projects, funded in part or in whole with  
 24 2005 transportation partnership account funds or 2003 nickel account  
 25 funds, on a quarterly basis in the transportation executive information  
 26 system (TEIS). The department shall also provide updated information  
 27 on six project milestones for projects, funded with preexisting funds  
 28 and that are agreed to by the legislature, office of financial  
 29 management, and the department, on a quarterly basis in TEIS.

30 **Sec. 810.** 2010 c 247 s 216 (uncodified) is amended to read as  
 31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**  
 33 **K**

34	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$673,000</del> ))
35		<u>\$643,000</u>
36	Multimodal Transportation Account--State	
37	Appropriation . . . . .	(( <del>\$200,000</del> ))

1 \$90,000  
2 TOTAL APPROPRIATION . . . . . ((~~\$873,000~~))  
3 \$733,000

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

6 (1) \$200,000 of the multimodal transportation account--state  
7 appropriation is provided solely for the department to develop and  
8 implement public private partnerships at high priority terminals as  
9 identified in the January 12, 2009, final report on joint development  
10 opportunities at Washington state ferries terminals. The department  
11 shall first consider a mutually beneficial agreement at the Edmonds  
12 terminal.

13 (2) \$50,000 of the motor vehicle account--state appropriation is  
14 provided solely for the department to investigate the potential to  
15 generate revenue from web site sponsorships and similar ventures and,  
16 if feasible, pursue partnership opportunities.

17 (3) (~~\$75,000~~) \$45,000 of the motor vehicle account--state  
18 appropriation is provided solely for the implementation of a pilot  
19 project allowing advertisements and sponsorships on select web pages.  
20 The pilot project must be organized under the partnership model  
21 described in the department's web site monetizing feasibility study,  
22 which was prepared under subsection (2) of this section. Once  
23 operational, the pilot project must operate for at least twelve  
24 consecutive months. After twelve months of continuous operation, the  
25 department shall provide a report with recommendations on whether to  
26 continue project operations to the office of financial management and  
27 the chairs of the transportation committees. The department may end  
28 the pilot project after less than twelve consecutive months of  
29 operation if insufficient bids or proposals are received from potential  
30 sponsors or advertisers. For the purpose of this subsection, if a  
31 consultant contract is warranted, the consultant contract is deemed a  
32 revenue generation activity as that term is construed in section  
33 602(2), chapter 3, Laws of 2010.

34 **Sec. 811.** 2010 c 247 s 217 (uncodified) is amended to read as  
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**  
37 Motor Vehicle Account--State Appropriation . . . . . ((~~\$347,645,000~~))

1		<u>\$349,778,000</u>
2	Motor Vehicle Account--Federal Appropriation . . . . .	\$7,000,000
3	Motor Vehicle Account--Private/Local Appropriation . . . . .	(( <del>\$5,797,000</del> ))
4		<u>\$7,997,000</u>
5	TOTAL APPROPRIATION . . . . .	(( <del>\$360,442,000</del> ))
6		<u>\$364,775,000</u>

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

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

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

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

23 (4) \$7,000,000 of the motor vehicle account--federal appropriation  
24 is for unanticipated federal funds that may be received during the  
25 2009-11 fiscal biennium. Upon receipt of the funds, the department  
26 shall provide a report on the use of the funds to the transportation  
27 committees of the legislature and the office of financial management.

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

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

33 (b) The department is reimbursed from the narrows bridge lights  
34 organization within three months from the date any maintenance work is  
35 performed. If the narrows bridge lights organization is unable to  
36 reimburse the department for any future costs incurred, the lights must  
37 be removed at the expense of the narrows bridge lights organization  
38 subject to the terms of the contract.

1 (6) The department may work with the department of corrections to  
2 utilize corrections crews for the purposes of litter pickup on state  
3 highways.

4 (7) \$650,000 of the motor vehicle account--state appropriation is  
5 provided solely for increased asphalt costs.

6 (8) \$16,800,000 of the motor vehicle account--state appropriation  
7 is provided solely for the high priority maintenance backlog.  
8 Addressing the maintenance backlog must result in increased levels of  
9 service.

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

13 (10) \$317,000 of the motor vehicle account--state appropriation is  
14 provided solely for maintaining a new active traffic management system  
15 on Interstate 5, Interstate 90, and SR 520. The department shall track  
16 the costs associated with these systems on a corridor basis and report  
17 to the legislative transportation committees on the cost and benefits  
18 of the system.

19 (11) \$286,000 of the motor vehicle account--state appropriation is  
20 provided solely for storm water assessment fees charged by local  
21 governments.

22 (12) \$835,000 of the motor vehicle account--state appropriation is  
23 provided solely for disaster-related maintenance expenditures that the  
24 department has incurred since the 2010 supplemental transportation  
25 budget on state route number 97A and state route number 401.

26 **Sec. 812.** 2010 c 247 s 218 (uncodified) is amended to read as  
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
29 **OPERATING**

30	Motor Vehicle Account--State Appropriation . . . . .	(( \$51,128,000 ))
31		<u>\$49,764,000</u>
32	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
33	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
34	TOTAL APPROPRIATION . . . . .	(( \$53,305,000 ))
35		<u>\$51,941,000</u>

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

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

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

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

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

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

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

1 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
2 infractions detected through the use of automated traffic safety  
3 cameras are not part of the registered owner's driving record under RCW  
4 46.52.101 and 46.52.120. Additionally, infractions generated by the  
5 use of automated traffic safety cameras must be processed in the same  
6 manner as parking infractions for the purposes of RCW 3.50.100,  
7 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
8 fine issued under this subsection (2) for an infraction generated  
9 through the use of an automated traffic safety camera is one hundred  
10 thirty-seven dollars. The court shall remit thirty-two dollars of the  
11 fine to the state treasurer for deposit into the state patrol highway  
12 account; and

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

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

35 (4) \$173,000 of the motor vehicle account--state appropriation is  
36 provided solely for the department to continue a pilot tow truck  
37 incentive program and to expand the program to other areas of the  
38 state. The department may provide incentive payments to towing

1 companies that meet clearance goals on accidents that involve heavy  
2 trucks. The department shall report to the office of financial  
3 management and the transportation committees of the legislature on the  
4 effectiveness of the clearance goals and submit recommendations to  
5 improve the pilot program with the department's 2010 supplemental  
6 omnibus transportation appropriations act submittal. The tow truck  
7 incentive program may continue to provide incentives for quick  
8 clearance of traffic incidents involving large vehicles. The  
9 department shall make recommendations as part of its biennial budget  
10 proposal for expanding the use of the incentive program.

11 (5) \$92,000 of the motor vehicle account--state appropriation is  
12 provided solely for operating a new active traffic management system on  
13 Interstate 5, Interstate 90, and SR 520. The department shall track  
14 the costs associated with these systems on a corridor basis and report  
15 to the legislative transportation committees on the cost and benefits  
16 of the system.

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

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

1 lanes. Nothing in this subsection is intended to authorize the  
2 conversion of public infrastructure to private, for-profit purposes or  
3 to otherwise create an entitlement or other claim by private users to  
4 public infrastructure.

5 **Sec. 813.** 2010 c 247 s 219 (uncodified) is amended to read as  
6 follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**  
8 **SUPPORT--PROGRAM S**

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

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

25 **Sec. 814.** 2010 c 247 s 220 (uncodified) is amended to read as  
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**  
28 **AND RESEARCH--PROGRAM T**

29	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$25,955,000</del> ))
30		<u>\$25,384,000</u>
31	Motor Vehicle Account--Federal Appropriation . . . . .	\$22,002,000
32	Multimodal Transportation Account--State	
33	Appropriation . . . . .	\$1,090,000
34	Multimodal Transportation Account--Federal	
35	Appropriation . . . . .	\$3,287,000
36	Multimodal Transportation Account--Private/Local	

1	Appropriation . . . . .	\$99,000
2	TOTAL APPROPRIATION . . . . .	<del>(\$52,433,000)</del>
3		<u>\$51,862,000</u>

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

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

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

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

36 (4) \$2,000,000 of the motor vehicle account--state appropriation is  
37 provided solely for scoping unfunded state highway projects to ensure

1 that a well-vetted project list is available for future program funding  
2 discussions.

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

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

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

16 (d) Prior to the commencement of the 2011 legislative session, the  
17 department shall provide a report to the legislative transportation  
18 committees and the office of financial management that includes  
19 estimated costs and construction time frames.

20 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state  
21 appropriation is provided solely for a corridor study of state route  
22 number 516 from the eastern border of Maple Valley to state route  
23 number 167 to determine whether improvements are needed and the costs  
24 of any needed improvements.

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

31 (7) \$80,000 of the motor vehicle account--state appropriation is  
32 provided solely to continue existing work regarding feasibility of a  
33 new interchange between Rochester and Harrison Avenue on Interstate 5.

