
ENGROSSED SUBSTITUTE SENATE BILL 5988

State of Washington

64th Legislature

2015 Regular Session

By Senate Transportation (originally sponsored by Senators King, Hobbs, Fain, Llias, and Litzow)

READ FIRST TIME 02/24/15.

1 AN ACT Relating to additive transportation funding and
2 appropriations; amending RCW 46.68.030, 46.68.280, 46.68.290, and
3 47.60.530; creating new sections; making appropriations; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) An additive transportation budget of
7 the state is hereby adopted and, subject to the provisions set forth,
8 the several amounts specified, or as much thereof as may be necessary
9 to accomplish the purposes designated, are hereby appropriated from
10 the several accounts and funds named to the designated state agencies
11 and offices for employee compensation and other expenses, for capital
12 projects, and for other specified purposes, including the payment of
13 any final judgments arising out of such activities, for the period
14 ending June 30, 2017.

15 (2) It is the intent of the legislature that the funding levels
16 specified in LEAP Transportation Document 2015 NL-2 as developed
17 February 10, 2015, represents a commitment to provide appropriations
18 to the agencies, programs, and activities at the amounts identified
19 therein through fiscal year 2031.

20 (3) Unless the context clearly requires otherwise, the
21 definitions in this subsection apply throughout this act.

- 1 (a) "Fiscal year 2016" or "FY 2016" means the fiscal year ending
 2 June 30, 2016.
- 3 (b) "Fiscal year 2017" or "FY 2017" means the fiscal year ending
 4 June 30, 2017.
- 5 (c) "FTE" means full-time equivalent.
- 6 (d) "Lapse" or "revert" means the amount shall return to an
 7 unappropriated status.
- 8 (e) "Provided solely" means the specified amount may be spent
 9 only for the specified purpose. Unless otherwise specifically
 10 authorized in this act, any portion of an amount provided solely for
 11 a specified purpose that is not expended subject to the specified
 12 conditions and limitations to fulfill the specified purpose shall
 13 lapse.
- 14 (f) "Reappropriation" means appropriation and, unless the context
 15 clearly provides otherwise, is subject to the relevant conditions and
 16 limitations applicable to appropriations.
- 17 (g) "LEAP" means the legislative evaluation and accountability
 18 program committee.
- 19 (h) "TEIS" means the transportation executive information system.

20 **2015-2017 FISCAL BIENNIUM**
 21 **TRANSPORTATION AGENCIES—OPERATING**

22 NEW SECTION. **Sec. 201. FOR THE JOINT TRANSPORTATION COMMITTEE**
 23 Motor Vehicle Account—State Appropriation. \$450,000

24 The appropriation in this section is subject to the following
 25 conditions and limitations: \$450,000 of the motor vehicle account—
 26 state appropriation is for the joint transportation committee for the
 27 design-build contracting review panel established in chapter ...
 28 (Substitute Senate Bill No. 5997), Laws of 2015. The department of
 29 transportation must provide technical assistance, as necessary. If
 30 chapter ... (Substitute Senate Bill No. 5997), Laws of 2015 is not
 31 enacted by June 30, 2015, the amount provided in this subsection
 32 lapses.

33 NEW SECTION. **Sec. 202. FOR THE WASHINGTON STATE PATROL**
 34 State Patrol Highway Account—State Appropriation. \$15,000,000

35 NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF LICENSING**

1 Motor Vehicle Account—State Appropriation. \$22,000,000

2 The appropriation in this section is subject to the following
3 conditions and limitations: \$22,000,000 of the motor vehicle account—
4 state appropriation is provided solely for implementation of
5 chapter ... (Substitute Senate Bill No. 5987) (transportation
6 revenue), Laws of 2015.

7 NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—**
8 **ECONOMIC PARTNERSHIPS—PROGRAM K**

9 Transportation Innovative Partnership
10 Account—State Appropriation. \$6,000,000

11 The appropriation in this section is subject to the following
12 conditions and limitations: \$6,000,000 of the transportation
13 innovative partnership account—state appropriation is provided solely
14 for the purpose of capitalizing the Washington electric vehicle
15 infrastructure bank.

