
Proposed Senate 2011-13 Transportation Budget

Senate Transportation Committee
March 22, 2011

Budget Highlights

Budget Bill – PSSB 5176

Agency Detail

Project List Comparison

LEAP Documents Referenced in Budget

Tab 1--All Projects

Tab 2--Nickel/TPA Highway Projects

Tab 3--Pedestrian and Bicycle Safety Program Projects and Safe
Routes to School Program Projects

Tab 4--Regional Mobility Grant Program



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

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

14 **2011-2013 FISCAL BIENNIUM**

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

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

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

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

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

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

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

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

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

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

25 **2011-2013 FISCAL BIENNIUM**
26 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 Motor Vehicle Account--State Appropriation \$1,296,000

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

5 (1) \$150,000 of the motor vehicle account--state appropriation is
6 for a study of Washington state ferries fares that recommends the most
7 appropriate fare media for use with the reservation system and the
8 implementation of demand management pricing. The study must include
9 input from the transportation commission.

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

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

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

18 Multimodal Transportation Account--State Appropriation \$112,000

19 TOTAL APPROPRIATION \$2,237,000

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

22 (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,
23 during the 2011-2013 fiscal biennium, the legislature authorizes the
24 transportation commission to periodically review and, if necessary,
25 adjust the schedule of fares for the Washington state ferry system only
26 in amounts not greater than those sufficient to generate the amount of
27 revenue required by the biennial transportation budget. When adjusting
28 ferry fares, the commission must consider input from affected ferry
29 users by public hearing and by review with the affected ferry advisory
30 committees, in addition to the data gathered from the current ferry
31 user survey.

32 (2) Consistent with RCW 43.135.055 and 47.56.403, during the
33 2011-2013 fiscal biennium, the legislature authorizes the
34 transportation commission to periodically review and, if necessary,
35 adjust the schedule of toll charges applicable to the state route
36 number 167 high occupancy toll lane pilot project only in amounts not
37 greater than those sufficient to effectively maintain travel time,

1 speed, and reliability on the facility such that average vehicle speeds
2 in the lane remain above forty-five miles per hour at least ninety
3 percent of the time during peak hours.

4 (3) Consistent with RCW 43.135.055 and 47.46.100, during the
5 2011-2013 fiscal biennium, the legislature authorizes the
6 transportation commission to periodically review and, if necessary,
7 adjust the schedule of toll charges applicable to the Tacoma Narrows
8 bridge only in amounts not greater than those sufficient to support (a)
9 any required costs for operating and maintaining the toll bridge,
10 including the cost of insurance, (b) any amount required by law to meet
11 the redemption of bonds and applicable interest payments, and (c)
12 repayment of the motor vehicle fund.

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

18 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
19 **INVESTMENT BOARD**

20 Motor Vehicle Account--State Appropriation \$649,000

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

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

32 State Patrol Highway Account--State
33 Appropriation \$348,311,000
34 State Patrol Highway Account--Federal
35 Appropriation \$10,903,000
36 State Patrol Highway Account--Private/Local

1 Appropriation \$3,369,000
2 TOTAL APPROPRIATION \$362,583,000

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

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

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

22 (3) \$370,000 of the state patrol highway account--state
23 appropriation is provided solely for costs associated with the pilot
24 program described under section 216(5) of this act. The Washington
25 state patrol may incur costs related only to the assignment of cadets
26 and necessary computer equipment and to the reimbursement of the
27 Washington state department of transportation for contract costs. The
28 appropriation in this subsection must be funded from the portion of the
29 automated traffic safety camera fines deposited into the state patrol
30 highway account; however, if the fines deposited into the state patrol
31 highway account from automated traffic safety camera infractions do not
32 reach three hundred seventy thousand dollars, the department of
33 transportation shall remit funds necessary to the Washington state
34 patrol to ensure the completion of the pilot program. The Washington
35 state patrol may not incur overtime as a result of this pilot program.
36 The Washington state patrol shall not assign troopers to operate or
37 deploy the pilot program equipment used in the roadway construction
38 zones.

