

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

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

11 2009-11 FISCAL BIENNIUM
12 ECONOMIC STIMULUS FUNDING

13 **Sec. 1.** 2009 c 8 s 2 (uncodified) is amended to read as follows:
14 **FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND**
15 **REINVESTMENT ACT OF 2009.**

16 Motor Vehicle Account--Federal Appropriation \$341,400,000

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

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

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

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

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

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

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

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

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

15 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

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

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

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

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

28 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

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

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

1 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

2	Motor Vehicle Account--State Appropriation	((\$3,389,000))
3		<u>\$3,532,000</u>
4	Puget Sound Ferry Operations Account--State	
5	Appropriation	\$100,000
6	TOTAL APPROPRIATION	((\$3,489,000))
7		<u>\$3,632,000</u>

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

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

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

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

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

36 **FOR THE MARINE EMPLOYEES COMMISSION**

37 Puget Sound Ferry Operations Account--State

1 Appropriation ((~~\$446,000~~))
2 \$289,000

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

5 **FOR THE DEPARTMENT OF AGRICULTURE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **TRANSPORTATION AGENCIES--OPERATING**

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

27 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

28	Highway Safety Account--State Appropriation	((\$2,542,000))
29		<u>\$2,536,000</u>
30	Highway Safety Account--Federal Appropriation	((\$16,540,000))
31		<u>\$34,498,000</u>
32	School Zone Safety Account--State Appropriation	\$3,340,000
33	Highway Safety Account--Local Appropriation	\$50,000
34	TOTAL APPROPRIATION	((\$22,472,000))
35		<u>\$40,424,000</u>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **FOR THE TRANSPORTATION COMMISSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (7) \$3,253,000 of the state patrol highway account--state
32 appropriation is provided solely for the aerial traffic enforcement
33 program. The Washington state patrol shall evaluate the costs
34 associated with aerial traffic highway enforcement to determine if the
35 costs are accurately apportioned between the state patrol highway
36 account and the general fund. It is the intent of the legislature that
37 the state patrol highway account incurs costs that result only from
38 highway enforcement activities and that the general fund incurs costs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **FOR THE DEPARTMENT OF LICENSING**

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

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

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

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

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

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

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

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

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

38 (iv) An implementation plan and schedule.

1 (c) The report must include draft legislation, which transfers
2 administration of fuel taxes as described under (a) of this subsection
3 to the department of revenue on July 1, 2010, and amends existing law
4 as needed.

5 (2) \$55,845,000 of the highway safety account--state appropriation
6 is provided solely for the driver examining program. In order to
7 reduce costs and make the most efficient use of existing resources, the
8 department may consolidate licensing service offices by closing the
9 vehicle services counter at the highways licensing building in Olympia
10 and up to twenty-five licensing service offices.

11 (a) When closing offices, the department may redistribute staff
12 from consolidated offices to neighboring offices and local community
13 supercenters.

14 (b) In order to mitigate the effects of office consolidations on
15 customers, the department shall, within existing resources, provide the
16 following enhanced services:

17 (i) Extended daily and weekend hours in regional supercenter
18 offices;

19 (ii) Staffed greeter stations to improve office work flow; and

20 (iii) Self-service stations for online transaction access,
21 including vehicle renewal transactions.

22 (c) In areas that are not consolidated, the department will work to
23 reduce costs by identifying opportunities to share facilities with
24 subagent offices and state, county, or local government offices and by
25 analyzing hours and days of operation to meet demand.

26 (d) The department shall work with vehicle licensing subagents
27 regarding potential placement of self-service driver licensing kiosks
28 in communities that will be affected by licensing services offices
29 closures. The department may place kiosks in those subagent offices
30 where both parties agree, and may pay the subagents the fair market
31 value for any space used for kiosks.

32 (e) The department shall report to the joint transportation
33 committee by November 30, 2009, on the department's consolidation
34 implementation to date and its plan for continued implementation.

35 (3) \$11,688,000 of the highway safety account--state appropriation
36 is provided solely for costs associated with: Issuing enhanced
37 drivers' licenses and identicards at the enhanced licensing services

1 offices; extended hours at those licensing services offices; cross-
2 border tourism education; and other education campaigns. This is the
3 maximum amount the department may expend for this purpose.

4 (4) \$2,490,000 of the ignition interlock device revolving account--
5 state appropriation is provided solely for the department to assist
6 indigent persons with the costs of installing, removing, and leasing
7 the device, and applicable licensing pursuant to RCW 46.68.340.

8 (5) \$869,000 of the department of licensing services account--state
9 appropriation is provided solely for purchasing equipment for the field
10 licensing service offices and subagent offices.

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

15 ((+6)) (7) By December 31, 2009, the department shall submit to
16 the office of financial management and the transportation committees of
17 the legislature draft legislation that rewrites RCW 46.52.130 (driving
18 record abstracts) in plain language.

19 ((+7)) (8) The department may seek federal funds to implement a
20 driver's license and identicard biometric matching system pilot program
21 to verify the identity of applicants for, and holders of, drivers'
22 licenses and identicards. If funds are received, the department shall
23 report any benefits or problems identified during the course of the
24 pilot program to the transportation committees of the legislature upon
25 the completion of the program.

26 ((+8)) (9) The department may submit information technology-
27 related requests for funding only if the department has coordinated
28 with the department of information services as required under section
29 601 of this act.

30 ((+9)) (10) Consistent with the authority delegated to the
31 director of licensing under RCW 46.01.100, the department may adopt a
32 new organizational structure that includes the following programs: (a)
33 Driver and vehicle services, which must encompass services relating to
34 driver licensing customers, vehicle industry and fuel tax licensees,
35 and vehicle and vessel licensing and registration; and (b) driver
36 policy and programs, which must encompass policy development for all
37 driver-related programs, including driver examining, driver records,
38 commercial driver's license testing and auditing, driver training

1 schools, motorcycle safety, technical services, hearings, driver
2 special investigations, drivers' data management, central issuance
3 contract management, and state and federal initiatives.

4 ((+10+)) (11) The legislature finds that measuring the performance
5 of the department requires the measurement of quality, timeliness, and
6 unit cost of services delivered to customers. Consequently:

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

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

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

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

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

26	High Occupancy Toll Lanes Operations Account--State	
27	Appropriation	((\$2,867,000))
28		<u>\$2,852,000</u>
29	Motor Vehicle Account--State Appropriation	((\$585,000))
30		<u>\$575,000</u>
31	Tacoma Narrows Toll Bridge Account--State	
32	Appropriation	((\$27,358,000))
33		<u>\$26,530,000</u>
34	State Route Number 520 Corridor Account--State	
35	Appropriation	((\$58,088,000))
36		<u>\$30,065,000</u>
37	TOTAL APPROPRIATION	((\$88,898,000))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
 15 **SUPPORT--PROGRAM H**

16 Motor Vehicle Account--State Appropriation (~~(\$48,032,000)~~)
 17 \$50,580,000
 18 Motor Vehicle Account--Federal Appropriation \$500,000
 19 Multimodal Transportation Account--State
 20 Appropriation \$250,000
 21 (~~(Water Pollution Account--State Appropriation \$2,000,000)~~)
 22 TOTAL APPROPRIATION (~~(\$50,782,000)~~)
 23 \$51,330,000

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

26 (1) The department shall develop a plan for all current and future
 27 surplus property parcels based on the recommendations from the surplus
 28 property legislative work group that were presented to the senate
 29 transportation committee on February 26, 2009. The plan must include,
 30 at a minimum, strategies for maximizing the number of parcels sold, a
 31 schedule that optimizes proceeds, a recommended cash discount, a plan
 32 to report to the joint transportation committee, a recommendation for
 33 regional incentives, and a recommendation for equivalent value
 34 exchanges. This plan must accompany the department's 2010 supplemental
 35 budget request. By December 1, 2010, the department shall report to
 36 the legislative transportation committees on the entities eligible to
 37 receive surplus property provided in RCW 47.12.063 to determine the

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

6 ~~((+3))~~ (2) The legislature recognizes that the Dryden pit site
7 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
8 real property under the jurisdiction of the department of
9 transportation, and that the public would benefit significantly from
10 the complete enjoyment of the natural scenic beauty and recreational
11 opportunities available at the site. Therefore, pursuant to RCW
12 47.12.080, the legislature declares that transferring a portion of the
13 property to the department of fish and wildlife solely for recreational
14 use and a portion of the property to the Yakama Nation solely for
15 perpetual offsite mitigation for the impact of the federal Columbia
16 river power system on fish and wildlife is consistent with the public
17 interest in order to preserve the area for the use of the public and
18 the betterment of the natural environment. The department of
19 transportation shall ~~((, as soon as is practicable,))~~ work with the
20 department of fish and wildlife, the Yakama Nation, and the Bonneville
21 power administration to redefine the property boundaries accordingly.
22 The department of transportation, as soon as practicable, shall
23 transfer and convey the respective portions of the Dryden pit site to
24 the department of fish and wildlife and the Yakama Nation for
25 ~~((adequate consideration in the amount of no less than \$600,000))~~ fair
26 market value, the proceeds of which must be deposited in the motor
27 vehicle fund. ~~((By July 1, 2009))~~ The department of transportation is
28 not responsible for any costs associated with the cleanup or transfer
29 of this property and may request reimbursement from the Yakama Nation
30 or the Bonneville power administration for work done. If the
31 department of fish and wildlife is unable to provide the fair market
32 value for the portion of the land that is identified for recreational
33 use, that portion of the land must be held by the department of
34 transportation until the department of fish and wildlife is able to
35 provide the fair market value. By July 1, 2010, and annually
36 thereafter until the entire Dryden pit property has been transferred,
37 the department shall submit a status report regarding the transaction
38 to the chairs of the legislative transportation committees.