34 **Sec. 815.** 2010 c 247 s 221 (uncodified) is amended to read as  
35 follows:

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

1 v

2 Regional Mobility Grant Program Account--State

3 Appropriation . . . . . ((~~\$65,274,000~~))

4 \$56,332,000

5 Multimodal Transportation Account--State

6 Appropriation . . . . . ((~~\$65,667,000~~))

7 \$65,547,000

8 Multimodal Transportation Account--Federal

9 Appropriation . . . . . \$2,573,000

10 Multimodal Transportation Account--Private/Local

11 Appropriation . . . . . \$1,025,000

12 TOTAL APPROPRIATION . . . . . ((~~\$134,539,000~~))

13 \$125,477,000

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

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

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

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

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

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

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

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

25 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation  
26 account--state appropriation is provided solely for a grant for a  
27 flexible carpooling pilot project program to be administered and  
28 monitored by the department. Funds are appropriated for one time only.  
29 The pilot project program must: Test and implement at least one  
30 flexible carpooling system in a high-volume commuter area that enables  
31 carpooling without prearrangement; utilize technologies that, among  
32 other things, allow for transfer of ride credits between participants;  
33 and be a membership system that involves prescreening to ensure safety  
34 of the participants. The program must include a pilot project that  
35 targets commuter traffic on the state route number 520 bridge. The  
36 department shall submit to the legislature by December 2010 a report on  
37 the program results and any recommendations for additional flexible  
38 carpooling programs.

1 (5) \$3,318,000 of the multimodal transportation account--state  
2 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility  
3 grant program account--state appropriation are reappropriated and  
4 provided solely for the regional mobility grant projects identified on  
5 the LEAP Transportation Document 2007-B, as developed April 20, 2007,  
6 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.  
7 The department shall continue to review all projects receiving grant  
8 awards under this program at least semiannually to determine whether  
9 the projects are making satisfactory progress. The department shall  
10 promptly close out grants when projects have been completed, and any  
11 remaining funds available to the office of transit mobility must be  
12 used only to fund projects on the LEAP Transportation Document 2006-D,  
13 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as  
14 developed April 20, 2007; or the LEAP Transportation Document 2009-B,  
15 as developed April 24, 2009. It is the intent of the legislature to  
16 appropriate funds through the regional mobility grant program only for  
17 projects that will be completed on schedule. However, the Chuckanut  
18 park and ride project (101100G) is recognized as a crucial investment  
19 in the transportation system. For this reason, the department shall  
20 not close out the grant for the Chuckanut park and ride project until  
21 Skagit transit has exhausted all other pending opportunities for  
22 federal and local funds. If additional funds cannot be secured, the  
23 department shall consider this project a priority in the 2011-13 grant  
24 process. The department shall make every effort to advance the  
25 Chuckanut park and ride project within existing resources.

26 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant  
27 program account--state appropriation is provided solely for the  
28 regional mobility grant projects identified in LEAP Transportation  
29 Document 2009-B, as developed April 24, 2009. The department shall  
30 review all projects receiving grant awards under this program at least  
31 semiannually to determine whether the projects are making satisfactory  
32 progress. Any project that has been awarded funds, but does not report  
33 activity on the project within one year of the grant award, must be  
34 reviewed by the department to determine whether the grant should be  
35 terminated. The department shall promptly close out grants when  
36 projects have been completed, and any remaining funds available to the  
37 office of transit mobility must be used only to fund projects  
38 identified in LEAP Transportation Document 2009-B, as developed April

1 24, 2009. The department shall provide annual status reports on  
2 December 15, 2009, and December 15, 2010, to the office of financial  
3 management and the transportation committees of the legislature  
4 regarding the projects receiving the grants. It is the intent of the  
5 legislature to appropriate funds through the regional mobility grant  
6 program only for projects that will be completed on schedule.

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

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

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

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

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

29 (9) \$130,000 of the multimodal transportation account-- state  
30 appropriation is provided solely to the department to distribute to  
31 support Engrossed Substitute House Bill No. 2072 (special needs  
32 transportation).

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

37 (b) \$50,000 of the amount provided in this subsection is provided  
38 solely to support the pilot project to be developed or implemented by

1 the local coordinating coalition comprised of a single county,  
2 described in sections 9, 10, and 11, chapter . . . (Engrossed  
3 Substitute House Bill No. 2072), Laws of 2009. The department shall  
4 assist the local coordinating coalition to seek funding sufficient to  
5 fully fund the pilot project from a variety of sources including, but  
6 not limited to, the regional transit authority serving the county, the  
7 regional transportation planning organization serving the county, and  
8 other appropriate state and federal agencies and grants. Development  
9 or implementation of the pilot project is contingent on securing  
10 funding sufficient to fully fund the pilot project.

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

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

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

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

27 **Sec. 816.** 2010 c 247 s 222 (uncodified) is amended to read as  
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
30 Puget Sound Ferry Operations Account--State  
31 Appropriation . . . . . ((~~\$425,922,000~~))  
32 \$446,961,000

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

35 (1) ((~~\$78,754,952~~)) \$97,053,000 of the Puget Sound ferry operations  
36 account--state appropriation is provided solely for auto ferry vessel  
37 operating fuel in the 2009-11 fiscal biennium. This appropriation is

1 contingent upon the enactment of sections 716 and 701 of this act. All  
2 fuel purchased by the Washington state ferries at Harbor Island truck  
3 terminal for the operation of the Washington state ferries diesel  
4 powered vessels must be a minimum of five percent biodiesel blend so  
5 long as the per gallon price of diesel containing a five percent  
6 biodiesel blend level does not exceed the per gallon price of diesel by  
7 more than five percent.

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

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

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

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

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

36 (7) The office of financial management budget instructions require  
37 agencies to recast enacted budgets into activities. The Washington  
38 state ferries shall include a greater level of detail in its 2011-13

1 omnibus transportation appropriations act request, as determined  
2 jointly by the office of financial management, the Washington state  
3 ferries, and the legislative transportation committees.

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

13 (9) \$1,100,000 of the Puget Sound ferry operations account--state  
14 appropriation is provided solely for a marketing program. The  
15 department shall present a marketing program proposal to the  
16 transportation committees of the legislature during the 2010  
17 legislative session before implementing this program. Of this amount,  
18 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of  
19 Coupeville for mitigation expenses related to only one vessel operating  
20 on the Port Townsend/Keystone ferry route. The moneys provided to the  
21 city of Port Townsend and town of Coupeville are not contingent upon  
22 the required marketing proposal.

23 (10) \$350,000 of the Puget Sound ferry operations account--state  
24 appropriation is provided solely for two extra trips per day during the  
25 summer of 2009 season, beyond the current schedule, on the Port  
26 Townsend/Keystone route.

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

30 (12) The legislature finds that measuring the performance of  
31 Washington state ferries requires the measurement of quality,  
32 timeliness, and unit cost of services delivered to customers.  
33 Consequently, the department must develop a set of metrics that measure  
34 that performance and report to the transportation committees of the  
35 legislature and to the office of financial management on the  
36 development of these measurements along with recommendations to the  
37 2010 legislature on which measurements must become a part of the next  
38 omnibus transportation appropriations act.

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

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

19 (b) The process for appointing an investigating officer or officers  
20 and a description of the authorities and responsibilities of the  
21 investigating officer or officers. The investigating officer or  
22 officers must:

23 (i) Have the appropriate training and experience as determined by  
24 the policy;

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

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

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

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

37 (c) The process of working with the affected employee or employees

1 in accordance with the employee's or employees' respective collective  
2 bargaining agreement and the appropriate union officials, within  
3 protocols afforded to all public employees;

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

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

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

13 (14) \$7,300,000 of the Puget Sound ferry operations account--state  
14 appropriation is provided solely for the purposes of travel time  
15 associated with Washington state ferries employees. However, if  
16 Engrossed Substitute House Bill No. 3209 (managing costs of ferry  
17 system) is enacted by June 30, 2010, containing an appropriation for  
18 purposes of travel time associated with Washington state ferries  
19 employees, the amount provided in this subsection lapses.

20 (15) \$50,000 of the Puget Sound ferry operations account--state  
21 appropriation is provided solely to implement a mechanism to report on-  
22 time performance statistics.

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

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

1 must prominently display the statistics as they relate to their  
2 specific route.