1 (4) \$12,655,000 of the total appropriation is provided solely for
2 automobile fuel in the 2011-2013 fiscal biennium. The Washington state
3 patrol shall analyze their fuel consumption and submit a report to the
4 legislative transportation committees by December 31, 2011, on fuel
5 conservation methods that could be used to minimize costs and ensure
6 that the Washington state patrol is managing fuel consumption
7 effectively.

8 (5) \$7,421,000 of the total appropriation is provided solely for
9 the purchase of pursuit vehicles.

10 (6) \$6,611,000 of the total appropriation is provided solely for
11 vehicle repair and maintenance costs of vehicles used for highway
12 purposes.

13 (7) \$1,724,000 of the total appropriation is provided solely for
14 the purchase of mission vehicles used for highway purposes in the
15 commercial vehicle and traffic investigation sections of the Washington
16 state patrol.

17 (8) \$1,200,000 of the total appropriation is provided solely for
18 outfitting officers. The Washington state patrol shall prepare a cost-
19 benefit analysis of the standard trooper uniform as compared to a
20 battle dress uniform and uniforms used by other states and
21 jurisdictions. The Washington state patrol shall report the results of
22 the analysis to the transportation committees of the legislature by
23 December 1, 2011.

24 (9) \$2,289,000 of the total appropriation is provided solely for
25 debt service payments on certificates of participation for mobile
26 office platforms and the narrowband transition identified in section
27 301 of this act.

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

29	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
30	Motorcycle Safety Education Account--State	
31	Appropriation	\$4,394,000
32	Wildlife Account--State Appropriation	\$847,000
33	Highway Safety Account--State Appropriation	\$148,187,000
34	Highway Safety Account--Federal Appropriation	\$2,884,000
35	Motor Vehicle Account--State Appropriation	\$80,076,000
36	Motor Vehicle Account--Private/Local Appropriation	\$1,378,000
37	Motor Vehicle Account--Federal Appropriation	\$242,000

1 licenses and identicards. If funds are received, the department shall
2 report any benefits or problems identified during the course of the
3 pilot program to the transportation committees of the legislature upon
4 the completion of the program.

5 (8) \$3,126,000 of the highway safety account--federal appropriation
6 is for federal funds that may be received during the 2011-2013 fiscal
7 biennium. Upon receipt of the funds, the department shall provide a
8 report on the use of the funds to the transportation committees of the
9 legislature and the office of financial management.

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

12 High Occupancy Toll Lanes Operations Account--State

13	Appropriation	\$517,000
14	Motor Vehicle Account--State Appropriation	\$543,000
15	Tacoma Narrows Toll Bridge Account--State	
16	Appropriation	\$23,369,000
17	State Route Number 520 Corridor Account--State	
18	Appropriation	\$33,373,000
19	State Route Number 520 Civil Penalties	
20	Account--State Appropriation	\$4,646,000
21	TOTAL APPROPRIATION	\$62,448,000

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

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

30 (2) \$33,373,000 of the state route number 520 corridor account--
31 state appropriation is provided solely for the costs directly related
32 to tolling the state route number 520 floating bridge. Of this amount,
33 \$8,800,000 must be retained in unallotted status, and may only be
34 released by the office of financial management as the need arises.

35 (3) \$4,646,000 of the state route number 520 civil penalties
36 account--state appropriation and \$1,465,000 of the Tacoma Narrows toll
37 bridge account--state appropriation are provided solely for

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

11 (4) It is the intent of the legislature that transitioning to a
 12 statewide tolling operations center and preparing for all-electronic
 13 tolling on certain toll facilities will have no adverse revenue or
 14 expenditure impact on the Tacoma Narrows toll bridge account. Any
 15 increased costs related to this transition shall not be allocated to
 16 the Tacoma Narrows toll bridge account. All costs associated with the
 17 toll adjudication process are anticipated to be covered by revenue
 18 collected from the toll adjudication process.