1 ~~((5) \$750,000)~~ (3) \$3,175,000 of the motor vehicle account--state
2 appropriation is provided solely for the department's compliance with
3 its national pollution discharge elimination system permit. The
4 department's work may include the completion of system development,
5 reporting, and planning to meet deadlines in the current biennium. The
6 appropriation provided in this subsection is contingent on the
7 enactment of section 107(4) of this act.

8 ~~((6))~~ (4) The department shall provide updated information on six
9 project milestones for all active projects, funded in part or in whole
10 with 2005 transportation partnership account funds or 2003 nickel
11 account funds, on a quarterly basis in the transportation executive
12 information system (TEIS). The department shall also provide updated
13 information on six project milestones for projects, funded with
14 preexisting funds and that are agreed to by the legislature, office of
15 financial management, and the department, on a quarterly basis in TEIS.

16 (5) \$886,000 of the motor vehicle account--state appropriation is
17 provided solely for the department to pursue the sale of surplus
18 properties and to address encroachment on the department's property.
19 It is the intent of the legislature that the effort to sell surplus
20 property includes at least two, but not more than four, auctions per
21 year depending on the real estate market. The legislature intends that
22 the real estate services division of the department will recover the
23 cost of its efforts from the sale proceeds. By January 31, 2011, the
24 department must report to the office of financial management and the
25 legislative transportation committees on the results of the auctions.
26 The report must include: (a) The department's plan for continued
27 disposal of surplus property; (b) a detail of changes from the previous
28 report; and (c) a current list of surplus property by region that
29 includes the acquisition date and price of the property, the status of
30 the surplus property, and estimated value of the property. Except as
31 provided otherwise in this subsection, by June 30, 2010, the department
32 must finalize all pending equal value exchange activity for the
33 construction or improvement of facilities, after which time the
34 department may not pursue any other equal value exchanges for the
35 construction or improvement of facilities. However, the northwest
36 region may pursue an equal value exchange to replace the Mount Baker
37 headquarters office. The exchange may include an exchange for the old

1 Puget Sound energy site, the old Arco site, or any combination of the
2 two.

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

5 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
6 **K**

7	Motor Vehicle Account--State Appropriation	((\$615,000))
8		<u>\$677,000</u>
9	Multimodal Transportation Account--State Appropriation	\$200,000
10	TOTAL APPROPRIATION	((\$815,000))
11		<u>\$877,000</u>

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

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

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

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

1 bids or proposals are received from potential sponsors or advertisers.
2 For the purpose of this subsection, the consultant contract is deemed
3 a revenue generation activity as that term is construed in section
4 602(2), chapter 3, Laws of 2010.

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

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

8 Motor Vehicle Account--State Appropriation	((\$347,637,000))
	<u>\$347,645,000</u>
10 Motor Vehicle Account--Federal Appropriation	((\$2,000,000))
	<u>\$7,000,000</u>
12 Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
13 (Water Pollution Account--State Appropriation	\$12,500,000)
14 TOTAL APPROPRIATION	((\$367,934,000))
	<u>\$360,442,000</u>

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

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

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

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

32 (4) ((~~\$2,000,000~~)) \$7,000,000 of the motor vehicle account--federal
33 appropriation is for unanticipated federal funds that may be received
34 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
35 department shall provide a report on the use of the funds to the
36 transportation committees of the legislature and the office of
37 financial management.

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

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

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

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

15 (7) \$650,000 of the motor vehicle account--state appropriation is
16 provided solely for increased asphalt costs. If Senate Bill No. 5976
17 is not enacted by June 30, 2009, the amount provided in this subsection
18 shall lapse.

19 (8) \$16,800,000 of the motor vehicle account--state appropriation
20 is provided solely for the high priority maintenance backlog.
21 Addressing the maintenance backlog must result in increased levels of
22 service.

23 ~~((+10))~~ (9) \$750,000 of the motor vehicle account--state
24 appropriation is provided solely for the department's compliance with
25 its national pollution discharge elimination system permit.

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

32 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as
33 follows:

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

36	Motor Vehicle Account--State Appropriation	((\$51,526,000))
37		<u>\$51,128,000</u>

1	Motor Vehicle Account--Federal Appropriation	\$2,050,000
2	Motor Vehicle Account--Private/Local Appropriation	\$127,000
3	TOTAL APPROPRIATION	(\$53,703,000)
4		<u>\$53,305,000</u>

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

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

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

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

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

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

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

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

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

34 (3) The department shall implement a pilot project to evaluate the
35 benefits of using electronic traffic flagging devices. Electronic
36 traffic flagging devices must be tested by the department at multiple
37 sites and reviewed for efficiency and safety. The department shall

1 report to the transportation committees of the legislature on the best
2 use and practices involving electronic traffic flagging devices,
3 including recommendations for future use, by June 30, 2010.

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

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

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

26 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
27 **SUPPORT--PROGRAM S**

28	Motor Vehicle Account--State Appropriation	((\$29,153,000))
29		<u>\$28,716,000</u>
30	Motor Vehicle Account--Federal Appropriation	\$30,000
31	Multimodal Transportation Account--State	
32	Appropriation	\$973,000
33	State Route Number 520 Corridor Account--State	
34	Appropriation	\$264,000
35	TOTAL APPROPRIATION	((\$30,420,000))
36		<u>\$29,983,000</u>

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

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

17 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
 18 **AND RESEARCH--PROGRAM T**

19	Motor Vehicle Account--State Appropriation	(((\$24,724,000))
20		<u>\$24,032,000</u>
21	Motor Vehicle Account--Federal Appropriation	(((\$19,116,000))
22		<u>\$22,116,000</u>
23	Multimodal Transportation Account--State	
24	Appropriation	(((\$696,000))
25		<u>\$1,096,000</u>
26	Multimodal Transportation Account--Federal	
27	Appropriation	\$2,809,000
28	Multimodal Transportation Account--Private/Local	
29	Appropriation	\$100,000
30	TOTAL APPROPRIATION	(((\$47,445,000))
31		<u>\$50,153,000</u>

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

34 (1) \$150,000 of the motor vehicle account--federal appropriation is
 35 provided solely for the costs to develop an electronic map-based
 36 computer application that will enable law enforcement officers and

1 others to more easily locate collisions and other incidents in the
2 field.

3 (2) \$400,000 of the (~~motor vehicle~~) multimodal transportation
4 account--state appropriation is provided solely for a diesel multiple
5 unit feasibility and initial planning study. The study must evaluate
6 potential service on the Stampede Pass line from Maple Valley to Auburn
7 via Covington. The study must evaluate the potential demand for
8 service, the business model and capital needs for launching and running
9 the line, and the need for improvements in switching, signaling, and
10 tracking. The study must consider the interconnectivity benefits of,
11 and potential for, a future Amtrak Cascades route in the vicinities of
12 south King county and north Pierce county. A report on the study must
13 be submitted to the legislature by June 30, 2010.

14 (3) (~~\$243,000~~) \$365,000 of the motor vehicle account--state
15 appropriation and \$81,000 of the motor vehicle account--federal
16 appropriation are provided solely for the development of a freight
17 database to help guide freight investment decisions and track project
18 effectiveness. The database must be based on truck movement tracked
19 through geographic information system technology. For the remainder of
20 the biennium, the department may expand data collection to any highways
21 that have high truck volumes. TransNow shall contribute additional
22 federal funds that are not appropriated in this act. The department
23 shall work with the freight mobility strategic investment board to
24 implement this database.

25 (4) \$150,000 of the motor vehicle account--state appropriation is
26 provided solely for a corridor study of state route number 516 from the
27 eastern border of Maple Valley to state route number 167 to determine
28 whether improvements are needed and the costs of any needed
29 improvements.

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

32 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
33 **V**

34	Regional Mobility Grant Program Account--State	
35	Appropriation	\$54,677,000
36	Multimodal Transportation Account--State	
37	Appropriation	((\$65,795,000))

1 transit systems serving small cities and rural areas in a manner
2 similar to past disparity equalization programs.

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

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

20 (4) \$400,000 of the multimodal transportation account--state
21 appropriation is provided solely for a grant for a flexible carpooling
22 pilot project program to be administered and monitored by the
23 department. Funds are appropriated for one time only. The pilot
24 project program must: Test and implement at least one flexible
25 carpooling system in a high-volume commuter area that enables
26 carpooling without prearrangement; utilize technologies that, among
27 other things, allow for transfer of ride credits between participants;
28 and be a membership system that involves prescreening to ensure safety
29 of the participants. The program must include a pilot project that
30 targets commuter traffic on the state route number 520 bridge. The
31 department shall submit to the legislature by December 2010 a report on
32 the program results and any recommendations for additional flexible
33 carpooling programs.

34 (5) \$3,318,000 of the multimodal transportation account--state
35 appropriation and \$21,248,000 of the regional mobility grant program
36 account--state appropriation are reappropriated and provided solely for
37 the regional mobility grant projects identified on the LEAP
38 Transportation Document 2007-B, as developed April 20, 2007, or the

1 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
2 department shall continue to review all projects receiving grant awards
3 under this program at least semiannually to determine whether the
4 projects are making satisfactory progress. The department shall
5 promptly close out grants when projects have been completed, and any
6 remaining funds available to the office of transit mobility must be
7 used only to fund projects on the LEAP Transportation Document 2006-D,
8 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
9 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
10 as developed April 24, 2009. It is the intent of the legislature to
11 appropriate funds through the regional mobility grant program only for
12 projects that will be completed on schedule.