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

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

13 **Sec. 817.** 2010 c 247 s 223 (uncodified) is amended to read as  
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

16 Multimodal Transportation Account--State

17	Appropriation . . . . .	(( <del>\$37,371,000</del> ))
18		<u>\$29,871,000</u>
19	<u>Multimodal Transportation Account--Federal</u>	
20	Appropriation . . . . .	\$100,000
21	<u>TOTAL APPROPRIATION . . . . .</u>	<u>\$29,971,000</u>

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

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

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

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

33 **Sec. 818.** 2010 c 247 s 224 (uncodified) is amended to read as  
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**



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

3 (1) \$1,626,000 of the state patrol highway account--state  
4 appropriation is provided solely for the following minor works  
5 projects: \$450,000 for Shelton training academy roofs; (~~(\$150,000 for~~  
6 ~~HVAC control replacements;~~) \$168,000 for upgrades to scales; \$50,000  
7 for Bellevue electrical equipment upgrades; (~~(\$90,000)~~) \$16,000 for  
8 South King detachment window replacement; \$200,000 for the replacement  
9 of the Naselle radio tower, generator shelter, and fence; \$200,000 for  
10 unforeseen emergency repairs; and \$318,000 for the Shelton training  
11 academy drive course/skid pan repair.

12 (2) (~~(\$1,500,000)~~) \$1,079,000 of the state patrol highway account--  
13 state appropriation is provided solely for the Shelton academy of the  
14 Washington state patrol and is contingent upon a signed agreement  
15 between the city of Shelton, the department of corrections, and the  
16 Washington state patrol that provides for an on-going payment to these  
17 three entities, based on their percentage of the total investment in  
18 the project, from all hookup fees, late comer fees, LIDS, and all other  
19 initial fees collected for the new waste water treatment lines, waste  
20 water plants, water lines, and water systems.

21 **Sec. 902.** 2010 c 247 s 301 (uncodified) is amended to read as  
22 follows:

23 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

24 Rural Arterial Trust Account--State Appropriation . . .	( <del>(\$73,000,000)</del> )
	<u>\$71,500,000</u>
26 Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
27 County Arterial Preservation Account--State	
28 Appropriation . . . . .	( <del>(\$31,400,000)</del> )
	<u>\$30,400,000</u>
30 TOTAL APPROPRIATION . . . . .	( <del>(\$105,448,000)</del> )
	<u>\$102,948,000</u>

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

34 (1) \$1,048,000 of the motor vehicle account--state appropriation  
35 may be used for county ferry projects as developed pursuant to RCW  
36 47.56.725(4).

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

9 (3) \$22,000,000 of the rural arterial trust account--state  
10 appropriation is provided solely for additional grants for county road  
11 projects as approved by the county road administration board.

12 **Sec. 903.** 2010 c 247 s 302 (uncodified) is amended to read as  
13 follows:

14 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

15	Small City Pavement and Sidewalk Account--State	
16	Appropriation . . . . .	(( <del>\$3,927,000</del> ))
17		<u>\$3,737,000</u>
18	Urban Arterial Trust Account--State Appropriation . .	(( <del>\$123,900,000</del> ))
19		<u>\$121,900,000</u>
20	Transportation Improvement Account--State	
21	Appropriation . . . . .	(( <del>\$81,643,000</del> ))
22		<u>\$80,643,000</u>
23	TOTAL APPROPRIATION . . . . .	(( <del>\$209,470,000</del> ))
24		<u>\$206,280,000</u>

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

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

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

33 **Sec. 904.** 2009 c 470 s 305 (uncodified) is amended to read as  
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**

1 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

2 Motor Vehicle Account--State Appropriation . . . . . ((~~\$4,810,000~~))  
3 \$4,623,000

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

6 (1) \$1,198,000 of the motor vehicle account--state appropriation is  
7 provided solely for the Olympic region site acquisition debt service  
8 payments and administrative costs associated with capital improvement  
9 and preservation project and financial management.

10 (2) ((~~\$3,612,000~~)) \$3,425,000 of the motor vehicle account--state  
11 appropriation is provided solely for high priority safety projects that  
12 are directly linked to employee safety, environmental risk, or minor  
13 works that prevent facility deterioration. This includes the  
14 administrative costs associated with those projects and the  
15 reconstruction of the Wandermere facility that was destroyed in the  
16 2008-09 winter storms.

17 **Sec. 905.** 2010 c 247 s 303 (uncodified) is amended to read as  
18 follows:

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

20 Multimodal Transportation Account--State  
21 Appropriation . . . . . ((~~\$98,000~~))  
22 \$2,000

23 Transportation Partnership Account--State  
24 Appropriation . . . . . ((~~\$1,665,644,000~~))  
25 \$1,325,624,000

26 Motor Vehicle Account--State Appropriation . . . . . ((~~\$85,534,000~~))  
27 \$66,880,000

28 Motor Vehicle Account--Federal Appropriation . . . . . ((~~\$570,107,000~~))  
29 \$532,458,000

30 Motor Vehicle Account--Private/Local  
31 Appropriation . . . . . ((~~\$70,714,000~~))  
32 \$83,270,000

33 Special Category C Account--State Appropriation . . . . . \$25,221,000

34 Transportation 2003 Account (Nickel Account)--State  
35 Appropriation . . . . . ((~~\$713,205,000~~))  
36 \$590,797,000

37 Freight Mobility Multimodal Account--State

1	Appropriation . . . . .	(( <del>\$4,574,000</del> ))
2		<u>\$4,575,000</u>
3	Tacoma Narrows Toll Bridge Account--State	
4	Appropriation . . . . .	(( <del>\$789,000</del> ))
5		<u>\$797,000</u>
6	State Route Number 520 Corridor Account--State	
7	Appropriation . . . . .	(( <del>\$231,763,000</del> ))
8		<u>\$229,838,000</u>
9	<del>((State Route Number 520 Civil Penalties Account--State</del>	
10	<del>Appropriation . . . . .</del>	<del>\$1,190,000))</del>
11	TOTAL APPROPRIATION . . . . .	(( <del>\$3,368,839,000</del> ))
12		<u>\$2,859,462,000</u>

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

15 (1) Except as provided otherwise in this section, the entire  
16 transportation 2003 account (nickel account) appropriation and the  
17 entire transportation partnership account appropriation are provided  
18 solely for the projects and activities as listed by fund, project, and  
19 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed  
20 ((~~March 8, 2010~~)) April 19, 2011, Program - Highway Improvement Program  
21 (I). However, limited transfers of specific line-item project  
22 appropriations may occur between projects for those amounts listed  
23 subject to the conditions and limitations in section 603 ((~~of this~~  
24 ~~act~~)), chapter . . . (Engrossed Substitute House Bill No. 1175), Laws  
25 of 2011.

26 (2) ((~~\$163,385,000~~)) \$158,094,000 of the transportation partnership  
27 account--state appropriation and ((~~\$231,763,000~~)) \$229,838,000 of the  
28 state route number 520 corridor account--state appropriation are  
29 provided solely for the state route number 520 bridge replacement and  
30 HOV project. The department shall submit an application for the  
31 eastside transit and HOV project to the supplemental discretionary  
32 grant program for regionally significant projects as provided in the  
33 American Recovery and Reinvestment Act of 2009.

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

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

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

10 (6) The department shall, on a quarterly basis beginning July 1,  
11 2009, 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 and transportation 2003  
16 account (nickel account) projects relating to bridge rail, guard rail,  
17 fish passage barrier removal, and roadside safety projects should be  
18 reported on a programmatic basis. Projects within this programmatic  
19 level funding should be completed on a priority basis and scoped to be  
20 completed within the current programmatic budget. Report formatting  
21 and elements must be consistent with the October 2009 quarterly project  
22 report. On a representative sample of new construction contracts  
23 valued at fifteen million dollars or more, the department must also use  
24 an earned value method of project monitoring.

25 (7) The transportation 2003 account (nickel account)--state  
26 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds  
27 from the sale of bonds authorized by RCW 47.10.861.

28 (8) The transportation partnership account--state appropriation  
29 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the  
30 sale of bonds authorized in RCW 47.10.873.

31 (9) The special category C account--state appropriation includes up  
32 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds  
33 authorized in RCW 47.10.812.

34 (10) The motor vehicle account--state appropriation includes up to  
35 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds  
36 authorized in RCW 47.10.843.

37 (11) The state route number 520 corridor account--state

1 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds  
2 from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

15 (d) Confer with the project sponsor's council, as well as local and  
16 regional governing bodies adjacent to the Interstate 5 Columbia river  
17 crossing corridor and the Interstate 205 corridor regarding the  
18 implementation of tolls, the impacts that the implementation of tolls  
19 might have on the operation of the corridors, the diversion of traffic  
20 to local streets, and potential mitigation measures;

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

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

26 (g) Conduct public work sessions and open houses to provide  
27 information to citizens, including users of the bridge and business and  
28 freight interests, regarding implementation of tolls on the Interstate  
29 5 and to solicit citizen views on the following items:

30 (i) Funding a portion of the Columbia river crossing project with  
31 tolls;

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

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

36 (h) Provide a report to the governor and the legislature by January  
37 2010.