16 NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—**
17 **HIGHWAY MAINTENANCE—PROGRAM M**

18 Motor Vehicle Account—State Appropriation. \$6,250,000

19 NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION—**
20 **TRAFFIC OPERATIONS—PROGRAM Q**

21 Motor Vehicle Account—State Appropriation \$3,125,000

22 NEW SECTION. **Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION—**
23 **TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

24 Motor Vehicle Account—State Appropriation. \$200,000

25 The appropriation in this section is subject to the following
26 conditions and limitations: \$200,000 of the motor vehicle account—
27 state appropriation is provided solely for the helmets to hardhats
28 program state coordinator position at the department to provide
29 veterans with skilled training and employment in the construction
30 industry as required in chapter ... (Substitute Senate Bill No.
31 5993), Laws of 2015. If chapter ... (Substitute Senate Bill No.
32 5993), Laws of 2015 is not enacted by June 30, 2015, the amount
33 provided in this subsection lapses.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF TRANSPORTATION—**
PUBLIC TRANSPORTATION—PROGRAM V

Regional Mobility Grant Program Account—State
Appropriation. \$8,750,000

Rural Mobility Grant Program Account—State
Appropriation. \$5,625,000

Multimodal Transportation Account—State Appropriation. . . \$16,000,000

TOTAL APPROPRIATION. \$30,375,000

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

(1) \$4,687,000 of the multimodal transportation account—state appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2015 NL-1 as developed February 23, 2015, Program - Public Transportation Program (V).

(2) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(3) \$5,625,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(4) \$1,313,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies must cover capital costs only. Operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department must encourage grant applicants and recipients to leverage funds other than state funds.

1 The appropriation in this section is subject to the following
2 conditions and limitations: The entire connecting Washington account
3 appropriation in this section is provided solely for the projects and
4 activities as listed in LEAP Transportation Document 2015 NL-1 as
5 developed February 23, 2015, Program - Highway Preservation Program
6 (P).

7 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—**
8 **WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

9 Connecting Washington Account—State Appropriation. . . . \$86,000,000

10 The appropriation in this section is subject to the following
11 conditions and limitations: The entire connecting Washington account
12 appropriation in this section is provided solely for the projects and
13 activities as listed in LEAP Transportation Document 2015 NL-1 as
14 developed February 23, 2015, Program - Washington State Ferries
15 Capital Program (W).

16 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—**
17 **RAIL—PROGRAM Y**

18 Multimodal Transportation Account—State
19 Appropriation. \$11,310,000

20 The appropriation in this section is subject to the following
21 conditions and limitations: The entire appropriation in this section
22 is provided solely for the projects and activities as listed in LEAP
23 Transportation Document 2015 NL-1 as developed February 23, 2015,
24 Program - Rail Program (Y).

25 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—**
26 **LOCAL PROGRAMS—PROGRAM Z**

27 Multimodal Transportation Account—State Appropriation. . \$16,625,000
28 Connecting Washington Account—State Appropriation. . . . \$90,744,000
29 TOTAL APPROPRIATION. \$107,369,000

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

32 (1) Except as provided otherwise in this section, the entire
33 connecting Washington account appropriation is provided solely for
34 the projects and activities as listed by fund, project, and amount in
35 LEAP Transportation Document 2015 NL-1 as developed February 23,

1 2015, Program - Local Programs (Z). Counties with a population of two
2 hundred thousand or more and cities with a population of seventy-five
3 thousand or more that receive funding to complete a project or
4 projects on the LEAP Document referenced in this subsection must
5 complete a Baldrige assessment every two years and report the results
6 of the assessment to the department of transportation. The goal for
7 each city and county referenced in this subsection is to achieve a
8 sixty percent score within seven years of the first assessment. The
9 first assessment must be initiated during the 2015-2017 fiscal
10 biennium.

11 (2) \$3,125,000 of the multimodal transportation account—state
12 appropriation is provided solely for the pedestrian and bicycle
13 safety program.

14 (3) \$3,500,000 of the multimodal transportation account—state
15 appropriation is provided solely for the safe routes to school
16 program.

17 (4) \$10,000,000 of the multimodal transportation account—state
18 appropriation is provided solely for the complete streets program.

19 (5) \$5,000,000 of the connecting Washington account—state
20 appropriation is provide solely for preliminary engineering and
21 right-of-way acquisition for the South Lander Street project for the
22 city of Seattle to create grade separation to enhance freight
23 mobility in the SoDo neighborhood.

24 (6) \$50,000 of the connecting Washington account—state
25 appropriation is provided solely for the city of Vancouver to be used
26 to improve safety and mobility for the blind at multiple street
27 intersections in the vicinity of the Washington state school for the
28 blind in Vancouver.