13 (6) \$33,429,000 of the regional mobility grant program account--
14 state appropriation is provided solely for the regional mobility grant
15 projects identified in LEAP Transportation Document 2009-B, as
16 developed April 24, 2009. The department shall review all projects
17 receiving grant awards under this program at least semiannually to
18 determine whether the projects are making satisfactory progress. Any
19 project that has been awarded funds, but does not report activity on
20 the project within one year of the grant award, must be reviewed by the
21 department to determine whether the grant should be terminated. The
22 department shall promptly close out grants when projects have been
23 completed, and any remaining funds available to the office of transit
24 mobility must be used only to fund projects identified in LEAP
25 Transportation Document 2009-B, as developed April 24, 2009. The
26 department shall provide annual status reports on December 15, 2009,
27 and December 15, 2010, to the office of financial management and the
28 transportation committees of the legislature regarding the projects
29 receiving the grants. It is the intent of the legislature to
30 appropriate funds through the regional mobility grant program only for
31 projects that will be completed on schedule. However, the south Mount
32 Vernon park and ride is recognized as a crucial investment in the
33 transportation system. For this reason, the department shall not close
34 out the grant for the south Mount Vernon park and ride project until
35 Skagit transit has exhausted all other pending opportunities for
36 federal and local funds. If additional funds cannot be secured, the
37 department shall consider this project a priority in the 2011-13 grant

1 process. The department shall make every effort to advance the south
2 Mount Vernon park and ride project within existing resources.

3 (7) \$300,000 of the multimodal transportation account--state
4 appropriation is provided solely for a transportation demand management
5 program, developed by the Whatcom council of governments, to further
6 reduce drive-alone trips and maximize the use of sustainable
7 transportation choices. The community-based program must focus on all
8 trips, not only commute trips, by providing education, assistance, and
9 incentives to four target audiences: (a) Large work sites; (b)
10 employees of businesses in downtown areas; (c) school children; and (d)
11 residents of Bellingham.

12 (8) \$130,000 of the multimodal transportation account--state
13 appropriation is provided solely to the department to distribute to
14 support Engrossed Substitute House Bill No. 2072 (special needs
15 transportation).

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

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

32 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
33 June 30, 2009, the amount provided in this subsection (8) lapses. If
34 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
35 but a commitment from other sources to fully fund the pilot project
36 described in (b) of this subsection has not been obtained by September
37 30, 2009, the amount provided in (b) of this subsection lapses.

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

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

8 (11) \$2,309,000 of the multimodal transportation account--state
9 appropriation is provided solely for the tri-county connection service
10 for Island, Skagit, and Whatcom transit agencies.

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

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

14 Puget Sound Ferry Operations Account--State

15	Appropriation	((\$400,592,000))
16		<u>\$424,667,000</u>

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

19 (1) ((~~\$53,110,560~~)) (a) \$79,648,961 of the Puget Sound ferry
20 operations account--state appropriation is provided solely for auto
21 ferry vessel operating fuel in the 2009-11 fiscal biennium. This
22 appropriation is contingent upon the enactment of sections 716 and 701
23 of this act.

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

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

32 (3) If, after the department's review of fares and pricing
33 policies, the department proposes a fuel surcharge, the department must
34 evaluate other cost savings and fuel price stabilization strategies
35 that would be implemented before the imposition of a fuel surcharge.

36 (4) The department shall strive to significantly reduce the number
37 of injuries suffered by Washington state ferries employees. By

1 December 15, 2009, the department shall submit to the office of
2 financial management and the transportation committees of the
3 legislature its implementation plan to reduce such injuries.

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

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

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

21 (8) \$3,000,000 of the Puget Sound ferry operations account--state
22 appropriation is provided solely for commercial insurance for ferry
23 assets. The office of financial management, after consultation with
24 the transportation committees of the legislature, must present a
25 business plan for the Washington state ferry system's insurance
26 coverage to the 2010 legislature. The business plan must include a
27 cost-benefit analysis of Washington state ferries' current commercial
28 insurance purchased for ferry assets and a review of self-insurance for
29 noncatastrophic events.

30 (9) \$1,100,000 of the Puget Sound ferry operations account--state
31 appropriation is provided solely for a marketing program. The
32 department shall present a marketing program proposal to the
33 transportation committees of the legislature during the 2010
34 legislative session before implementing this program. Of this amount,
35 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
36 Coupeville for mitigation expenses related to only one vessel operating
37 on the Port Townsend/Keystone ferry route. The moneys provided to the

1 city of Port Townsend and town of Coupeville are not contingent upon
2 the required marketing proposal.

3 (10) \$350,000 of the Puget Sound ferry operations account--state
4 appropriation is provided solely for two extra trips per day during the
5 summer of 2009 season, beyond the current schedule, on the Port
6 Townsend/Keystone route.

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

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

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

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

37 (b) The process for appointing an investigating officer or officers

1 and a description of the authorities and responsibilities of the
2 investigating officer or officers. The investigating officer or
3 officers must:

4 (i) Have the appropriate training and experience as determined by
5 the policy;

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

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

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

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

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

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

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

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

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

35 (15) \$150,000 of the Puget Sound ferry operations account--state
36 appropriation is provided solely for the department to hire an outside
37 consultant to help identify process changes that would improve on-time
38 performance on a route-by-route basis. The study must include looking

1 into the slowing down of vessels for fuel economy purposes and touch-
2 and-go sailings on peak runs. The department shall report its findings
3 to the transportation committees of the senate and house of
4 representatives by December 1, 2010. For the purpose of this
5 subsection, the consultant contract is deemed a revenue generation and
6 auditing activity as that term is construed in section 602(2), chapter
7 3, Laws of 2010.

8 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

11 Multimodal Transportation Account--State	
12 Appropriation	((\$34,933,000))
13	<u>\$39,592,000</u>
14 <u>Multimodal Transportation Account--Federal</u>	
15 <u>Appropriation</u>	<u>\$400,000</u>
16 <u>TOTAL APPROPRIATION</u>	<u>\$39,992,000</u>

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

19 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation
20 account--state appropriation is provided solely for the Amtrak service
21 contract and Talgo maintenance contract associated with providing and
22 maintaining the state-supported passenger rail service. Upon
23 completion of the rail platform project in the city of Stanwood, the
24 department shall provide daily Amtrak Cascades service to the city.

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

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

28 (4) \$2,200,000 of the multimodal transportation account--state
29 appropriation is provided solely for expenditures related to the
30 capital high-speed passenger rail grant that are not federally
31 reimbursable.

32 (5) \$400,000 of the multimodal transportation account--federal
33 appropriation is provided solely for the department to work with the
34 Whatcom council of governments to examine potential improvements to
35 international border freight and passenger rail movement and the use of
36 diesel multiple units.

1 in the 2011-13 fiscal biennium. The appropriations provided in this
2 section for the projects in those biennia are therefore \$63,500,000
3 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
4 fiscal biennium than the aggregate total of project costs listed. It
5 is the intent of the legislature that the department shall deliver the
6 projects listed in LEAP Transportation Document 2009-1 within the time,
7 scope, and budgets identified in that document, provided that the
8 prices of commodities used in transportation projects do not differ
9 significantly from those assumed for the 2009-11 and 2011-13 fiscal
10 biennia in the March 2009 forecast of the economic and revenue forecast
11 council.

12 ~~((3) \$162,900,000))~~ \$163,385,000 of the transportation partnership
13 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the
14 state route number 520 corridor account--state appropriation are
15 provided solely for the state route number 520 bridge replacement and
16 HOV project. The department shall submit an application for the
17 eastside transit and HOV project to the supplemental discretionary
18 grant program for regionally significant projects as provided in the
19 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route
20 number 520 improvements shall be designed and constructed to
21 accommodate a future full interchange at 124th Avenue Northeast.
22 Concurrent with the eastside transit and HOV project, the department
23 shall conduct engineering design of a full interchange at 124th Avenue
24 Northeast.))~~ The amount provided in this subsection from the state
25 route number 520 corridor account--state appropriation is contingent on
26 the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)
27 either Engrossed Substitute House Bill No. 2326 or other legislation
28 authorizing bonds for the state route number 520 corridor projects. If
29 the conditions of this subsection are not satisfied, the state route
30 number 520 corridor account--state appropriation shall lapse.

31 ~~((+4))~~ (3) As required under section 305(6), chapter 518, Laws of
32 2007, the department shall report by January 2010 to the transportation
33 committees of the legislature on the findings of the King county noise
34 reduction solutions pilot project.

35 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided
36 solely for the purpose of project impact mitigation, and shall not be
37 used to develop or otherwise participate in the environmental
38 assessment process.

1 ~~((+6))~~ (5) The department shall apply for surface transportation
2 program (STP) enhancement funds to be expended in lieu of or in
3 addition to state funds for eligible costs of projects in Programs I
4 and P including, but not limited to, the SR 518, SR 520, Columbia river
5 crossing, and Alaskan Way viaduct projects.

6 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning
7 July 1, 2009, provide to the office of financial management and the
8 legislature reports providing the status on each active project funded
9 in part or whole by the transportation 2003 account (nickel account) or
10 the transportation partnership account. Funding provided at a
11 programmatic level for transportation partnership account and
12 transportation 2003 account (nickel account) projects relating to
13 bridge rail, guard rail, fish passage barrier removal, and roadside
14 safety projects should be reported on a programmatic basis. Projects
15 within this programmatic level funding should be completed on a
16 priority basis and scoped to be completed within the current
17 programmatic budget. ~~((The department shall work with the office of
18 financial management and the transportation committees of the
19 legislature to agree on report formatting and elements. Elements must
20 include, but not be limited to, project scope, schedule, and costs.
21 For))~~ Report formatting and elements must be consistent with the
22 October 2009 quarterly project report. On a representative sample of
23 new construction contracts valued at fifteen million dollars or more,
24 the department must also use an earned value method of project
25 monitoring. ((The department shall also provide the information
26 required under this subsection on a quarterly basis via the
27 transportation executive information systems (TEIS).

28 ~~(+8))~~ (7) The transportation 2003 account (nickel account)--state
29 appropriation includes up to ~~(((\$628,000,000))~~ \$653,414,000 in proceeds
30 from the sale of bonds authorized by RCW 47.10.861.

31 ~~((+9))~~ (8) The transportation partnership account--state
32 appropriation includes up to ~~(((\$1,360,528,000))~~ \$1,344,830,000 in
33 proceeds from the sale of bonds authorized in RCW 47.10.873.