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

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

9 (i) Confer with the mayors and city councils of jurisdictions in  
10 the vicinity of the project regarding the implementation of high  
11 occupancy toll lanes and the impacts that the implementation of these  
12 high occupancy toll lanes might have on the operation of the corridor  
13 and adjacent local streets;

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

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

20 (iv) Provide a report to the governor and the legislature by  
21 January 2010.

22 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state  
23 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--  
24 federal appropriation are provided solely for project 100224I, US 2  
25 high priority safety project. Expenditure of these funds is for safety  
26 projects on state route number 2 between Monroe and Gold Bar, which may  
27 include median rumble strips, traffic cameras, and electronic message  
28 signs.

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

32 (16) The department shall conduct a public outreach process to  
33 identify and respond to community concerns regarding the Belfair  
34 bypass. The process must include representatives from Mason county,  
35 the legislature, area businesses, and community members. The  
36 department shall use this process to consider and develop design  
37 alternatives that alter the project's scope so that the community's

1 needs are met within the project budget. The department shall provide  
2 a report on the process and outcomes to the legislature by June 30,  
3 2010.

4 (17) The legislature is committed to the timely completion of R8A  
5 which supports the construction of sound transit's east link.  
6 Following the completion of the independent analysis of the  
7 methodologies to value the reversible lanes on Interstate 90 which may  
8 be used for high capacity transit as directed in section 204 of this  
9 act, the department shall complete the process of negotiations with  
10 sound transit. Such agreement shall be completed no later than  
11 December 1, 2009.

12 (18) \$250,000 of the motor vehicle account--state appropriation is  
13 provided solely for the design and construction of a right turn lane to  
14 improve visibility and traffic flow on state route number 195 and  
15 Cheney-Spokane Road (project L1000001).

16 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal  
17 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--  
18 state appropriation are provided solely for the Westview school noise  
19 wall (project WESTV).

20 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state  
21 appropriation and \$131,000 of the motor vehicle account--federal  
22 appropriation are provided solely for interchange design and planning  
23 work on US 12 at A Street and Tank Farm Road (project PASCO).

24 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership  
25 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle  
26 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor  
27 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)  
28 \$9,422,000 of the motor vehicle account--federal appropriation are  
29 provided solely for project 400506A, the I-5/Columbia river  
30 crossing/Vancouver project. The funding described in this subsection  
31 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of  
32 Oregon.

33 (22) It is important that the public and policymakers have accurate  
34 and timely access to information related to the Alaskan Way viaduct  
35 replacement project as it proceeds to, and during, the construction of  
36 all aspects of the project including, but not limited to, information  
37 regarding costs, schedules, contracts, project status, and neighborhood  
38 impacts. Therefore, it is the intent of the legislature that the

1 state, city, and county departments of transportation establish a  
2 single source of accountability for integration, coordination,  
3 tracking, and information of all requisite components of the  
4 replacement project, which must include, at a minimum:

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

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

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

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

24 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership  
25 account--state appropriation is provided solely for project 109040Q,  
26 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3  
27 project, as indicated in the LEAP transportation document referenced in  
28 subsection (1) of this section.

29 (26) The department shall continue to work with the local partners  
30 in developing transportation solutions necessary for the economic  
31 growth in the Red Mountain American Viticulture Area of Benton county.

32 (27) For highway construction projects where the department  
33 considers agricultural lands of long-term commercial significance, as  
34 defined in RCW 36.70A.030, in reviewing and selecting sites to meet  
35 environmental mitigation requirements under the national environmental  
36 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental  
37 policy act (chapter 43.21C RCW), the department shall, to the greatest  
38 extent possible, consider using public land first. If public lands are

1 not available that meet the required environmental mitigation needs,  
2 the department may use other sites while making every effort to avoid  
3 any net loss of agricultural lands that have a designation of long-term  
4 commercial significance.

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

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

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

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

24 (c) Economic considerations for future system investments.

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

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

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

2 (c) Economic considerations for future system investments.

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

14 (32) \$400,000 of the motor vehicle account--state appropriation is  
15 provided solely for the department to conduct a state route number 2  
16 route development plan (project L2000016) that will identify essential  
17 improvements needed between the port of Everett/Naval station and  
18 approaching the state route number 9 interchange near the city of  
19 Snohomish.

20 (33) If the SR 26 - Intersection and Illumination Improvements are  
21 not completed by June 30, 2009, the department shall ensure that the  
22 improvements are completed as soon as practicable after June 30, 2009,  
23 and shall submit monthly progress reports on the improvements beginning  
24 July 1, 2009.

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

37 (35) The department shall work with the department of archaeology  
38 and historic preservation to ensure that the cultural resources

1 investigation is properly conducted on all mega-highway projects and  
2 large ferry terminal projects. These projects must be conducted with  
3 active archaeological management. Additionally, the department shall  
4 establish a scientific peer review of independent archaeologists that  
5 are knowledgeable about the region and its cultural resources.

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

11 (37) \$10,000,000 of the transportation partnership account--state  
12 appropriation is provided solely for the Spokane street viaduct portion  
13 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as  
14 indicated in the LEAP transportation document referenced in subsection  
15 (1) of this section.

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

25 (39) The department shall apply for the competitive portion of  
26 federal transit administration funds for eligible transit-related costs  
27 of the state route number 520 bridge replacement and HOV project and  
28 the Columbia river crossing project. The federal funds described in  
29 this subsection must not include those federal transit administration  
30 funds distributed by formula. The department shall provide a report  
31 regarding this effort to the legislature by January 1, 2010.

32 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--  
33 federal appropriation (~~(is)~~) and \$1,405,000 of the motor vehicle  
34 account--state appropriation are provided solely for the Alaskan Way  
35 Viaduct - Automatic Shutdown project, identified as project L1000034.

36 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--  
37 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle

1 account--state appropriation are provided solely for the US 12/Nine  
2 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified  
3 as project 501210T.

4 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal  
5 appropriation is provided solely for the Express Lanes System Concept  
6 Study project, identified as project 800020A. As part of this project,  
7 the department shall prepare a comprehensive tolling study of the  
8 Interstate 5 express lanes to determine the feasibility of  
9 administering tolls within the corridor. The department shall  
10 regularly report to the Washington transportation commission regarding  
11 the progress of the study. The elements of the study must include, at  
12 a minimum:

- 13 (i) The potential for value pricing to generate revenues for needed  
14 transportation facilities;
- 15 (ii) Maximizing the efficient operation of the corridor;
- 16 (iii) Economic considerations for future system investments; and
- 17 (iv) An analysis of the impacts to the regional transportation  
18 system.

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

21 (~~(44)~~-\$226,000) (43) \$110,000 of the motor vehicle account--  
22 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle  
23 account--state appropriation are provided solely for the SR 16/Rosedale  
24 Street NW Vicinity - Frontage Road project (301639C). These funds must  
25 not be expended before an agreement stating that the city of Gig Harbor  
26 will take ownership of the road has been signed. The frontage road  
27 must be built for driving speeds of no more than thirty-five miles per  
28 hour.

29 (~~(45)~~) (44) The department shall work with the Washington state  
30 transportation commission, the Oregon state department of  
31 transportation, and the Oregon state transportation commission to  
32 analyze and review potential options for a bistate, toll setting  
33 framework. As part of the analysis, the department shall undertake the  
34 following actions: Review statutory provisions and the governance  
35 structures of toll facilities in the United States that are located  
36 within two or more states; review relevant federal law regarding  
37 transportation facilities that are located within two or more states;  
38 consult with the state treasurers in Washington and Oregon regarding

1 the appropriate structure for the issuance of debt for toll facilities  
2 that are located within two states; report findings and recommendations  
3 to the Columbia river project sponsor's council by October 1, 2010; and  
4 provide a final report to the governor and the legislature by June 30,  
5 2011.

6 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state  
7 appropriation is provided solely for improvements from Allan Road to  
8 state route number 12 (501207Z).

9 ~~((47) \$500,000)~~ (46) \$455,000 of the motor vehicle account--state  
10 appropriation is provided solely for a traffic signal at the  
11 intersection of state route number 7 and state route number 702  
12 (300738A).

13 ~~((48) \$750,000)~~ (47) \$316,000 of the motor vehicle account--state  
14 appropriation is provided solely for environmental work on the Belfair  
15 Bypass (project 300344C).

16 ~~((49))~~ (48) The legislature finds that state route number 522  
17 corridor provides an important link between Interstates 5 and 405 and  
18 will be impacted by diversion from tolling elsewhere in the region.  
19 State route number 522 must be reviewed as part of the scoping work  
20 conducted under section 220(4) of this act. As such, the legislature  
21 intends to provide additional funding for the corridor as a priority in  
22 the next revenue package. The state will work with the affected cities  
23 and the federal government to secure the necessary resources to address  
24 the needs of this critical corridor.