29 **TRANSFERS AND DISTRIBUTIONS**

30 NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—ADMINISTRATIVE**
31 **TRANSFERS**

32 (1) State Patrol Highway Account—State Appropriation:
33 For transfer to the Connecting Washington Account—State. . \$9,460,000

34 (2) Transportation Partnership Account—State
35 Appropriation: For transfer to the Connecting Washington
36 Account—State. \$4,880,000

37 (3) Motor Vehicle Account—State Appropriation:

1 For transfer to the Connecting Washington Account—
2 State. \$25,160,000
3 (4) Puget Sound Ferry Operations Account—State
4 Appropriation: For transfer to the Connecting Washington
5 Account—State. \$580,000
6 (5) Multimodal Transportation Account—State
7 Appropriation: For transfer to the Connecting
8 Washington Account—State. \$55,000,000
9 (6) Transportation 2003 Transportation (Nickel)
10 Account—State Appropriation: For transfer to the
11 Connecting Washington Account—State. \$59,861,000
12 (7) Multimodal Transportation Account—State
13 Appropriation: For transfer to the Puget Sound
14 Ferry Operations Account—State. \$15,625,000
15 (8) Highway Safety Account—State Appropriation:
16 For transfer to the Multimodal Transportation
17 Account—State. \$91,963,000
18 (9) Motor Vehicle Account—State Appropriation:
19 For transfer to the State Patrol Highway Account—State. . . \$7,500,000
20 (10) Motor Vehicle Account—State Appropriation:
21 For transfer to the Freight Mobility Investment
22 Account—State. \$3,906,000
23 (11) Motor Vehicle Account—State Appropriation:
24 For transfer to the Transportation Improvement
25 Account—State. \$3,375,000
26 (12) Motor Vehicle Account—State Appropriation:
27 For transfer to the Rural Arterial Trust Account—State. . . \$1,688,000
28 (13) Motor Vehicle Account—State Appropriation:
29 For transfer to the County Arterial Preservation
30 Account—State. \$1,688,000
31 (14) Multimodal Transportation Account—State
32 Appropriation: For transfer to the Freight Mobility
33 Multimodal Account—State. \$3,906,000
34 (15) Multimodal Transportation Account—State
35 Appropriation: For transfer to the Regional Mobility
36 Grant Program Account—State. \$8,750,000
37 (16) Multimodal Transportation Account—State
38 Appropriation: For transfer to the Rural Mobility

1 Grant Program Account—State. \$5,625,000
2 (17) Multimodal Transportation Account—State
3 Appropriation: For transfer to the Transportation
4 Innovative Partnership Account—State. \$6,000,000
5 (18) Environmental Legacy Stewardship Account—State
6 Appropriation: For transfer to the Multimodal
7 Transportation Account—State. \$13,000,000

8 NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—STATE REVENUES**
9 **FOR DISTRIBUTION TO CITIES AND COUNTIES**

10 Multimodal Transportation Account—State Appropriation:
11 For distribution to cities and counties. \$23,438,000

12 The appropriation in this section is subject to the following
13 conditions and limitations: The amount provided must be allocated
14 between cities and counties using proportionate shares that are
15 consistent with the total amount of fuel tax revenue distributed
16 under RCW 46.68.090 to cities and counties. Funds credited to cities
17 must be allocated under RCW 46.68.110(4). Funds credited to counties
18 must be allocated under RCW 46.68.120(4). Expenditures from these
19 funds may be used only for transportation purposes.

20 **MISCELLANEOUS**

21 **Sec. 501.** RCW 46.68.030 and 2011 c 171 s 85 are each amended to
22 read as follows:

23 (1) The director shall forward all fees for vehicle registrations
24 under chapters 46.16A and 46.17 RCW, unless otherwise specified by
25 law, to the state treasurer with a proper identifying detailed
26 report. The state treasurer shall credit these moneys to the motor
27 vehicle fund created in RCW 46.68.070.

28 (2) Proceeds from vehicle license fees and renewal vehicle
29 license fees must be deposited by the state treasurer as follows:

30 (a) \$20.35 of each initial or renewal vehicle license fee must be
31 deposited in the state patrol highway account in the motor vehicle
32 fund, hereby created. Vehicle license fees, renewal vehicle license
33 fees, and all other funds in the state patrol highway account must be
34 for the sole use of the Washington state patrol for highway
35 activities of the Washington state patrol, subject to proper
36 appropriations and reappropriations.

1 (b) \$2.02 of each initial vehicle license fee and \$0.93 of each
2 renewal vehicle license fee must be deposited each biennium in the
3 Puget Sound ferry operations account.