34 ~~((+10))~~ (9) The special category C account--state appropriation
35 includes up to ~~(((\$22,127,000))~~ \$25,221,000 in proceeds from the sale of
36 bonds authorized in RCW 47.10.812.

37 ~~((+11))~~ (10) The motor vehicle account--state appropriation

1 includes up to (~~(\$31,500,000)~~) \$31,000,000 in proceeds from the sale of
2 bonds authorized in RCW 47.10.843.

3 ~~((+12))~~ (11) The state route number 520 corridor account--state
4 appropriation includes up to \$231,763,000 in proceeds from the sale of
5 bonds authorized in Substitute House Bill No. 2326 or in legislation
6 authorizing bonds for the state route number 520 corridor projects.

7 (12) The department must prepare a tolling study for the Columbia
8 river crossing project. While conducting the study, the department
9 must coordinate with the Oregon department of transportation to perform
10 the following activities:

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

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

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

19 (d) Confer with the project sponsor's council, as well as local and
20 regional governing bodies adjacent to the Interstate 5 Columbia river
21 crossing corridor and the Interstate 205 corridor regarding the
22 implementation of tolls, the impacts that the implementation of tolls
23 might have on the operation of the corridors, the diversion of traffic
24 to local streets, and potential mitigation measures;

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

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

30 (g) Conduct public work sessions and open houses to provide
31 information to citizens, including users of the bridge and business and
32 freight interests, regarding implementation of tolls on the Interstate
33 5 and to solicit citizen views on the following items:

34 (i) Funding a portion of the Columbia river crossing project with
35 tolls;

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

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

3 (h) Provide a report to the governor and the legislature by January
4 2010.

5 (13)(a) By January 2010, the department must prepare a traffic and
6 revenue study for Interstate 405 in King county and Snohomish county
7 that includes funding for improvements and high occupancy toll lanes,
8 as defined in RCW 47.56.401, for traffic management. The department
9 must develop a plan to operate up to two high occupancy toll lanes in
10 each direction on Interstate 405.

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

13 (i) Confer with the mayors and city councils of jurisdictions in
14 the vicinity of the project regarding the implementation of high
15 occupancy toll lanes and the impacts that the implementation of these
16 high occupancy toll lanes might have on the operation of the corridor
17 and adjacent local streets;

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

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

24 (iv) Provide a report to the governor and the legislature by
25 January 2010.

26 (14) (~~(\$9,199,985)~~) \$6,488,000 of the motor vehicle account--state
27 appropriation (~~(is)~~) and \$5,000 of the motor vehicle account--federal
28 appropriation are provided solely for project 100224I, (~~(as identified~~
29 ~~in the LEAP transportation document in subsection (1) of this~~
30 ~~section*)~~) US 2 high priority safety project. Expenditure of these
31 funds is for safety projects on state route number 2 between Monroe and
32 Gold Bar, which may include median rumble strips, traffic cameras, and
33 electronic message signs.

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

37 (16) The department shall conduct a public outreach process to
38 identify and respond to community concerns regarding the Belfair

1 bypass. The process must include representatives from Mason county,
2 the legislature, area businesses, and community members. The
3 department shall use this process to consider and develop design
4 alternatives that alter the project's scope so that the community's
5 needs are met within the project budget. The department shall provide
6 a report on the process and outcomes to the legislature by June 30,
7 2010.

8 (17) The legislature is committed to the timely completion of R8A
9 which supports the construction of sound transit's east link.
10 Following the completion of the independent analysis of the
11 methodologies to value the reversible lanes on Interstate 90 which may
12 be used for high capacity transit as directed in section 204 of this
13 act, the department shall complete the process of negotiations with
14 sound transit. Such agreement shall be completed no later than
15 December 1, 2009.

16 (18) \$250,000 of the motor vehicle account--state appropriation is
17 provided solely for the design and construction of a right turn lane to
18 improve visibility and traffic flow on state route number 195 and
19 Cheney-Spokane Road.

20 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal
21 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--
22 state appropriation are provided solely for the Westview school noise
23 wall.

24 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state
25 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
26 federal appropriation are provided solely for interchange design and
27 planning work on US 12 at A Street and Tank Farm Road.

28 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership
29 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle
30 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor
31 vehicle account--private/local appropriation, and (~~(\$1,482,066)~~)
32 \$4,334,000 of the motor vehicle account--federal appropriation are
33 provided solely for the I-5/Columbia river crossing/Vancouver project.
34 The funding described in this subsection includes a (~~(\$30,003,473)~~)
35 \$30,000,000 contribution from the state of Oregon.

36 (22) It is important that the public and policymakers have accurate
37 and timely access to information related to the Alaskan Way viaduct
38 replacement project as it proceeds to, and during, the construction of

1 all aspects of the project including, but not limited to, information
2 regarding costs, schedules, contracts, project status, and neighborhood
3 impacts. Therefore, it is the intent of the legislature that the
4 state, city, and county departments of transportation establish a
5 single source of accountability for integration, coordination,
6 tracking, and information of all requisite components of the
7 replacement project, which must include, at a minimum:

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

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

12 ~~((The state route number 520 corridor account state
13 appropriation includes up to \$106,000,000 in proceeds from the sale of
14 bonds authorized in Engrossed Substitute House Bill No. 2326 or in
15 legislation authorizing bonds for the state route number 520 corridor
16 projects. If Engrossed Substitute House Bill No. 2326, or legislation
17 authorizing bonds for the state route number 520 corridor projects, is
18 not enacted by June 30, 2009, the amount provided in this subsection
19 shall lapse.~~

20 ~~(+24))~~ The department shall evaluate a potential deep bore culvert
21 for the state route number 305/Bjorgen creek fish barrier project
22 identified as project 330514A in LEAP Transportation Document ALL
23 PROJECTS 2009-2, as developed April 24, 2009. The department shall
24 evaluate whether a deep bore culvert will be a less costly alternative
25 than a traditional culvert since a traditional culvert would require
26 extensive road detours during construction.

27 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation
28 document described in subsection (1) of this section is expanded to
29 include safety and congestion improvements from the Key Peninsula
30 Highway to the vicinity of Purdy. The department shall consult with
31 the Washington traffic safety commission to ensure that this project
32 includes improvements at intersections and along the roadway to reduce
33 the frequency and severity of collisions related to roadway conditions
34 and traffic congestion.

35 ~~((+26) \$10,600,000))~~ (25) \$8,890,000 of the transportation
36 partnership account--state appropriation is provided solely for project
37 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage

1 2 and 3 project, as indicated in the LEAP transportation document
2 referenced in subsection (1) of this section. Funds shall be used
3 solely for preliminary engineering on stages 2 and 3 of this project.

4 ~~((+27))~~ (26) The department shall continue to work with the local
5 partners in developing transportation solutions necessary for the
6 economic growth in the Red Mountain American Viticulture Area of Benton
7 county.

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

19 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation
20 and motor vehicle account--federal appropriation, the department may
21 transfer funds between programs I and P, except for funds that are
22 otherwise restricted in this act.

23 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000
24 of the transportation partnership account--state appropriation is
25 provided solely for the department to prepare a comprehensive tolling
26 study of the state route number 167 corridor to determine the
27 feasibility of administering tolls within the corridor, identified as
28 project number 316718A in the LEAP transportation document described in
29 subsection (1) of this section. The department shall report to the
30 joint transportation committee by September 30, 2010. The department
31 shall regularly report to the Washington transportation commission
32 regarding the progress of the study for the purpose of guiding the
33 commission's potential toll setting on the facility. The elements of
34 the study must include, at a minimum:

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

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

38 (c) Economic considerations for future system investments.

1 ~~((+31+))~~ (30) Within the amounts provided in this section, \$200,000
2 of the transportation partnership account--state appropriation is
3 provided solely for the department to prepare a comprehensive tolling
4 study of the state route number 509 corridor to determine the
5 feasibility of administering tolls within the corridor, identified as
6 project number 850901F in the LEAP transportation document described in
7 subsection (1) of this section. The department shall report to the
8 joint transportation committee by September 30, 2010. The department
9 shall regularly report to the Washington transportation commission
10 regarding the progress of the study for the purpose of guiding the
11 commission's potential toll setting on the facility. The elements of
12 the study must include, at a minimum:

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

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

16 (c) Economic considerations for future system investments.

17 ~~((+32+))~~ (31) Within the amounts provided in this section,
18 \$28,000,000 of the transportation partnership account--state
19 appropriation is for project 600010A, as identified in the LEAP
20 transportation document in subsection (1) of this section: NSC-North
21 Spokane corridor design and right-of-way - new alignment. Expenditure
22 of these funds is for preliminary engineering and right-of-way
23 purchasing to prepare for four lanes to be built from where existing
24 construction ends at Francis Avenue for three miles to the Spokane
25 river. Additionally, any savings realized on project 600001A, as
26 identified in the LEAP transportation document in subsection (1) of
27 this section: US 395/NSC-Francis Avenue to Farwell Road - New
28 Alignment, must be applied to project 600010A.

29 ~~((+33+))~~ (32) \$400,000 of the motor vehicle account--state
30 appropriation is provided solely for the department to conduct a state
31 route number 2 route development plan that will identify essential
32 improvements needed between the port of Everett/Naval station and
33 approaching the state route number 9 interchange near the city of
34 Snohomish.

35 ~~((+34+))~~ (33) If the SR 26 - Intersection and Illumination
36 Improvements are not completed by June 30, 2009, the department shall
37 ensure that the improvements are completed as soon as practicable after

1 June 30, 2009, and shall submit monthly progress reports on the
2 improvements beginning July 1, 2009.

3 ~~((+35+))~~ (34) \$200,000 of the transportation partnership account--
4 state appropriation, identified on project number 400506A in the LEAP
5 transportation document described in subsection (1) of this section, is
6 provided solely for the department to work with the department of
7 archaeology and historic preservation to ensure that the cultural
8 resources investigation is properly conducted on the Columbia river
9 crossing project. This project must be conducted with active
10 archaeological management and result in one report that spans the
11 single cultural area in Oregon and Washington. Additionally, the
12 department shall establish a scientific peer review of independent
13 archaeologists that are knowledgeable about the region and its cultural
14 resources.