25 ~~((50) \$500,000)~~ (49) \$558,000 of the motor vehicle account--state  
26 appropriation is provided solely for the US 12/SR 122/Mossyrock -  
27 Intersection project (401212R) for safety improvements.

28 ~~((51))~~ (50) \$200,000 of the motor vehicle account--federal  
29 appropriation is provided solely for project US 97A/North of Wenatchee  
30 - Wildlife Fence (209790B), and an offsetting reduction is anticipated  
31 in the 2011-13 biennium.

32 ~~((52))~~ (51) If a planned roundabout in the vicinity of state  
33 route number 526 and 84th Street SW would divert commercial traffic  
34 onto neighborhood streets, the department may not proceed with  
35 improvements at state route number 526 and 84th Street SW until the  
36 traffic impacts in the vicinity of state route number 526 and 40th  
37 Avenue West are addressed.

1 ((+53+)) (52) The department shall conduct a collision analysis  
2 corridor study on state route number 167 from milepost 0 to milepost 5  
3 and report to the transportation committees of the legislature on the  
4 analysis results by December 1, 2010.

5 ((+54)-\$2,600,000)) (53) \$357,000 of the motor vehicle account--  
6 federal appropriation is provided solely for the ITS Advanced Traveler  
7 Information System project in Whatcom county (100589B).

8 ((+55)-\$900,000)) (54) \$94,000 of the motor vehicle account--  
9 federal appropriation is provided solely for the US 97/Cameron Lake  
10 Road intersection improvements project in Okanogan county (209700W).

11 ((+56)-\$400,000)) (55) \$294,000 of the motor vehicle account--  
12 federal appropriation and ((+\$100,000)) \$74,000 of the motor vehicle  
13 account--state appropriation are provided solely for the SR 9/SR 204  
14 Intersection Improvement project (L2000040).

15 ((+57+)) (56) The legislature finds that the state route number 12  
16 widening from state route number 124 to Walla Walla is an important  
17 east-west corridor in the southeast region of the state. Widening the  
18 highway to four lanes will increase safety and improve freight  
19 mobility. Therefore, the legislature intends for the department to use  
20 up to two million dollars in future redistributed federal obligation  
21 authority that may be received by the department for right-of-way  
22 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -  
23 Phase 7-A project (501210T).

24 **Sec. 906.** 2010 c 247 s 304 (uncodified) is amended to read as  
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

27 Transportation Partnership Account--State

28	Appropriation . . . . .	(( \$75,305,000 ))
29		<u>\$67,381,000</u>
30	Motor Vehicle Account--State Appropriation . . . . .	(( \$96,884,000 ))
31		<u>\$92,733,000</u>
32	Motor Vehicle Account--Federal Appropriation . . . . .	(( \$556,705,000 ))
33		<u>\$528,158,000</u>
34	Motor Vehicle Account--Private/Local Appropriation . . . . .	(( \$18,768,000 ))
35		<u>\$19,675,000</u>
36	Transportation 2003 Account (Nickel Account)--State	
37	Appropriation . . . . .	(( \$6,328,000 ))

1		<u>\$6,148,000</u>
2	Puyallup Tribal Settlement Account--State	
3	Appropriation . . . . .	(( <del>\$6,636,000</del> ))
4		<u>\$6,647,000</u>
5	TOTAL APPROPRIATION . . . . .	(( <del>\$760,626,000</del> ))
6		<u>\$720,742,000</u>

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 ((~~2010-1~~)) 2011-1 as developed  
14 ((~~March-8,-2010~~)) April 19, 2011, Program - Highway Preservation  
15 Program (P). However, limited transfers of specific line-item project  
16 appropriations may occur between projects for those amounts listed  
17 subject to the conditions and limitations in section 603 ((~~of this~~  
18 ~~act~~)), chapter . . . (Engrossed Substitute House Bill No. 1175), Laws  
19 of 2011.

20 (2) ((~~\$542,000~~)) \$546,000 of the motor vehicle account--federal  
21 appropriation and ((~~\$453,000~~)) \$188,000 of the motor vehicle account--  
22 state appropriation are provided solely for project 602110F, SR  
23 21/Keller ferry boat - Preservation. Funds are provided solely for  
24 preservation work on the existing vessel, the Martha S.

25 (3) The department shall apply for surface transportation program  
26 (STP) enhancement funds to be expended in lieu of or in addition to  
27 state funds for eligible costs of projects in Programs I and P.

28 (4) ((~~\$6,636,000~~)) \$6,647,000 of the Puyallup tribal settlement  
29 account--state appropriation is provided solely for costs associated  
30 with the Murray Morgan/11th Street bridge project. The city of Tacoma  
31 may use the Puyallup tribal settlement account appropriation and other  
32 appropriated funds for bridge rehabilitation, bridge replacement,  
33 bridge demolition, and related mitigation. The department's  
34 participation, including prior expenditures, may not exceed  
35 ((~~\$40,270,000~~)) \$40,281,000. The city of Tacoma has taken ownership of  
36 the bridge in its entirety, and the payment of these funds extinguishes  
37 any real or implied agreements regarding future bridge expenditures.

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

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

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

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

33 (i) The current backlog of asphalt and concrete pavement  
34 preservation projects;

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

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

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

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

6 (b) Additionally, the department shall work with the department of  
7 ecology, the county road administration board, and the transportation  
8 improvement board to explore and explain the potential use of permeable  
9 asphalt and concrete pavement in state highway construction as an  
10 alternative method of storm water mitigation and the potential effects  
11 on highway pavement replacement needs.

12 (c) The department shall submit the report to the office of  
13 financial management and the transportation committees of the  
14 legislature by September 1, 2010, in order to inform the development of  
15 the 2011-13 omnibus transportation appropriations act.

16 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state  
17 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle  
18 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the  
19 transportation partnership account--state appropriation are provided  
20 solely for the SR 104/Hood Canal bridge - replace east half project,  
21 identified as project 310407B in the LEAP transportation document  
22 described in subsection (1) of this section.

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

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

30 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--  
31 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle  
32 account--state appropriation are provided solely for the environmental  
33 impact statement and preliminary planning for the replacement of the  
34 state route number 9 Snohomish river bridge (project L2000018).

35 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--  
36 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle  
37 account--state appropriation are provided solely for the SR 410/Nile  
38 Valley Landslide - Establish Interim Detour project (541002R).

1 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--  
2 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle  
3 account--state appropriation are provided solely for the SR 410/Nile  
4 Valley Landslide - Reconstruct Route project (541002T).

5 (~~(16)~~) (15) The legislature anticipates a report in September  
6 2010 that will outline the department's recommendation for developing  
7 a Keller Ferry replacement at the lowest cost. The legislature  
8 supports the request to the federal government for federal aid for a  
9 replacement vessel and intends to provide reasonable matching amounts  
10 as necessary.

11 (~~(17)~~ \$2,100,000) (16) \$194,000 of the motor vehicle account--  
12 federal appropriation is provided solely for the SR 21/Kettle River to  
13 Malo paving project in Ferry county (602117A).

14 **Sec. 907.** 2010 c 247 s 305 (uncodified) is amended to read as  
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
17 **CAPITAL**

18	Motor Vehicle Account--State Appropriation . . . . .	( <del>(\$8,158,000)</del> )
19		<u>\$6,847,000</u>
20	Motor Vehicle Account--Federal Appropriation . . . . .	( <del>(\$18,037,000)</del> )
21		<u>\$11,412,000</u>
22	Motor Vehicle Account--Private/Local Appropriation . . . . .	( <del>(\$173,000)</del> )
23		<u>\$174,000</u>
24	TOTAL APPROPRIATION . . . . .	( <del>(\$26,368,000)</del> )
25		<u>\$18,433,000</u>

26 **Sec. 908.** 2010 c 283 s 19 (uncodified) is amended to read as  
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**  
29 **CONSTRUCTION--PROGRAM W**

30	Puget Sound Capital Construction Account--State	
31	Appropriation . . . . .	( <del>(\$126,824,000)</del> )
32		<u>\$102,289,000</u>
33	Puget Sound Capital Construction Account--Federal	
34	Appropriation . . . . .	( <del>(\$60,364,000)</del> )
35		<u>\$51,194,000</u>
36	Puget Sound Capital Construction Account--Local	

1	Appropriation . . . . .	\$200,000
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation . . . . .	(( <del>\$51,734,000</del> ))
4		<u>\$51,735,000</u>
5	Transportation Partnership Account--State	
6	Appropriation . . . . .	(( <del>\$66,879,000</del> ))
7		<u>\$102,660,000</u>
8	Multimodal Transportation Account--State	
9	Appropriation . . . . .	\$149,000
10	TOTAL APPROPRIATION . . . . .	(( <del>\$306,150,000</del> ))
11		<u>\$308,227,000</u>