4 (c) Any remaining amounts of vehicle license fees and renewal
5 vehicle license fees that are not distributed otherwise under this
6 section must be deposited in the motor vehicle fund.

7 (3) During the 2015-2017 fiscal biennium, the legislature may
8 transfer from the state patrol highway account to the connecting
9 Washington account such amounts as reflect the excess fund balance of
10 the state patrol highway account.

11 **Sec. 502.** RCW 46.68.280 and 2003 c 361 s 601 are each amended to
12 read as follows:

13 (1) The transportation 2003 account (nickel account) is hereby
14 created in the motor vehicle fund. Money in the account may be spent
15 only after appropriation. Expenditures from the account must be used
16 only for projects or improvements identified as transportation 2003
17 projects or improvements in the omnibus transportation budget and to
18 pay the principal and interest on the bonds authorized for
19 transportation 2003 projects or improvements. Upon completion of the
20 projects or improvements identified as transportation 2003 projects
21 or improvements, moneys deposited in this account must only be used
22 to pay the principal and interest on the bonds authorized for
23 transportation 2003 projects or improvements, and any funds in the
24 account in excess of the amount necessary to make the principal and
25 interest payments may be used for maintenance on the completed
26 projects or improvements.

27 (2) During the 2015-2017 fiscal biennium, the legislature may
28 transfer from the transportation 2003 account (nickel account) to the
29 connecting Washington account such amounts as reflect the excess fund
30 balance of the transportation 2003 account (nickel account).

31 (3) The "nickel account" means the transportation 2003 account.

32 **Sec. 503.** RCW 46.68.290 and 2006 c 337 s 5 are each amended to
33 read as follows:

34 (1) The transportation partnership account is hereby created in
35 the state treasury. All distributions to the account from RCW
36 46.68.090 must be deposited into the account. Money in the account
37 may be spent only after appropriation. Expenditures from the account
38 must be used only for projects or improvements identified as 2005

1 transportation partnership projects or improvements in the omnibus
2 transportation appropriations act, including any principal and
3 interest on bonds authorized for the projects or improvements.

4 (2) The legislature finds that:

5 (a) Citizens demand and deserve accountability of transportation-
6 related programs and expenditures. Transportation-related programs
7 must continuously improve in quality, efficiency, and effectiveness
8 in order to increase public trust;

9 (b) Transportation-related agencies that receive tax dollars must
10 continuously improve the way they operate and deliver services so
11 citizens receive maximum value for their tax dollars; and

12 (c) Fair, independent, comprehensive performance audits of
13 transportation-related agencies overseen by the elected state auditor
14 are essential to improving the efficiency, economy, and effectiveness
15 of the state's transportation system.

16 (3) For purposes of chapter 314, Laws of 2005:

17 (a) "Performance audit" means an objective and systematic
18 assessment of a state agency or agencies or any of their programs,
19 functions, or activities by the state auditor or designee in order to
20 help improve agency efficiency, effectiveness, and accountability.
21 Performance audits include economy and efficiency audits and program
22 audits.

23 (b) "Transportation-related agency" means any state agency,
24 board, or commission that receives funding primarily for
25 transportation-related purposes. At a minimum, the department of
26 transportation, the transportation improvement board or its successor
27 entity, the county road administration board or its successor entity,
28 and the traffic safety commission are considered transportation-
29 related agencies. The Washington state patrol and the department of
30 licensing shall not be considered transportation-related agencies
31 under chapter 314, Laws of 2005.

32 (4) Within the authorities and duties under chapter 43.09 RCW,
33 the state auditor shall establish criteria and protocols for
34 performance audits. Transportation-related agencies shall be audited
35 using criteria that include generally accepted government auditing
36 standards as well as legislative mandates and performance objectives
37 established by state agencies. Mandates include, but are not limited
38 to, agency strategies, timelines, program objectives, and mission and
39 goals as required in RCW 43.88.090.

1 (5) Within the authorities and duties under chapter 43.09 RCW,
2 the state auditor may conduct performance audits for transportation-
3 related agencies. The state auditor shall contract with private firms
4 to conduct the performance audits.