15 ~~((+36+))~~ (35) The department shall work with the department of
16 archaeology and historic preservation to ensure that the cultural
17 resources investigation is properly conducted on all mega-highway
18 projects and large ferry terminal projects. These projects must be
19 conducted with active archaeological management. Additionally, the
20 department shall establish a scientific peer review of independent
21 archaeologists that are knowledgeable about the region and its cultural
22 resources.

23 ~~((+37+))~~ (36) Within the amounts provided in this section,
24 \$1,500,000 of the motor vehicle account--state appropriation is
25 provided solely for necessary work along the south side of SR 532,
26 identified as project number 053255C in the LEAP transportation
27 document described in subsection (1) of this section.

28 ~~((+38+))~~ (37) \$10,000,000 of the transportation partnership
29 account--state appropriation is provided solely for the Spokane street
30 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
31 Replacement project as indicated in the LEAP transportation document
32 referenced in subsection (1) of this section.

33 ~~((+39+))~~ (38) The department shall conduct a public outreach
34 process to identify and respond to community concerns regarding the
35 portion of John's Creek Road that connects state route number 3 and
36 state route number 101. The process must include representatives from
37 Mason county, the legislature, area businesses, and community members.
38 The department shall use this process to consider, develop, and design

1 a project scope so that the community's needs are met for the lowest
2 cost. The department shall provide a report on the process and
3 outcomes to the legislature by June 30, 2010.

4 ~~((40))~~ (39) The department shall apply for the competitive
5 portion of federal transit administration funds for eligible transit-
6 related costs of the state route number 520 bridge replacement and HOV
7 project and the Columbia river crossing project. The federal funds
8 described in this subsection must not include those federal transit
9 administration funds distributed by formula. The department shall
10 provide a report regarding this effort to the legislature by January 1,
11 2010.

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

20 (41) \$226,000 of the motor vehicle account--federal appropriation
21 and \$9,000 of the motor vehicle account--state appropriation are
22 provided solely for the SR 16/Rosedale St NW to 96th St NW - Frontage
23 Road project (301639C).

24 (42) \$400,000 of the motor vehicle account--federal appropriation
25 and \$100,000 of the motor vehicle account--state appropriation are
26 provided solely for the SR 9/SR 204 Intersection Improvement project
27 (L2000040).

28 (43) \$2,244,000 of the motor vehicle account--federal appropriation
29 and \$122,000 of the motor vehicle account--state appropriation are
30 provided solely for the US 12/Nine Mile Hill to Woodward Canyon - Build
31 New Highway project (501210T).

32 (44) \$500,000 of the motor vehicle account--state appropriation is
33 provided solely for the US 12/SR 122/Williams St - Intersection project
34 (401212R) to construct a temporary signal, purchase right-of-way, and
35 design a future roundabout.

36 (45) \$2,600,000 of the motor vehicle account--federal appropriation
37 is provided solely for the ITS Advanced Traveler Information System
38 project in Whatcom county (100589B).

1 appropriations may occur between projects for those amounts listed
2 subject to the conditions and limitations in section 603 of this act.

3 (2) (~~(\$544,639)~~) \$542,000 of the motor vehicle account--federal
4 appropriation and (~~(\$455,361)~~) \$453,000 of the motor vehicle account--
5 state appropriation are provided solely for project 602110F, (~~as~~
6 ~~identified in the LEAP transportation document in subsection (1) of~~
7 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are
8 provided solely for preservation work on the existing vessel, the
9 Martha S.

10 (3) The department shall apply for surface transportation program
11 (STP) enhancement funds to be expended in lieu of or in addition to
12 state funds for eligible costs of projects in Programs I and P.

13 (4) \$6,500,000 of the Puyallup tribal settlement account--state
14 appropriation is provided solely for (~~mitigation~~) costs associated
15 with the Murray Morgan/11th Street bridge (~~demolition. The department~~
16 ~~may negotiate with the city of Tacoma for the purpose of transferring~~
17 ~~ownership of the Murray Morgan/11th Street bridge to the city. If the~~
18 ~~city agrees to accept ownership of the bridge, the department~~)
19 project. The city of Tacoma may use the Puyallup tribal settlement
20 account appropriation and other appropriated funds for bridge
21 rehabilitation, bridge replacement, bridge demolition, and related
22 mitigation. The department's participation, including prior
23 expenditures, may not exceed \$39,953,000. (~~Funds may not be expended~~
24 ~~unless~~) The city of Tacoma (~~agrees to take~~) has taken ownership of
25 the bridge in its entirety, and (~~provides that~~) the payment of these
26 funds extinguishes any real or implied agreements regarding future
27 bridge expenditures.

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

33 (6) The department shall, on a quarterly basis beginning July 1,
34 2009, provide to the office of financial management and the legislature
35 reports providing the status on each active project funded in part or
36 whole by the transportation 2003 account (nickel account) or the
37 transportation partnership account. Funding provided at a programmatic
38 level for transportation partnership account projects relating to

1 seismic bridges should be reported on a programmatic basis. Projects
2 within this programmatic level funding should be completed on a
3 priority basis and scoped to be completed within the current
4 programmatic budget. (~~The department shall work with the office of~~
5 ~~financial management and the transportation committees of the~~
6 ~~legislature to agree on~~) Report formatting and elements must be
7 consistent with the October 2009 quarterly project report. Elements
8 must include, but not be limited to, project scope, schedule, and
9 costs. (~~For~~) On a representative sample of new construction
10 contracts valued at fifteen million dollars or more, the department
11 must also use an earned value method of project monitoring. (~~The~~
12 ~~department shall also provide the information required under this~~
13 ~~subsection on a quarterly basis via the transportation executive~~
14 ~~information systems (TEIS).~~)

15 (7) The department of transportation shall continue to implement
16 the lowest life cycle cost planning approach to pavement management
17 throughout the state to encourage the most effective and efficient use
18 of pavement preservation funds. Emphasis should be placed on
19 increasing the number of roads addressed on time and reducing the
20 number of roads past due.

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

24 (i) The current backlog of asphalt and concrete pavement
25 preservation projects;

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

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

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

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

35 (b) Additionally, the department shall work with the department of
36 ecology, the county road administration board, and the transportation
37 improvement board to explore and explain the potential use of permeable

1 asphalt and concrete pavement in state highway construction as an
2 alternative method of storm water mitigation and the potential effects
3 on highway pavement replacement needs.

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

8 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
9 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
10 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
11 transportation partnership account--state appropriation are provided
12 solely for the SR 104/Hood Canal bridge - replace east half project,
13 identified as project 310407B in the LEAP transportation document
14 described in subsection (1) of this section.

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

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

22 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
23 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
24 state appropriation are provided solely for the environmental impact
25 statement and preliminary planning for the replacement of the state
26 route number 9 Snohomish river bridge.

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

35 (14) Within the amounts provided in this section, \$497,000 of the
36 motor vehicle account--state appropriation and \$12,503,000 of the motor
37 vehicle account--federal appropriation are provided solely for the SR
38 410/Nile Valley Landslide - Establish Interim Detour project (514002R).

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

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

7 (c) Cost savings from the following initiatives will be included in
8 the funding of these vessels: The department's review and update of
9 the vessel life-cycle cost model as required under this section; and
10 the implementation of technology efficiencies as required under section
11 602 of this act.

12 ~~(3) ((\$2,450,000 of the Puget Sound capital construction account--~~
13 ~~state appropriation is provided solely for contingencies associated~~
14 ~~with closing out the existing contract for the technical design of the~~
15 ~~144 auto vessel and the storage and maintenance of vessel owner-~~
16 ~~furnished equipment already procured. The department shall use as much~~
17 ~~of the already procured equipment as is practicable on the Island Home~~
18 ~~class ferry vessel if it is likely to be obsolete before it is used in~~
19 ~~procured 144 auto vessels.))~~ (a) \$10,950,000 of the Puget Sound capital
20 construction account--state appropriation is provided solely for the
21 following projects related to the design of a 144-vehicle vessel class:
22 (i) \$1,380,000 is provided solely for completion of the contract for
23 owner-furnished equipment; (ii) \$8,320,000 is provided solely for
24 completion of the technical design, detail design, and production
25 drawings; (iii) \$480,000 is provided solely for the storage of owner-
26 furnished equipment; (iv) a maximum of \$720,000 is for construction
27 engineering; and (v) \$50,000 is provided solely for hiring an outside
28 consultant to conduct a study on alternative designs of the 144-vehicle
29 vessel class. In completing the contract for owner-furnished
30 equipment, the department shall use as much of the already procured
31 equipment as is practicable on the Island Home class ferry vessels if
32 it is likely to be obsolete before it is used in procured 144-vehicle
33 vessels.

34 (b) The outside consultant hired to conduct the study provided in
35 (a) of this subsection must do the following as part of a study on
36 alternative designs of the 144-vehicle vessel class: (i) Review the
37 proposed interior furnishings and fittings for the long-term
38 maintenance and out-of-service vessel costs and, if appropriate,

1 propose alternative interior furnishings and fittings that will
2 decrease long-term maintenance and out-of-service vessel costs; and
3 (ii) perform a cost-benefit analysis that considers fuel economy and
4 long-term maintenance costs on an aluminum superstructure alternative.
5 The study must include a projection of out-of-service time and a life-
6 cycle cost analysis of planned out-of-service time, including the
7 impact on fleet size. The study must identify costs for any additional
8 detail design and production drawings costs related to incorporating
9 new design alternatives. The consultant must submit the study to the
10 joint transportation committee by August 1, 2010.