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

14 (1) ((~~\$126,824,000~~)) \$102,289,000 of the Puget Sound capital  
15 construction account--state appropriation, ((~~\$60,364,000~~)) \$51,194,000  
16 of the Puget Sound capital construction account--federal appropriation,  
17 \$200,000 of the Puget Sound capital construction account--local  
18 appropriation, ((~~\$66,879,000~~)) \$102,660,000 of the transportation  
19 partnership account--state appropriation, ((~~\$51,734,000~~)) \$51,735,000  
20 of the transportation 2003 account (nickel account)--state  
21 appropriation, and \$149,000 of the multimodal transportation account--  
22 state appropriation are provided solely for ferry capital projects,  
23 project support, and administration as listed in LEAP Transportation  
24 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed ((~~March 8, 2010~~))  
25 April 19, 2011, Program -Washington State Ferries ((~~Construction~~))  
26 Capital Program (W). Of the total appropriation, a maximum of  
27 \$10,627,000 may be used for administrative support, a maximum of  
28 ((~~\$8,184,000~~)) \$7,635,000 may be used for terminal project support, and  
29 a maximum of \$4,497,000 may be used for vessel project support. Of the  
30 total appropriation, ((~~\$5,851,000~~)) \$2,016,000 is provided solely for  
31 a reservation system and associated communications projects.

32 (2) ((~~\$51,734,000~~)) \$51,735,000 of the transportation 2003 account  
33 (nickel account)--state appropriation, ((~~\$63,100,000~~)) \$99,891,000 of  
34 the transportation partnership account--state appropriation, and  
35 ((~~\$10,164,000~~)) \$10,165,000 of the Puget Sound capital construction  
36 account--state appropriation are provided solely for the acquisition of  
37 three new Island Home class ferry vessels subject to the conditions of  
38 RCW 47.56.780. The department shall pursue a contract for the second

1 and third Island Home class ferry vessels with an option to purchase a  
2 fourth Island Home class ferry vessel. However, if sufficient  
3 resources are available to build one 144-auto vessel prior to  
4 exercising the option to build the fourth Island Home class ferry  
5 vessel, procurement of the fourth Island Home class ferry vessel will  
6 be postponed and the department shall pursue procurement of a 144-auto  
7 vessel.

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

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

14 (c) Cost savings from the following initiatives will be included in  
15 the funding of these vessels: The department's review and update of  
16 the vessel life-cycle cost model as required under this section; and  
17 the implementation of technology efficiencies as required under section  
18 602 of this act.

19 (3)(a) \$8,450,000 of the Puget Sound capital construction account--  
20 state appropriation (~~and \$2,450,000~~), \$2,000 of the Puget Sound  
21 capital construction account--federal appropriation, and \$1,450,000 of  
22 the transportation partnership account--state appropriation are  
23 provided solely for the following projects related to the design of a  
24 144-vehicle vessel class: (i) (~~(\$1,380,000)~~) \$700,000 is provided  
25 solely for completion of the contract for owner-furnished equipment;  
26 (ii) \$8,320,000 is provided solely for completion of the technical  
27 design, detail design, and production drawings(~~(, all of which must~~  
28 ~~plan for an aluminum superstructure)); (iii) (~~(\$480,000)~~) \$300,000 is  
29 provided solely for the storage of owner-furnished equipment; and (iv)  
30 a maximum of (~~(\$720,000)~~) \$582,000 is for construction engineering. In  
31 completing the contract for owner-furnished equipment, the department  
32 shall use as much of the already procured equipment as is practicable  
33 on the Island Home class ferry vessels if it is likely to be obsolete  
34 before it is used in procured 144-vehicle vessels.~~

35 (b) The department shall conduct a cost-benefit study on  
36 alternative furnishings and fittings for the 144-vehicle vessel class.  
37 The study must review the proposed interior furnishings and fittings  
38 for the long-term maintenance and out-of-service vessel costs and, if

1 appropriate, propose alternative interior furnishings and fittings that  
2 will decrease long-term maintenance and out-of-service vessel costs.  
3 The study must include a projection of out-of-service time and a life-  
4 cycle cost analysis of planned out-of-service time, including the  
5 impact on fleet size. The department must submit the study to the  
6 joint transportation committee by August 1, 2010.

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

11 (4) ~~((\$6,300,000))~~ \$2,000,000 of the Puget Sound capital  
12 construction account--state appropriation is provided solely for  
13 emergency capital costs.

14 (5) ~~((\$3,000,000))~~ \$1,235,000 of the ~~((Puget Sound capital  
15 construction account--federal))~~ total appropriation is provided solely  
16 for completing the Anacortes terminal design up to the maximum  
17 allowable construction cost phase. Beyond preparing environmental  
18 work, these funds may be spent only after the following conditions have  
19 been met: (a) A value engineering process is conducted on the existing  
20 design and the concept of a terminal building smaller than preferred  
21 alternative; (b) the office of financial management participates in the  
22 value engineering process; (c) the office of financial management  
23 concurs with the recommendations of the value engineering process; and  
24 (d) the office of financial management gives its approval to proceed  
25 with the design work.

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

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

37 ~~((8))~~ (7) The department shall provide to the office of financial  
38 management and the legislature quarterly reports providing the status

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

11 ~~((+9))~~ (8) The department shall review and adjust its capital  
12 program staffing levels to ensure staffing is at the most efficient  
13 level necessary to implement the capital program in the omnibus  
14 transportation appropriations act. The Washington state ferries shall  
15 report this review and adjustment to the office of financial management  
16 and the house and senate transportation committees of the legislature  
17 by July 2009.

18 ~~((+10))~~ (9) \$1,200,000 of the total appropriation is provided  
19 solely for improving the toll booth configuration at the Port Townsend  
20 and Keystone ferry terminals.

21 ~~((+11))~~ (10) \$2,636,000 of the total appropriation is provided  
22 solely for continued permitting work on the Mukilteo ferry terminal.  
23 The department shall seek additional federal funding for this project.

24 ~~((+12))~~ (11) The department shall develop a proposed ferry vessel  
25 maintenance, preservation, and improvement program and present it to  
26 the transportation committees of the legislature by July 1, 2010. The  
27 proposal must:

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

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

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

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

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

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

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

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

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

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

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

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

23 ~~((+13+))~~ (12) \$247,000 of the Puget Sound capital construction  
24 account-- state appropriation is provided solely for the Washington  
25 state ferries to review and update its vessel life-cycle cost model and  
26 report the results to the house of representatives and senate  
27 transportation committees of the legislature by December 1, 2010. This  
28 review will evaluate the impact of the planned out-of-service periods  
29 scheduled for each vessel on the ability of the overall system to  
30 deliver uninterrupted service and will assess the risk of service  
31 disruption from unscheduled maintenance or longer than planned  
32 maintenance periods.

33 ~~((+14+))~~ (13) The department shall work with the department of  
34 archaeology and historic preservation to ensure that the cultural  
35 resources investigation is properly conducted on all large ferry  
36 terminal projects. These projects must be conducted with active  
37 archaeological management. Additionally, the department shall

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

3 ~~((15))~~ (14) The Puget Sound capital construction account--state  
4 appropriation includes up to ~~((114,000,000))~~ \$91,000,000 in proceeds  
5 from the sale of bonds authorized in RCW 47.10.843.

6 ~~((16))~~ (15) The Puget Sound capital construction account--state  
7 appropriation reflects the reduction of three terminal positions due to  
8 decreased terminal activity and funding.

9 ~~((17))~~ (16) The department shall provide data to the  
10 transportation committees of the senate and house of representatives  
11 for a transparent analysis of travel pay policies.

12 **Sec. 909.** 2010 c 247 s 307 (uncodified) is amended to read as  
13 follows:

14 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

15	Essential Rail Assistance Account--State	
16	Appropriation . . . . .	((333,000))
17		<u>\$334,000</u>
18	Transportation Infrastructure Account--State	
19	Appropriation . . . . .	((13,184,000))
20		<u>\$12,348,000</u>
21	Multimodal Transportation Account--State	
22	Appropriation . . . . .	((102,202,000))
23		<u>\$82,091,000</u>
24	Multimodal Transportation Account--Federal	
25	Appropriation . . . . .	((619,527,000))
26		<u>\$48,445,000</u>
27	<del>((Multimodal Transportation Account--Private/Local</del>	
28	<del>    Appropriation . . . . .</del>	<del>\$81,000))</del>
29	TOTAL APPROPRIATION . . . . .	((735,327,000))
30		<u>\$143,218,000</u>

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

33 (1)(a) Except as provided otherwise in this section, the entire  
34 appropriations in this section are provided solely for the projects and  
35 activities as listed by project and amount in LEAP Transportation  
36 Document 2011-2 ALL PROJECTS ~~((2010-2))~~ as developed ~~((March 8, 2010))~~  
37 April 19, 2011, Program - Rail Capital Program (Y).