5 (6) The audits may include:

6 (a) Identification of programs and services that can be
7 eliminated, reduced, consolidated, or enhanced;

8 (b) Identification of funding sources to the transportation-
9 related agency, to programs, and to services that can be eliminated,
10 reduced, consolidated, or enhanced;

11 (c) Analysis of gaps and overlaps in programs and services and
12 recommendations for improving, dropping, blending, or separating
13 functions to correct gaps or overlaps;

14 (d) Analysis and recommendations for pooling information
15 technology systems used within the transportation-related agency, and
16 evaluation of information processing and telecommunications policy,
17 organization, and management;

18 (e) Analysis of the roles and functions of the transportation-
19 related agency, its programs, and its services and their compliance
20 with statutory authority and recommendations for eliminating or
21 changing those roles and functions and ensuring compliance with
22 statutory authority;

23 (f) Recommendations for eliminating or changing statutes, rules,
24 and policy directives as may be necessary to ensure that the
25 transportation-related agency carry out reasonably and properly those
26 functions vested in the agency by statute;

27 (g) Verification of the reliability and validity of
28 transportation-related agency performance data, self-assessments, and
29 performance measurement systems as required under RCW 43.88.090;

30 (h) Identification of potential cost savings in the
31 transportation-related agency, its programs, and its services;

32 (i) Identification and recognition of best practices;

33 (j) Evaluation of planning, budgeting, and program evaluation
34 policies and practices;

35 (k) Evaluation of personnel systems operation and management;

36 (l) Evaluation of purchasing operations and management policies
37 and practices;

38 (m) Evaluation of organizational structure and staffing levels,
39 particularly in terms of the ratio of managers and supervisors to
40 nonmanagement personnel; and

1 (n) Evaluation of transportation-related project costs, including
2 but not limited to environmental mitigation, competitive bidding
3 practices, permitting processes, and capital project management.

4 (7) Within the authorities and duties under chapter 43.09 RCW,
5 the state auditor must provide the preliminary performance audit
6 reports to the audited state agency for comment. The auditor also may
7 seek input on the preliminary report from other appropriate
8 officials. Comments must be received within thirty days after receipt
9 of the preliminary performance audit report unless a different time
10 period is approved by the state auditor. The final performance audit
11 report shall include the objectives, scope, and methodology; the
12 audit results, including findings and recommendations; the agency's
13 response and conclusions; and identification of best practices.

14 (8) The state auditor shall provide final performance audit
15 reports to the citizens of Washington, the governor, the joint
16 legislative audit and review committee, the appropriate legislative
17 committees, and other appropriate officials. Final performance audit
18 reports shall be posted on the internet.

19 (9) The audited transportation-related agency is responsible for
20 follow-up and corrective action on all performance audit findings and
21 recommendations. The audited agency's plan for addressing each audit
22 finding and recommendation shall be included in the final audit
23 report. The plan shall provide the name of the contact person
24 responsible for each action, the action planned, and the anticipated
25 completion date. If the audited agency does not agree with the audit
26 findings and recommendations or believes action is not required, then
27 the action plan shall include an explanation and specific reasons.

28 The office of financial management shall require periodic
29 progress reports from the audited agency until all resolution has
30 occurred. The office of financial management is responsible for
31 achieving audit resolution. The office of financial management shall
32 annually report by December 31st the status of performance audit
33 resolution to the appropriate legislative committees and the state
34 auditor. The legislature shall consider the performance audit results
35 in connection with the state budget process.

36 The auditor may request status reports on specific audits or
37 findings.

38 (10) For the period from July 1, 2005, until June 30, 2007, the
39 amount of \$4,000,000 is appropriated from the transportation

1 partnership account to the state auditors office for the purposes of
2 subsections (2) through (9) of this section.

3 (11) During the 2015-2017 fiscal biennium, the legislature may
4 transfer from the transportation partnership account to the
5 connecting Washington account such amounts as reflect the excess fund
6 balance of the transportation partnership account.

7 **Sec. 504.** RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each
8 amended to read as follows:

9 (1) The Puget Sound ferry operations account is created in the
10 motor vehicle fund.

11 (2) The following funds must be deposited into the account:

12 (a) All moneys directed by law;

13 (b) All revenues generated from ferry fares; and

14 (c) All revenues generated from commercial advertising,
15 concessions, parking, and leases as allowed under RCW 47.60.140.

16 (3) Moneys in the account may be spent only after appropriation.

17 (4) Expenditures from the account may be used only for the
18 maintenance, administration, and operation of the Washington state
19 ferry system.

20 (5) During the 2015-2017 fiscal biennium, the legislature may
21 transfer from the Puget Sound ferry operations account to the
22 connecting Washington account such amounts as reflect the excess fund
23 balance of the Puget Sound ferry operations account.

24 NEW SECTION. **Sec. 505.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 506.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and takes
31 effect immediately.

(End of Bill)

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