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

14 (4) \$6,300,000 of the Puget Sound capital construction account--
15 state appropriation is provided solely for emergency capital costs.

16 (5) ~~((The Anacortes terminal may be replaced if additional federal~~
17 ~~funds are sought and received by the department. If federal funds~~
18 ~~received are not sufficient to replace the terminal, only usable,~~
19 ~~discrete phases of the project, up to the amount of federal funds~~
20 ~~received, may be constructed with the funds.)) \$3,000,000 of the Puget~~

21 Sound capital construction account--federal appropriation is provided
22 solely for completing the Anacortes terminal design up to the maximum
23 allowable construction cost phase. These funds may be spent only after
24 the following conditions have been met: (a) A value engineering
25 process is conducted on the existing design and the concept of a
26 smaller terminal building; (b) the office of financial management
27 participates in the value engineering process; (c) the office of
28 financial management concurs with the recommendations of the value
29 engineering process; and (d) the office of financial management gives
30 its approval to proceed with the design work.

31 (6) \$3,965,000 of the Puget Sound capital construction account--
32 state appropriation is provided solely for the following vessel
33 projects: Waste heat recovery pilot project; steering gear ventilation
34 pilot project; and a new propulsion system for the MV Yakima. Before
35 beginning these projects, the Washington state ferries must ensure the
36 vessels' out-of-service time does not negatively impact service to the
37 system.

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

4 (8) The department shall provide to the office of financial
5 management and the legislature quarterly reports providing the status
6 on each project listed in this section and in the project lists
7 submitted pursuant to this act and on any additional projects for which
8 the department has expended funds during the 2009-11 fiscal biennium.
9 Elements must include, but not be limited to, project scope, schedule,
10 and costs. The department shall also provide the information required
11 under this subsection via the transportation executive information
12 systems (TEIS). The quarterly report regarding the status of projects
13 identified on the list referenced in subsection (1) of this section
14 must be developed according to an earned value method of project
15 monitoring.

16 (9) The department shall review and adjust its capital program
17 staffing levels to ensure staffing is at the most efficient level
18 necessary to implement the capital program in the omnibus
19 transportation appropriations act. The Washington state ferries shall
20 report this review and adjustment to the office of financial management
21 and the house and senate transportation committees of the legislature
22 by July 2009.

23 (10) (~~(\$3,763,000)~~) \$5,563,000 of the total appropriation is
24 provided solely for the Washington state ferries to develop a
25 reservation system. (~~The department shall complete a predesign study
26 and present the study to the joint transportation committee by November
27 1, 2009. This analysis must include an evaluation of the compatibility
28 of the Washington state ferries' electronic fare system, proposed
29 reservation system, and the implementation of smart card. The
30 department may not implement a statewide reservation system until the
31 department is authorized to do so in the 2010 supplemental omnibus
32 transportation appropriations act.~~)

33 (11) \$1,200,000 of the total appropriation is provided solely for
34 improving the toll booth configuration at the Port Townsend and
35 Keystone ferry terminals.

36 (12) \$3,249,915 of the total appropriation is provided solely for
37 continued permitting and archaeological work in order to determine the
38 feasibility of relocating the Mukilteo ferry terminal. In order to

1 ensure that the cultural resources investigation is properly conducted
2 in a coordinated fashion, the department shall work with the department
3 of archaeology and historic preservation and shall conduct work with
4 active archaeological management. The department shall seek additional
5 federal funding for this project.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (14) \$247,000 of the Puget Sound capital construction account--
6 state appropriation is provided solely for the Washington state ferries
7 to review and update its vessel life-cycle cost model and report the
8 results to the house of representatives and senate transportation
9 committees of the legislature by (~~December 1, 2009~~) March 1, 2010.
10 This review will evaluate the impact of the planned out-of-service
11 periods scheduled for each vessel on the ability of the overall system
12 to deliver uninterrupted service and will assess the risk of service
13 disruption from unscheduled maintenance or longer than planned
14 maintenance periods.

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

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

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

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

30 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

31 Essential Rail Assistance Account--State

32 Appropriation ((~~\$675,000~~))
33 \$175,000

34 Transportation Infrastructure Account--State

35 Appropriation ((~~\$13,100,000~~))
36 \$13,184,000

37 Multimodal Transportation Account--State

1	Appropriation	((\$68,530,000))
2		<u>\$100,002,000</u>
3	Multimodal Transportation Account--Federal	
4	Appropriation	((\$16,054,000))
5		<u>\$619,527,000</u>
6	Multimodal Transportation Account--Private/Local	
7	Appropriation	\$81,000
8	TOTAL APPROPRIATION	((\$98,440,000))
9		<u>\$732,969,000</u>

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

12 (1)(a) Except as provided otherwise in this section, the entire
13 appropriations in this section are provided solely for the projects and
14 activities as listed by ((fund 7)) project((7)) and amount in LEAP
15 Transportation Document ALL PROJECTS ((2009-2)) 2010-1 as developed
16 ((April 24, 2009)) February 22, 2010, Program - Rail Capital Program
17 (Y). ((However, limited transfers of specific line item project
18 appropriations may occur between projects for those amounts listed
19 subject to the conditions and limitations in section 603 of this act.))

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

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

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

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

37 (c)(i) Within the amounts provided in this section, ((\$1,712,022))
38 \$1,713,000 of the multimodal transportation account--state

1 appropriation and \$175,000 of the essential rail assistance account--
2 state appropriation are for statewide - emergent freight rail
3 assistance projects as follows: Port of Ephrata/Ephrata - additional
4 spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000; Tacoma
5 Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW
6 Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
7 (~~(\$370,650)~~) \$371,000; Clark County owned railroad/Vancouver - track
8 rehabilitation (BIN 710110A) (~~(\$366,813)~~) \$367,000; Tacoma Rail/Tacoma
9 - improved locomotive facility (BIN 711010B) (~~(\$366,813)~~) \$367,000.

10 (ii) (~~Within the amounts provided in this section, \$500,000 of the~~
11 ~~essential rail assistance account--state appropriation and \$25,000 of~~
12 ~~the multimodal transportation account--state appropriation are for a~~
13 ~~statewide--emergent freight rail assistance project grant for the~~
14 ~~Tacoma Rail/Roy--new connection to BNSF and Yelm (BIN 711310A)~~
15 ~~project, provided that the grantee first executes a written instrument~~
16 ~~that imposes on the grantee the obligation to repay the grant within~~
17 ~~thirty days in the event that the grantee discontinues or significantly~~
18 ~~diminishes service along the line within a period of five years from~~
19 ~~the date that the grant is awarded.~~

20 (~~iii~~) Within the amounts provided in this section, (~~(\$337,978)~~)
21 \$338,000 of the multimodal transportation account--state appropriation
22 is for a statewide - emergent freight rail assistance project grant for
23 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
24 provided that the grantee first documents to the satisfaction of the
25 department sufficient commitments from the new shipper or shippers to
26 locate in the publicly owned industrial park west of Creston to ensure
27 that the net present value of the public benefits of the project is
28 greater than the grant amount.

29 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)
30 \$8,115,000 of the transportation infrastructure account--state
31 appropriation is for grants to any intergovernmental entity or local
32 rail district to which the department of transportation assigns the
33 management and oversight responsibility for the business and economic
34 development elements of existing operating leases on the Palouse River
35 and Coulee City (PCC) rail lines. \$300,000 of the transportation
36 infrastructure account--state appropriation is provided solely for a
37 fence line replacement project on the CW line. The PCC rail line
38 system is made up of the CW, P&L, and PV Hooper rail lines. Business

1 and economic development elements include such items as levels of
2 service and business operating plans, but must not include the state's
3 oversight of railroad regulatory compliance, rail infrastructure
4 condition, or real property management issues. The PCC rail system
5 must be managed in a self-sustaining manner and best efforts must be
6 used to ensure that it does not require state capital or operating
7 subsidy beyond the level of state funding expended on it to date. The
8 assignment of the stated responsibilities to an intergovernmental
9 entity or rail district must be on terms and conditions as the
10 department of transportation and the intergovernmental entity or rail
11 district mutually agree. The grant funds may be used only to refurbish
12 the rail lines. It is the intent of the legislature to make the funds
13 appropriated in this section available as grants to an
14 intergovernmental entity or local rail district for the purposes stated
15 in this section at least until June 30, 2012, and to reappropriate as
16 necessary any portion of the appropriation in this section that is not
17 used by June 30, 2011.

18 (2)(a) The department shall issue a call for projects for the
19 freight rail investment bank program and the emergent freight rail
20 assistance program, and shall evaluate the applications according to
21 the cost benefit methodology developed during the 2008 interim using
22 the legislative priorities specified in (c) of this subsection. By
23 November 1, 2010, the department shall submit a prioritized list of
24 recommended projects to the office of financial management and the
25 transportation committees of the legislature.

26 (b) When the department identifies a prospective rail project that
27 may have strategic significance for the state, or at the request of a
28 proponent of a prospective rail project or a member of the legislature,
29 the department shall evaluate the prospective project according to the
30 cost benefit methodology developed during the 2008 interim using the
31 legislative priorities specified in (c) of this subsection. The
32 department shall report its cost benefit evaluation of the prospective
33 rail project, as well as the department's best estimate of an
34 appropriate construction schedule and total project costs, to the
35 office of financial management and the transportation committees of the
36 legislature.

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

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

3 (ii) Self-sustaining economic development that creates family-wage
4 jobs;

5 (iii) Preservation of transportation corridors that would otherwise
6 be lost;

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

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

11 (vi) Mitigation of impacts of increased rail traffic on
12 communities.