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

5 (ii) Within the amounts provided in this section, (~~(\$1,200,000)~~)  
6 \$400,000 of the transportation infrastructure account--state  
7 appropriation is for a low-interest loan through the freight rail  
8 investment bank program to the Port of Everett (BIN 722810A) for a new  
9 rail track to connect a cement loading facility to the mainline.

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

14 (c)(i) Within the amounts provided in this section, \$1,713,000 of  
15 the multimodal transportation account--state appropriation and \$333,000  
16 of the essential rail assistance account--state appropriation are for  
17 statewide - emergent freight rail assistance projects as follows: Port  
18 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
19 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
20 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
21 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track  
22 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved  
23 locomotive facility (BIN 711010B) \$525,000.

24 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)  
25 \$346,000 of the multimodal transportation account--state appropriation  
26 is for a statewide - emergent freight rail assistance project grant for  
27 the Lincoln County PDA/Creston - new rail spur (BIN (~~(710510A)~~)  
28 F01001E) project, provided that the grantee first documents to the  
29 satisfaction of the department sufficient commitments from the new  
30 shipper or shippers to locate in the publicly owned industrial park  
31 west of Creston to ensure that the net present value of the public  
32 benefits of the project is greater than the grant amount.

33 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)  
34 \$8,079,000 of the transportation infrastructure account--state  
35 appropriation is for grants to any intergovernmental entity or local  
36 rail district to which the department of transportation assigns the  
37 management and oversight responsibility for the business and economic  
38 development elements of existing operating leases on the Palouse River

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

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

30 (b) When the department identifies a prospective rail project that  
31 may have strategic significance for the state, or at the request of a  
32 proponent of a prospective rail project or a member of the legislature,  
33 the department shall evaluate the prospective project according to the  
34 cost benefit methodology developed during the 2008 interim using the  
35 legislative priorities specified in (c) of this subsection. The  
36 department shall report its cost benefit evaluation of the prospective  
37 rail project, as well as the department's best estimate of an

1 appropriate construction schedule and total project costs, to the  
2 office of financial management and the transportation committees of the  
3 legislature.

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

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

8 (ii) Self-sustaining economic development that creates family-wage  
9 jobs;

10 (iii) Preservation of transportation corridors that would otherwise  
11 be lost;

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

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

16 (vi) Mitigation of impacts of increased rail traffic on  
17 communities.

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

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

1 in lieu of state funds; however, the state funds must be redirected  
2 within the rail capital program to advance funding for other projects  
3 currently identified on the project list referenced in subsection  
4 (1)(a) of this section. State funds may be redirected only upon  
5 consultation with the transportation committees of the legislature and  
6 the office of financial management, and approval by the director of the  
7 office of financial management. The department shall spend the federal  
8 funds before the state funds, and shall consult the office of financial  
9 management and the transportation committees of the legislature  
10 regarding project scope changes.

11 (5) The department shall provide quarterly reports to the office of  
12 financial management and the transportation committees of the  
13 legislature regarding applications that the department submits for  
14 federal funds and the status of such applications.

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

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

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

28 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation  
29 account--federal appropriation is provided solely for high-speed rail  
30 projects awarded to Washington state from the high-speed intercity  
31 passenger rail program under the American recovery and reinvestment  
32 act. Funding will allow for two additional round trips between Seattle  
33 and Portland, and other rail improvements.

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

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

8 (12) \$1,000,000 of the multimodal transportation account--state  
9 appropriation is provided solely for additional expenditures along the  
10 Chelatchie Prairie railroad (~~((LN2000025))~~) (710110A).

11 **Sec. 910.** 2010 c 247 s 308 (uncodified) is amended to read as  
12 follows:

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

15	( <del>Highway Infrastructure Account--State Appropriation . . . . .</del>	<del>\$207,000</del>
16	<del>Highway Infrastructure Account--Federal</del>	
17	<del>Appropriation . . . . .</del>	<del>\$1,602,000</del> )
18	Freight Mobility Investment Account--State	
19	Appropriation . . . . .	(( <del>\$13,848,000</del> ))
20		<u>\$9,170,000</u>
21	Transportation Partnership Account--State	
22	Appropriation . . . . .	(( <del>\$8,863,000</del> ))
23		<u>\$6,828,000</u>
24	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$14,068,000</del> ))
25		<u>\$9,668,000</u>
26	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$43,835,000</del> ))
27		<u>\$25,727,000</u>
28	Freight Mobility Multimodal Account--State	
29	Appropriation . . . . .	(( <del>\$15,620,000</del> ))
30		<u>\$7,472,000</u>
31	Freight Mobility Multimodal Account--Local	
32	Appropriation . . . . .	(( <del>\$3,258,000</del> ))
33		<u>\$2,980,000</u>
34	Multimodal Transportation Account--Federal	
35	Appropriation . . . . .	\$2,118,000
36	Multimodal Transportation Account--State	
37	Appropriation . . . . .	(( <del>\$28,855,000</del> ))

1		<u>\$20,923,000</u>
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation . . . . .	\$2,709,000
4	Passenger Ferry Account--State Appropriation . . . . .	(( <del>\$2,879,000</del> ))
5		<u>\$1,764,000</u>
6	Puyallup Tribal Settlement Account--State	
7	Appropriation . . . . .	(( <del>\$5,895,000</del> ))
8		<u>\$5,905,000</u>
9	TOTAL APPROPRIATION . . . . .	(( <del>\$143,757,000</del> ))
10		<u>\$95,264,000</u>

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

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

22       (2) ((~~\$2,729,000~~)) \$1,614,000 of the passenger ferry account--state  
23 appropriation is provided solely for near and long-term costs of  
24 capital improvements ((~~in a~~)) and operating expenses that are  
25 consistent with the business plan approved by the governor for  
26 passenger ferry service.

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

30       (4) \$3,000,000 of the motor vehicle account--federal appropriation  
31 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

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

18 (9) (~~(\$18,289,000)~~) \$13,732,000 of the multimodal transportation  
19 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor  
20 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000  
21 of the transportation partnership account--state appropriation are  
22 provided solely for the pedestrian and bicycle safety program projects  
23 and safe routes to schools program projects identified in LEAP  
24 Transportation Document 2009-A, pedestrian and bicycle safety program  
25 projects and safe routes to schools program projects, as developed  
26 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and  
27 bicycle safety program projects and safe routes to schools program  
28 projects, as developed April 20, 2007, and LEAP Transportation Document  
29 2006-B, pedestrian and bicycle safety program projects and safe routes  
30 to schools program projects, as developed March 8, 2006. Projects must  
31 be allocated funding based on order of priority. The department shall  
32 review all projects receiving grant awards under this program at least  
33 semiannually to determine whether the projects are making satisfactory  
34 progress. Any project that has been awarded funds, but does not report  
35 activity on the project within one year of the grant award must be  
36 reviewed by the department to determine whether the grant should be  
37 terminated. The department shall promptly close out grants when

1 projects have been completed, and identify where unused grant funds  
2 remain because actual project costs were lower than estimated in the  
3 grant award.

4 (10) Except as provided otherwise in this section, the entire  
5 appropriations in this section are provided solely for the projects and  
6 activities as listed by project and amount in LEAP Transportation  
7 Document 2011-2 ALL PROJECTS ((2010-2)) as developed ((~~March 8, 2010~~)  
8 April 19, 2011, Program - Local Program (Z).

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

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

25 ~~(13) \$5,894,000)~~ \$5,905,000 of the Puyallup tribal settlement  
26 account--state appropriation is provided solely for costs associated  
27 with the Murray Morgan/11th Street bridge project. The city of Tacoma  
28 may use the Puyallup tribal settlement account appropriation and other  
29 appropriated funds for bridge rehabilitation, bridge replacement,  
30 bridge demolition, and bridge mitigation. The department's  
31 participation, including prior expenditures, may not exceed  
32 (~~(\$40,270,000)~~) \$40,281,000. The city of Tacoma has taken ownership of  
33 the bridge in its entirety, and the payment of these funds extinguishes  
34 any real or implied agreements regarding future bridge expenditures.

35 (~~(14)~~) (13) Up to (~~(\$3,702,000)~~) \$52,000 of the motor vehicle  
36 account--federal appropriation and (~~(\$75,000)~~) \$52,000 of the motor  
37 vehicle account--state appropriation are provided solely to reimburse  
38 the cities of Kirkland and Redmond for pavement and bridge deck

1 rehabilitation on state route number 908 (project 1LP611A). These  
2 funds may not be expended unless the cities sign an agreement stating  
3 that the cities agree to take ownership of state route number 908 in  
4 its entirety and agree that the payment of these funds represents the  
5 entire state commitment to the cities for state route number 908  
6 expenditures. The amount provided in this subsection is contingent on  
7 the enactment by June 30, 2010, of Senate Bill No. 6555.