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

21	Motor Vehicle Account--State Appropriation	\$76,217,000
22	Transportation Partnership Account--State	
23	Appropriation	\$1,460,000
24	Multimodal Transportation Account--State	
25	Appropriation	\$363,000
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation	\$1,460,000
28	TOTAL APPROPRIATION	\$79,500,000

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

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

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

5 (3) \$210,000 of the motor vehicle account--state appropriation is
6 provided solely for the department's compliance with its national
7 pollution discharge elimination system permit.

8 (4) \$8,186,000 of the motor vehicle account--state appropriation is
9 provided solely for implementation and acquisition of a time, leave,
10 and labor distribution system. Beginning December 1, 2011, and on a
11 quarterly basis thereafter, the department shall report to the office
12 of financial management and the transportation committees of the
13 legislature on the status of the development and integration of the
14 system. The first report must include a detailed work plan for the
15 development and integration of the system, including timelines and
16 budget milestones. At a minimum, the ensuing reports must indicate the
17 status of the work as it compares to the work plan, any discrepancies,
18 and proposed adjustments necessary to bring the project back on
19 schedule or budget if necessary. It is the intent of the legislature
20 that the state auditor will have an advisory role in the implementation
21 and acquisition of the time, leave, and labor distribution system. It
22 is further the intent of the legislature that if any portion of the
23 system is leveraged in the future for the time, leave, and labor
24 distribution of any other agencies, the motor vehicle account will be
25 reimbursed proportionally for the development of the system.

26 (5) \$1,313,000 of the motor vehicle account--state appropriation is
27 provided solely for debt service payments on certificates of
28 participation for the time, leave, and labor distribution system
29 identified in subsection (4) of this section.

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

33 The appropriation in this section is subject to the following
34 conditions and limitations: The department shall submit a predesign
35 proposal for a new traffic management center to the office of financial
36 management consistent with the process followed by nontransportation
37 capital construction projects. The department shall not award a

1 contract for construction of a new traffic management center until the
2 predesign proposal has been submitted and the office of financial
3 management has completed a budget evaluation study that indicates a new
4 building is the recommended option for accommodating additional traffic
5 management operations. The department shall notify the transportation
6 committees of the legislature when any building is being considered for
7 purchase, new construction, or as part of an equal value exchange when
8 the value is estimated to be over five hundred thousand dollars.

9 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
10 **AVIATION--PROGRAM F**

11	Aeronautics Account--State Appropriation	\$6,037,000
12	Aeronautics Account--Federal Appropriation	\$2,150,000
13	TOTAL APPROPRIATION	\$8,187,000

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

16	Motor Vehicle Account--State Appropriation	\$44,726,000
17	Motor Vehicle Account--Federal Appropriation	\$500,000
18	Multimodal Transportation Account--State	
19	Appropriation	\$250,000
20	TOTAL APPROPRIATION	\$45,476,000

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

23 (1) The department shall provide updated information on six project
24 milestones for all active projects, funded in part or in whole with
25 2005 transportation partnership account funds or 2003 nickel account
26 funds, on a quarterly basis in the transportation executive information
27 system (TEIS). The department shall also provide updated information
28 on six project milestones for projects, funded with preexisting funds
29 and that are agreed to by the legislature, office of financial
30 management, and the department, on a quarterly basis in TEIS.

31 (2) \$1,754,000 of the motor vehicle account--state appropriation is
32 provided solely for the department's compliance with its national
33 pollution discharge elimination system permit.

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

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

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

23	Motor Vehicle Account--State Appropriation	\$594,000
24	Multimodal Transportation Account--State Appropriation	\$50,000
25	TOTAL APPROPRIATION	\$644,000

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

28	Motor Vehicle Account--State Appropriation	\$372,558,000
29	Motor Vehicle Account--Federal Appropriation	\$7,000,000
30	TOTAL APPROPRIATION	\$379,558,000

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

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

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

3 (2) \$7,000,000 of the motor vehicle account--state appropriation is
4 provided solely for third-party damages to the highway system where the
5 responsible party is known and reimbursement is anticipated. The
6 department shall request an unanticipated receipt for any private or
7 local funds received for reimbursements of third-party damages that are
8 in excess of this appropriation.