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

16 (4) At the earliest possible date, the department shall apply, and
17 assist ports and local jurisdictions in applying, for any federal
18 funding that may be available for any projects that may qualify for
19 such federal funding. State projects must be (a) currently identified
20 on the project list referenced in subsection (1)(a) of this section or
21 (b) projects for which no state match is required to complete the
22 project. Local or port projects must not require additional state
23 funding in order to complete the project, with the exception of (c)
24 state funds currently appropriated for such project if currently
25 identified on the project list referenced in subsection (1)(a) of this
26 section or (d) potential grants awarded in the competitive grant
27 process for the essential rail assistance program. If the department
28 receives any federal funding, the department is authorized to obligate
29 and spend the federal funds in accordance with federal law. To the
30 extent permissible by federal law, federal funds may be used (e) in
31 addition to state funds appropriated for projects currently identified
32 on the project list referenced in subsection (1)(a) of this section in
33 order to advance funding from future biennia for such project(s) or (f)
34 in lieu of state funds; however, the state funds must be redirected
35 within the rail capital program to advance funding for other projects
36 currently identified on the project list referenced in subsection
37 (1)(a) of this section. State funds may be redirected only upon
38 consultation with the transportation committees of the legislature and

1 the office of financial management, and approval by the director of the
2 office of financial management. The department shall spend the federal
3 funds before the state funds, and shall consult the office of financial
4 management and the transportation committees of the legislature
5 regarding project scope changes.

6 (5) The department shall provide quarterly reports to the office of
7 financial management and the transportation committees of the
8 legislature regarding applications that the department submits for
9 federal funds(~~(7)~~) and the status of such applications(~~(, and the~~
10 ~~status of projects identified on the list referenced in subsection~~
11 ~~(1)(a) of this section. The quarterly report regarding the status of~~
12 ~~projects identified on the list referenced in subsection (1)(a) of this~~
13 ~~section must be developed according to an earned value method of~~
14 ~~project monitoring)).~~

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 (~~(\$20,000,000)~~) \$33,000,000 in proceeds from the sale of
23 bonds authorized in RCW 47.10.867.

24 (~~(7)~~) (8) When the balance of that portion of the miscellaneous
25 program account apportioned to the department for the grain train
26 program reaches \$1,180,000, the department shall acquire twenty-nine
27 additional grain train railcars.

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

35 (10) \$590,000,000 of the multimodal transportation account--federal
36 appropriation is provided solely for high-speed rail projects awarded
37 to Washington state from the high-speed intercity passenger rail

1 program under the American recovery and reinvestment act. Funding will
2 allow for two additional round trips between Seattle and Portland, and
3 other rail improvements.

4 (11) \$1,000,000 of the multimodal transportation account--state
5 appropriation is provided solely for additional expenditures along the
6 Chelatchie Prairie railroad (LN2000025).

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

9 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
10 **CAPITAL**

11	Highway Infrastructure Account--State Appropriation	\$207,000
12	Highway Infrastructure Account--Federal	
13	Appropriation	\$1,602,000
14	Freight Mobility Investment Account--State	
15	Appropriation	((\$13,548,000))
16		<u>\$13,848,000</u>
17	Transportation Partnership Account--State	
18	Appropriation	\$8,863,000
19	Motor Vehicle Account--State Appropriation	((\$12,954,000))
20		<u>\$13,118,000</u>
21	Motor Vehicle Account--Federal Appropriation	((\$39,572,000))
22		<u>\$43,835,000</u>
23	Freight Mobility Multimodal Account--State	
24	Appropriation	((\$14,920,000))
25		<u>\$15,620,000</u>
26	Freight Mobility Multimodal Account--Local	
27	Appropriation	((\$3,135,000))
28		<u>\$3,258,000</u>
29	Multimodal Transportation Account--Federal	
30	Appropriation	((\$2,098,000))
31		<u>\$2,118,000</u>
32	Multimodal Transportation Account--State	
33	Appropriation	((\$28,262,000))
34		<u>\$28,605,000</u>
35	Transportation 2003 Account (Nickel Account)--State	
36	Appropriation	((\$709,000))
37		<u>\$2,709,000</u>

1	Passenger Ferry Account--State Appropriation	\$2,879,000
2	<u>Puyallup Tribal Settlement Account--State</u>	
3	<u>Appropriation</u>	<u>\$5,963,000</u>
4	TOTAL APPROPRIATION	((\$128,749,000))
5		<u>\$142,625,000</u>

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

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

17 (2) \$2,729,000 of the passenger ferry account--state appropriation
18 is provided solely for near and long-term costs of capital improvements
19 in a business plan approved by the governor for passenger ferry
20 service.

21 (3) \$150,000 of the passenger ferry account--state appropriation is
22 provided solely for the Port of Kingston for a one-time operating
23 subsidy needed to retain a federal grant.

24 (4) \$3,000,000 of the motor vehicle account--federal appropriation
25 is provided solely for the Coal Creek parkway project (L1000025).

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

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

33 (7) Federal funds may be transferred from program Z to programs I
34 and P and state funds shall be transferred from programs I and P to
35 program Z to replace those federal funds in a dollar-for-dollar match.
36 Fund transfers authorized under this subsection shall not affect
37 project prioritization status. Appropriations shall initially be
38 allotted as appropriated in this act. The department may not transfer

1 funds as authorized under this subsection without approval of the
2 office of financial management. The department shall submit a report
3 on those projects receiving fund transfers to the office of financial
4 management and the transportation committees of the legislature by
5 December 1, 2009, and December 1, 2010.

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

12 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
13 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
14 vehicle account--federal appropriation, and \$4,000,000 of the
15 transportation partnership account--state appropriation are provided
16 solely for the pedestrian and bicycle safety program projects and safe
17 routes to schools program projects identified in LEAP Transportation
18 Document 2009-A, pedestrian and bicycle safety program projects and
19 safe routes to schools program projects, as developed March 30, 2009,
20 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
21 program projects and safe routes to schools program projects, as
22 developed April 20, 2007, and LEAP Transportation Document 2006-B,
23 pedestrian and bicycle safety program projects and safe routes to
24 schools program projects, as developed March 8, 2006. Projects must be
25 allocated funding based on order of priority. The department shall
26 review all projects receiving grant awards under this program at least
27 semiannually to determine whether the projects are making satisfactory
28 progress. Any project that has been awarded funds, but does not report
29 activity on the project within one year of the grant award must be
30 reviewed by the department to determine whether the grant should be
31 terminated. The department shall promptly close out grants when
32 projects have been completed, and identify where unused grant funds
33 remain because actual project costs were lower than estimated in the
34 grant award.

35 (10) Except as provided otherwise in this section, the entire
36 appropriations in this section are provided solely for the projects and
37 activities as listed by fund, project, and amount in LEAP

1 Transportation Document ALL PROJECTS ((2009-2)) 2010-1 as developed
2 ((~~April 24, 2009~~)) February 22, 2010, Program(~~(S)~~) - Local Program (Z).

3 (11) For the 2009-11 project appropriations, unless otherwise
4 provided in this act, the director of financial management may
5 authorize a transfer of appropriation authority between projects
6 managed by the freight mobility strategic investment board in order for
7 the board to manage project spending and efficiently deliver all
8 projects in the respective program.

9 (12) ((~~\$913,386~~)) \$913,000 of the motor vehicle account--state
10 appropriation and ((~~\$2,858,216~~)) \$2,858,000 of the motor vehicle
11 account--federal appropriation are provided solely for completion of
12 the US 101 northeast peninsula safety rest area and associated roadway
13 improvements east of Port Angeles at the Deer Park scenic view point.
14 The department must surplus any right-of-way previously purchased for
15 this project near Sequim. Approval to proceed with construction is
16 contingent on surplus of previously purchased right-of-way. \$865,000
17 of the motor vehicle account--state appropriation is to be placed into
18 unallotted status until such time as the right-of-way sale is
19 completed.

20 (13) Up to \$3,702,000 of the motor vehicle account--federal
21 appropriation and \$75,000 of the motor vehicle account--state
22 appropriation are for the SR 908 - Pavement Rehabilitation project
23 (1LP611A). The amount provided in this subsection is contingent on the
24 enactment by June 30, 2010, of either Senate Bill No. 6555 or House
25 Bill No. 2918.

26 (14) \$5,963,000 of the Puyallup tribal settlement account--state
27 appropriation is provided solely for costs associated with the Murray
28 Morgan/11th Street bridge project. The city of Tacoma may use the
29 Puyallup tribal settlement account appropriation and other appropriated
30 funds for bridge rehabilitation, bridge replacement, bridge demolition,
31 and related mitigation. The department's participation, including
32 prior expenditures, may not exceed \$39,953,000. The city of Tacoma has
33 taken ownership of the bridge in its entirety, and the payment of these
34 funds extinguishes any real or implied agreements regarding future
35 bridge expenditures.

36 (15) The department shall consider the condition of the Broadway
37 bridge in the city of Everett when prioritizing bridge projects.