8 ~~((+15+))~~ (14) The department shall consider the condition of the  
9 Broadway bridge in the city of Everett when prioritizing bridge  
10 projects.

11 ~~((+16+))~~ (15) In order to make the Hood Canal bridge safe for  
12 cyclists, the department must work with stakeholders to review bicycle  
13 safety needs on the bridge, including consideration of accident data  
14 and improvements already made to this project.

15 ~~((+17+))~~ ~~(\$250,000)~~ (16) \$25,000 of the multimodal transportation  
16 account--state appropriation is provided solely for the Shell Valley  
17 emergency access road and bicycle/pedestrian path.

18 ~~((+18+))~~ ~~(\$500,000)~~ (17) \$50,000 of the motor vehicle account--state  
19 appropriation is provided solely for improvements to the 150th and  
20 Murray Road intersection in the city of Lakewood.

21 ~~((+19+))~~ ~~(\$250,000)~~ (18) \$100,000 of the motor vehicle account--state  
22 appropriation is provided solely for flood reduction solutions on state  
23 route number 522 caused by the lower McAleer and Lyon creek basins.

24 ~~((+20+))~~ (19) \$200,000 of the motor vehicle account--state  
25 appropriation is provided solely for improvements to the intersection  
26 of 39th Ave SE and state route number 96 in Snohomish county.

27 **TRANSFERS AND DISTRIBUTIONS**

28 **Sec. 1001.** 2010 c 247 s 401 (uncodified) is amended to read as  
29 follows:

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

34 Highway Bond Retirement Account Appropriation . . . . ~~(\$733,667,000)~~  
35 \$720,842,000

1	Ferry Bond Retirement Account Appropriation . . . . .	\$33,771,000
2	State Route Number 520 Corridor Account--State	
3	Appropriation . . . . .	(( <del>\$600,000</del> ))
4		<u>\$1,308,000</u>
5	Transportation Improvement Board Bond Retirement	
6	Account--State Appropriation . . . . .	(( <del>\$22,962,000</del> ))
7		<u>\$21,084,000</u>
8	Nondebt-Limit Reimbursable Account-- <u>State</u>	
9	Appropriation . . . . .	(( <del>\$18,451,000</del> ))
10		<u>\$16,850,000</u>
11	Transportation Partnership Account--State	
12	Appropriation . . . . .	(( <del>\$4,722,000</del> ))
13		<u>\$6,818,000</u>
14	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$901,000</del> ))
15		<u>\$672,000</u>
16	Transportation 2003 Account (Nickel Account)--State	
17	Appropriation . . . . .	(( <del>\$4,116,000</del> ))
18		<u>\$3,116,000</u>
19	Special Category C Account--State Appropriation . . . . .	(( <del>\$148,000</del> ))
20		<u>\$136,000</u>
21	Urban Arterial Trust Account--State Appropriation . . . . .	\$85,000
22	Transportation Improvement Account--State Appropriation . . . . .	\$41,000
23	Multimodal Transportation Account--State	
24	Appropriation . . . . .	(( <del>\$283,000</del> ))
25		<u>\$164,000</u>
26	TOTAL APPROPRIATION . . . . .	(( <del>\$831,004,000</del> ))
27		<u>\$804,887,000</u>

28       **Sec. 1002.** 2010 c 247 s 402 (uncodified) is amended to read as  
29 follows:

30 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
31 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**  
32 **FISCAL AGENT CHARGES**

33	State Route Number 520 Corridor Account--State	
34	Appropriation . . . . .	(( <del>\$40,000</del> ))
35		<u>\$83,000</u>
36	Transportation Partnership Account--State	
37	Appropriation . . . . .	(( <del>\$787,000</del> ))



1 \$78,000,000

2       ~~((3))~~ (2) Recreational Vehicle Account--State

3 Appropriation: For transfer to the Motor Vehicle

4 Account--State . . . . . ((~~\$2,000,000~~))

5 \$1,800,000

6       ~~((4))~~ (3) License Plate Technology Account--State

7 Appropriation: For transfer to the Highway Safety

8 Account--State . . . . . \$2,750,000

9       ~~((5))~~ (4) Multimodal Transportation Account--State

10 Appropriation: For transfer to the Puget Sound

11 Ferry Operations Account--State . . . . . ((~~\$9,000,000~~))

12 \$13,000,000

13       ~~((6) Highway Safety Account--State Appropriation:~~

14 ~~For transfer to the Multimodal Transportation~~

15 ~~Account--State . . . . . \$18,750,000~~

16       (7)) (5) Department of Licensing Services Account--State

17 Appropriation: For transfer to the Motor Vehicle

18 Account--State . . . . . \$1,300,000

19       ~~((8))~~ (6) Advanced Right-of-Way Account: For transfer

20 to the Motor Vehicle Account--State . . . . . \$14,000,000

21       ~~((9) State Route Number 520 Civil Penalties~~

22 ~~Account--State Appropriation: For transfer to the~~

23 ~~State Route Number 520 Corridor Account--State . . . . . \$190,000~~

24       (10)) (7) Advanced Environmental Mitigation

25 Revolving Account--State Appropriation: For transfer

26 to the Motor Vehicle Account--State . . . . . \$5,000,000

27       ~~((11))~~ (8) Regional Mobility Grant Program Account--State

28 Appropriation: For transfer to the Multimodal

29 Transportation Account--State . . . . . \$4,000,000

30       ~~((12))~~ (9) Motor Vehicle Account--State Appropriation:

31 For transfer to the State Patrol Highway Account--

32 State . . . . . ((~~\$5,600,000~~))

33 \$4,600,000

34       ~~((13) The transfers identified in this section are subject to the~~

35 ~~following conditions and limitations:~~

36       ~~(a) The amount transferred in subsection (1) of this section~~

37 ~~represents repayment of operating loans and reserve payments provided~~

38 ~~to the Tacoma Narrows toll bridge account from the motor vehicle~~

1 ~~account in the 2005-07 fiscal biennium. However, if Engrossed~~  
2 ~~Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the~~  
3 ~~transfer in subsection (1) of this section shall not occur.~~

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

8 ~~(c) The transfer in subsection (9) of this section represents toll~~  
9 ~~revenue collected from toll violations.)~~

10 (10) Highway Safety Account--State Appropriation:  
11 For transfer to the Motor Vehicle Account--State . . . . \$19,000,000

12 **MISCELLANEOUS**

13 NEW SECTION. Sec. 1101. If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. Sec. 1102. Except for sections 703, 704, 705, 716,  
18 719, and 722 of this act, this act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and takes effect  
21 immediately.

22 NEW SECTION. Sec. 1103. Sections 703, 704, 716, and 719 of this  
23 act are necessary for the immediate preservation of the public peace,  
24 health, or safety, or support of the state government and its existing  
25 public institutions, and take effect July 1, 2011.

26 NEW SECTION. Sec. 1104. Sections 705 and 722 of this act take  
27 effect upon certification by the secretary of transportation that the  
28 new statewide tolling operations center and photo toll system are fully  
29 operational. A notice of certification must be filed with the code  
30 reviser for publication in the state register. If a certificate is not  
31 issued by the secretary of transportation by December 1, 2012, sections  
32 705 and 722 of this act are null and void.

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**ESHB 1175** - S AMD  
By Senator

**ADOPTED 4/20/11**

1       On page 1, line 1 of the title, after "appropriations;" strike the  
2 remainder of the title and insert "amending RCW 47.29.170, 46.63.170,  
3 46.63.160, 43.19.642, 43.19.534, 47.01.380, 47.56.403, 43.105.330,  
4 47.64.170, 47.64.270, 47.64.280, 46.68.170, 46.68.370, 47.12.244,

1 46.68.060, 46.68.220, 47.56.876, and 46.68.---; reenacting and amending  
2 RCW 46.18.060 and 47.28.030; amending 2010 c 247 ss 205, 207, 208, 209,  
3 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224,  
4 301, 302, 303, 304, 305, 307, 308, 401, 402, and 403 (uncodified);  
5 amending 2009 c 470 ss 301 and 305 (uncodified); amending 2010 c 283 s  
6 19 (uncodified); amending 2010 1st sp.s. c 37 s 804 (uncodified);  
7 adding a new section to 2010 c 247 (uncodified); creating new sections;  
8 repealing 2010 c 161 s 1126; making appropriations and authorizing  
9 expenditures for capital improvements; providing an effective date;  
10 providing a contingent effective date; and declaring an emergency."

--- END ---