9 (3) \$7,000,000 of the motor vehicle account--federal appropriation
10 is for unanticipated federal funds that may be received during the
11 2011-2013 fiscal biennium. Upon receipt of the funds, the department
12 shall provide a report on the use of the funds to the transportation
13 committees of the legislature and the office of financial management.

14 (4) The department may work with the department of corrections to
15 utilize corrections crews for the purposes of litter pickup on state
16 highways.

17 (5) \$6,530,000 of the motor vehicle account--state appropriation is
18 provided solely for the department's compliance with its national
19 pollution discharge elimination system permit.

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

24 (7) \$500,000 of the motor vehicle account--state appropriation is
25 provided solely for the high priority maintenance backlog. Addressing
26 the maintenance backlog must result in increased levels of service. If
27 chapter . . . (Substitute Senate Bill No. 5251), Laws of 2011 (electric
28 vehicle fee) is not enacted by June 30, 2011, the amount provided in
29 this subsection lapses.

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

32	Motor Vehicle Account--State Appropriation	\$49,536,000
33	Motor Vehicle Account--Federal Appropriation	\$2,050,000
34	Motor Vehicle Account--Private/Local Appropriation	\$127,000
35	TOTAL APPROPRIATION	\$51,713,000

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

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

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

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

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

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

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

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

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

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

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

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

37 (f) If a notice of infraction is sent to the registered owner and
38 the registered owner is a rental car business, the infraction must be

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

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

16 Motor Vehicle Account--State Appropriation	\$27,982,000
17 Motor Vehicle Account--Federal Appropriation	\$30,000
18 Multimodal Transportation Account--State	
19 Appropriation	\$973,000
20 TOTAL APPROPRIATION	\$28,985,000

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

23 Motor Vehicle Account--State Appropriation	\$22,641,000
24 Motor Vehicle Account--Federal Appropriation	\$21,885,000
25 Multimodal Transportation Account--State	
26 Appropriation	\$662,000
27 Multimodal Transportation Account--Federal	
28 Appropriation	\$2,809,000
29 Multimodal Transportation Account--Private/Local	
30 Appropriation	\$100,000
31 TOTAL APPROPRIATION	\$48,097,000

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

- 34 (1) \$70,000 of the motor vehicle account--state appropriation is a
35 reappropriation provided solely for a corridor study of state route

1 number 516 from the eastern border of Maple Valley to state route
2 number 167 to determine whether improvements are needed and the costs
3 of any needed improvements.

4 (2) The total appropriation provided in this section assumes
5 enactment of chapter . . . (Substitute Senate Bill No. 5128), Laws of
6 2011 (statewide transportation planning) and reflects an accompanying
7 cost savings of at least five hundred thousand dollars.

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

10	Motor Vehicle Account--State Appropriation	\$85,209,000
11	Motor Vehicle Account--Federal Appropriation	\$400,000
12	Multimodal Transportation Account--State	
13	Appropriation	\$3,320,000
14	TOTAL APPROPRIATION	\$88,929,000

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

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

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

23 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
24 DIVISION OF RISK MANAGEMENT FEES \$1,639,000

25 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE
26 STATE AUDITOR \$937,000

27 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
28 GENERAL ADMINISTRATION \$6,060,000

29 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
30 PERSONNEL \$6,347,000

31 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
32 PREMIUMS AND ADMINISTRATION \$44,418,000

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

34 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
35 ENTERPRISES \$1,008,000

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

1 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
 2 DEPARTMENT OF INFORMATION SERVICES \$1,980,000
 3 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
 4 GENERAL'S OFFICE \$8,526,000
 5 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
 6 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
 7 LITIGATION \$672,000

8 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
 9 **PUBLIC TRANSPORTATION--PROGRAM V**

10 State Vehicle Parking Account--State Appropriation \$452,000
 11 Regional Mobility Grant Program Account--State
 12 Appropriation \$48,942,000
 13 Multimodal Transportation Account--State
 14 Appropriation \$58,085,000
 15 Multimodal Transportation Account--Federal
 16 Appropriation \$2,582,000
 17 Multimodal Transportation Account--Private/Local
 18 Appropriation \$1,027,000
 19 TOTAL APPROPRIATION \$111,088,000