1 TRANSFERS AND DISTRIBUTIONS

2 Sec. 401. 2009 c 470 s 401 (uncodified) is amended to read as
3 follows:

4 FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING
5 BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND
6 DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND
7 REVENUE

8	Highway Bond Retirement Account Appropriation	((\$742,400,000))
9		<u>\$733,338,000</u>
10	Ferry Bond Retirement Account Appropriation	\$33,771,000
11	Transportation Improvement Board Bond Retirement	
12	Account--State Appropriation	((\$22,541,000))
13		<u>\$21,541,000</u>
14	Nondebt-Limit Reimbursable Account Appropriation	((\$18,400,000))
15		<u>\$17,972,000</u>
16	Transportation Partnership Account--State	
17	Appropriation	((\$8,318,000))
18		<u>\$2,273,000</u>
19	Motor Vehicle Account--State Appropriation	((\$901,000))
20		<u>\$320,000</u>
21	Transportation 2003 Account (Nickel Account)--State	
22	Appropriation	((\$4,116,000))
23		<u>\$1,054,000</u>
24	Special Category C Account--State Appropriation	((\$148,000))
25		<u>\$45,000</u>
26	Urban Arterial Trust Account--State Appropriation	\$85,000
27	Transportation Improvement Account--State Appropriation	\$41,000
28	Multimodal Transportation Account--State Appropriation	((\$283,000))
29		<u>\$55,000</u>
30	<u>State Route Number 520 Corridor Account--State</u>	
31	<u>Appropriation</u>	<u>\$724,000</u>
32	TOTAL APPROPRIATION	((\$831,004,000))
33		<u>\$811,219,000</u>

34 Sec. 402. 2009 c 470 s 402 (uncodified) is amended to read as
35 follows:

36 FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING

1 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
2 **FISCAL AGENT CHARGES**

3	Transportation Partnership Account--State	
4	Appropriation	(((\$523,000))
5		<u>\$392,000</u>
6	Motor Vehicle Account--State Appropriation	(((\$57,000))
7		<u>\$56,000</u>
8	Transportation 2003 Account (Nickel Account)--State	
9	Appropriation	(((\$259,000))
10		<u>\$182,000</u>
11	Special Category C Account--State Appropriation	(((\$10,000))
12		<u>\$8,000</u>
13	Urban Arterial Trust Account--State Appropriation	\$5,000
14	Transportation Improvement Account--State Appropriation	\$3,000
15	Multimodal Transportation Account--State Appropriation	(((\$18,000))
16		<u>\$10,000</u>
17	<u>State Route Number 520 Corridor Account--State</u>	
18	<u>Appropriation</u>	<u>\$125,000</u>
19	TOTAL APPROPRIATION	(((\$875,000))
20		<u>\$781,000</u>

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

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

25 Motor Vehicle Account--State Appropriation:

26	For transfer to the Puget Sound Capital Construction	
27	Account	(((\$118,000,000))
28		<u>\$114,000,000</u>

29 The department of transportation is authorized to sell up to
30 (((\$118,000,000)) \$114,000,000 in bonds authorized by RCW 47.10.843 for
31 vessel and terminal acquisition, major and minor improvements, and long
32 lead-time materials acquisition for the Washington state ferries.

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

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

- 36 (1) Tacoma Narrows Toll Bridge Account--State

1 Appropriation: For transfer to the Motor Vehicle
 2 Account--State \$5,288,000
 3 (2) Motor Vehicle Account--State Appropriation:
 4 For transfer to the Puget Sound Ferry Operations
 5 Account--State (((\$17,000,000))
 6 \$53,000,000
 7 (3) Recreational Vehicle Account--State
 8 Appropriation: For transfer to the Motor Vehicle
 9 Account--State \$2,000,000
 10 (4) License Plate Technology Account--State
 11 Appropriation: For transfer to the Highway Safety
 12 Account--State \$2,750,000
 13 (5) Multimodal Transportation Account--State
 14 Appropriation: For transfer to the Puget Sound
 15 Ferry Operations Account--State \$9,000,000
 16 (6) Highway Safety Account--State Appropriation:
 17 For transfer to the Multimodal Transportation
 18 Account--State \$18,750,000
 19 (7) Department of Licensing Services Account--State
 20 Appropriation: For transfer to the Motor Vehicle
 21 Account--State (((\$2,000,000))
 22 \$1,500,000
 23 (8) Advanced Right-of-Way Account: For transfer
 24 to the Motor Vehicle Account--State \$14,000,000
 25 (9) (~~Motor Vehicle Account--State Appropriation:~~
 26 ~~For transfer to the Transportation Partnership~~
 27 ~~Account--State \$8,000,000))
 28 Motor Vehicle Account--State Appropriation: For
 29 transfer to the State Patrol Highway Account--State \$6,000,000
 30 (10) Regional Mobility Grant Program Account--State
 31 Appropriation: For transfer to the Multimodal
 32 Transportation Account--State \$14,000,000
 33 (11) Advanced Environmental Mitigation Revolving
 34 Account--State Appropriation: For transfer to the
 35 Multimodal Transportation Account--State \$5,000,000~~

36 The transfers identified in this section are subject to the
 37 following conditions and limitations: The amount transferred in
 38 subsection (1) of this section represents repayment of operating loans

1 and reserve payments provided to the Tacoma Narrows toll bridge account
2 from the motor vehicle account in the 2005-07 fiscal biennium.
3 However, if Engrossed Substitute Senate Bill No. 6499 is enacted by
4 June 30, 2010, the transfer in subsection (1) of this section shall not
5 occur.

6 **COMPENSATION**

7 NEW SECTION. **Sec. 501. COMPENSATION.** The appropriations for
8 state agencies are subject to the following conditions and limitations:
9 State employee compensation adjustments will be provided in accordance
10 with funding adjustments provided in the 2010 supplemental omnibus
11 appropriations act.

12 **IMPLEMENTING PROVISIONS**

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

15 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
16 submittal (~~for the 2011-13 fiscal biennium~~), the department shall
17 provide an annual update to the report provided to the legislature in
18 2008 that:

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

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

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

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

30 (5) Identifies contingency amounts allocated to projects.

1 NEW SECTION. **Sec. 602.** Any redistributed federal funds received
2 by the department of transportation must, to the greatest extent
3 possible, be first applied to offset planned expenditures of state
4 funds, and second, to offset planned expenditures of federal funds, on
5 projects as identified in the LEAP transportation documents described
6 in this act. If the redistributed federal funds cannot be used in this
7 manner, the department of transportation must consult with the joint
8 transportation committee prior to obligating any redistributed federal
9 funds.

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

12 **FUND TRANSFERS.** (1) The transportation 2003 projects or
13 improvements and the 2005 transportation partnership projects or
14 improvements are listed in LEAP Transportation Document ((2009-1)
15 2010-1 as developed ((~~April 24, 2009~~)) February 22, 2010, which
16 consists of a list of specific projects by fund source and amount over
17 a sixteen year period. Current fiscal biennium funding for each
18 project is a line item appropriation, while the outer year funding
19 allocations represent a sixteen year plan. The department is expected
20 to use the flexibility provided in this section to assist in the
21 delivery and completion of all transportation partnership account and
22 transportation 2003 (nickel) account projects on the LEAP lists
23 referenced in this act. For the 2009-11 project appropriations, unless
24 otherwise provided in this act, the director of financial management
25 may authorize a transfer of appropriation authority between projects
26 funded with transportation 2003 account (nickel account)
27 appropriations, or transportation partnership account appropriations,
28 ((~~or multimodal transportation account appropriations,~~)) in order to
29 manage project spending and efficiently deliver all projects in the
30 respective program under the following conditions and limitations:

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

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

36 (c) Each transfer between projects may only occur if the director
37 of financial management finds that any resulting change will not hinder

1 the completion of the projects as approved by the legislature. Until
2 the legislature reconvenes to consider the 2010 supplemental budget,
3 any unexpended 2007-09 appropriation balance as approved by the office
4 of financial management, in consultation with the legislative staff of
5 the house of representatives and senate transportation committees, may
6 be considered when transferring funds between projects;

7 (d) Transfers from a project may be made if the funds appropriated
8 to the project are in excess of the amount needed to complete the
9 project;

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

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

15 (g) Transfers between projects may be made by the department of
16 transportation until the transfer amount by project exceeds two hundred
17 fifty thousand dollars, or ten percent of the project, whichever is
18 less. These transfers must be reported quarterly to the director of
19 financial management and the chairs of the house of representatives and
20 senate transportation committees.

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

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

27 (4) The office of financial management shall document approved
28 transfers and/or schedule changes in the transportation executive
29 information system (TEIS), compare changes to the legislative baseline
30 funding and schedules identified by project identification number
31 identified in the LEAP lists adopted in this act, and transmit revised
32 project lists to chairs of the transportation committees of the
33 legislature on a quarterly basis.

34 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

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

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

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

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

19 (4) For the 2009-2011 fiscal biennium, the Washington state ferries
20 is required to use a minimum of five percent biodiesel B5 blend as
21 compared to total volume of all diesel purchases made by the Washington
22 state ferries for the operation of the Washington state ferries diesel-
23 powered vessels so long as the per gallon price of diesel containing a
24 five percent biodiesel blend level does not exceed the per gallon price
25 of diesel by more than five percent. If the per gallon price of diesel
26 containing a five percent biodiesel blend level exceeds the per gallon
27 price of diesel by more than five percent, the requirements of this
28 section do not apply to vessel fuel purchases by the Washington state
29 ferries.

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

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

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

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

3 (1) The secretary of transportation may transfer and convey to the
4 United States, its agencies or instrumentalities, to any other state
5 agency, to any county or city or port district of this state, or to any
6 public utility company, any unused state-owned real property under the
7 jurisdiction of the department of transportation when, in the judgment
8 of the secretary of transportation and the attorney general, the
9 transfer and conveyance is consistent with public interest. Whenever
10 the secretary makes an agreement for any such transfer or conveyance,
11 and the attorney general concurs therein, the secretary shall execute
12 and deliver unto the grantee a deed of conveyance, easement, or other
13 instrument, duly acknowledged, as shall be necessary to fulfill the
14 terms of the aforesaid agreement. All moneys paid to the state of
15 Washington under any of the provisions hereof shall be deposited in the
16 motor vehicle fund.

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

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

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

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

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

35 (4) During the 2009-2011 fiscal biennium, the legislature may
36 transfer from the regional mobility grant program account to the

1 multimodal transportation account such amounts as reflect the excess
2 fund balance of the regional mobility grant program account.

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

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

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

11 (2) All moneys received by the department from internal and
12 external sources for the purposes of conducting advanced environmental
13 mitigation; and

14 (3) Interest gained from the management of the advanced
15 environmental mitigation revolving account.

16 (4) During the 2009-2011 fiscal biennium, the legislature may
17 transfer from the advanced environmental mitigation revolving account
18 to the multimodal transportation account such amounts as reflect the
19 excess fund balance of the advanced environmental mitigation revolving
20 account.

21 **MISCELLANEOUS**

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

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

(End of bill)

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