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

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

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

32 (b) \$19,500,000 of the amount provided in this subsection is
 33 provided solely for grants to transit agencies to transport persons
 34 with special transportation needs. To receive a grant, the transit
 35 agency must have a maintenance of effort for special needs
 36 transportation that is no less than the previous year's maintenance of
 37 effort for special needs transportation. Grants for transit agencies

1 must be prorated based on the amount expended for demand response
2 service and route deviated service in calendar year 2009 as reported in
3 the "Summary of Public Transportation - 2009" published by the
4 department of transportation. No transit agency may receive more than
5 thirty percent of these distributions.

6 (2) Funds are provided for the rural mobility grant program as
7 follows:

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

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

19 (3) \$5,614,000 of the multimodal transportation account--state
20 appropriation is provided solely for a vanpool grant program for: (a)
21 Public transit agencies to add vanpools or replace vans; and (b)
22 incentives for employers to increase employee vanpool use. The grant
23 program for public transit agencies will cover capital costs only.
24 Operating costs for public transit agencies are not eligible for
25 funding under this grant program. Additional employees may not be
26 hired from the funds provided in this section for the vanpool grant
27 program, and supplanting of transit funds currently funding vanpools is
28 not allowed. The department shall encourage grant applicants and
29 recipients to leverage funds other than state funds. At least
30 \$1,600,000 of this amount must be used for vanpool grants in congested
31 corridors.

32 (4) \$8,942,000 of the regional mobility grant program account--
33 state appropriation is reappropriated and provided solely for the
34 regional mobility grant projects identified in LEAP Transportation
35 Document 2007-B, as developed April 20, 2007, or LEAP Transportation
36 Document 2009-B, as developed April 24, 2009. The department shall
37 continue to review all projects receiving grant awards under this
38 program at least semiannually to determine whether the projects are

1 making satisfactory progress. The department shall promptly close out
2 grants when projects have been completed, and any remaining funds must
3 be used only to fund projects identified in: LEAP Transportation
4 Document 2007-B, as developed April 20, 2007; LEAP Transportation
5 Document 2009-B, as developed April 24, 2009; or LEAP Transportation
6 Document 2011-B, as developed March 22, 2011. It is the intent of the
7 legislature to appropriate funds through the regional mobility grant
8 program only for projects that will be completed on schedule and that
9 all funds in the regional mobility grant program be used as soon as
10 practicable to advance eligible projects.

11 (5) \$40,000,000 of the regional mobility grant program account--
12 state appropriation is provided solely for the regional mobility grant
13 projects identified in LEAP Transportation Document 2011-B, as
14 developed March 22, 2011. The department shall review all projects
15 receiving grant awards under this program at least semiannually to
16 determine whether the projects are making satisfactory progress. Any
17 project that has been awarded funds, but does not report activity on
18 the project within one year of the grant award, must be reviewed by the
19 department to determine whether the grant should be terminated. The
20 department shall promptly close out grants when projects have been
21 completed, and any remaining funds must be used only to fund projects
22 identified in LEAP Transportation Document 2011-B, as developed March
23 22, 2011. The department shall provide annual status reports on
24 December 15, 2011, and December 15, 2012, to the office of financial
25 management and the transportation committees of the legislature
26 regarding the projects receiving the grants. It is the intent of the
27 legislature to appropriate funds through the regional mobility grant
28 program only for projects that will be completed on schedule.

29 (6) \$2,309,000 of the multimodal transportation account--state
30 appropriation is provided solely for the tri-county connection service
31 for Island, Skagit, and Whatcom transit agencies.

32 (7) \$200,000 of the multimodal transportation account--state
33 appropriation is contingent on the timely development of an annual
34 report summarizing the status of public transportation systems as
35 identified under RCW 35.58.2796.

36 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**

1 **MARINE--PROGRAM X-1 (ADMINISTRATION)**

2 Puget Sound Ferry Operations Account--State

3 Appropriation \$52,936,000

4 Puget Sound Capital Construction Account--State

5 Appropriation \$21,395,000

6 TOTAL APPROPRIATION \$74,331,000

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

9 (1) The office of financial management budget instructions require
10 agencies to recast enacted budgets into activities. The Washington
11 state ferries shall include a greater level of detail in its 2011-2013
12 supplemental and 2013-2015 omnibus transportation appropriations act
13 requests, as determined jointly by the office of financial management,
14 the Washington state ferries, and the transportation committees of the
15 legislature.

16 (2) \$1,100,000 of the Puget Sound ferry operations account--state
17 appropriation is provided solely for a marketing program.

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

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

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

25 (d) The department shall present to the transportation committees
26 of the legislature its plan to increase ridership to meet the
27 underlying assumptions of its long range strategic plan by October 1,
28 2011.

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

32 (4) The legislature finds that measuring the performance of the
33 Washington state ferries requires the measurement of quality,
34 timeliness, and unit cost of services delivered to customers.
35 Consequently, the department must develop a set of metrics that measure
36 that performance and report to the transportation committees of the
37 legislature and the office of financial management on the development

1 of these measurements along with recommendations to the 2012
2 legislature.

3 (5) The department shall continue to identify process changes that
4 will improve on-time performance on a route-by-route basis and to look
5 into the slowing down of vessels for fuel economy purposes and touch-
6 and-go sailings on peak runs. The department shall report its findings
7 to the transportation committees of the legislature by December 1,
8 2011.

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

14 (7) The department shall request from the United States coast guard
15 variable minimum staffing levels on all of its vessels by December 31,
16 2011.

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

19 (9) The department shall provide quarterly reports to the
20 transportation committees of the legislature outlining wages and
21 benefits provided to employees.

22 (10) \$7,077,000 of the motor vehicle account--state appropriation
23 is provided solely for the reservation and communications system
24 project.

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

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

33 (13) The department shall, on a quarterly basis, report to the
34 transportation committees of the legislature statistics regarding its
35 on-time arrival and departure performance of peak-direction and peak-
36 time runs on a route-by-route and month-by-month basis. The statistics
37 must include reasons for any delays over five minutes and any delays
38 over ten minutes from the scheduled time. These statistics must also

1 be prominently displayed at its terminals, on its vessels, and on its
2 web site. Peak times for the Mukilteo/Canton, Edmonds/Kingston,
3 Seattle/Bainbridge, Seattle/Bremerton, Fauntleroy/Southworth/Vashon,
4 and Point Defiance/Tahlequah routes means weekdays from 5:00 a.m. to
5 9:00 a.m. and 3:00 p.m. to 7:00 p.m. Peak times for the Coupeville
6 (Keystone)/Port Townsend and Anacortes/San Juan islands routes means
7 Fridays from 3:00 p.m. to closing, Saturdays all day, Sundays all day,
8 holidays all day, and Mondays from opening to 12:00 p.m.

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

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

17 (16) The department shall continue to provide service to Sidney,
18 British Columbia and shall explore the world market and investigate the
19 option of purchasing a foreign-built vehicle and passenger ferry vessel
20 with, or with the ability to be retrofitted with, safety of life at sea
21 (SOLAS) certification to operate solely on the Anacortes to Sidney,
22 British Columbia route currently served by vessels of the Washington
23 state ferries fleet. The vessel should have the capability of carrying
24 at least one hundred standard vehicles and approximately four hundred
25 to five hundred passengers. Further, the department shall explore the
26 possibilities of contracting with a commercial company to operate the
27 vessel exclusively on this route, assuming the contractor's employees
28 assigned to the vessel are represented by the same employee
29 organizations as the Washington state ferries. The department shall
30 submit its findings to the office of financial management and the
31 transportation committees of the legislature by December 15, 2011.

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

34 Puget Sound Ferry Operations Account--State
35 Appropriation \$310,255,000

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

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

5 (2) The office of financial management budget instructions require
6 agencies to recast enacted budgets into activities. The Washington
7 state ferries shall include a greater level of detail in its 2011-2013
8 supplemental and 2013-2015 omnibus transportation appropriations act
9 requests, as determined jointly by the office of financial management,
10 the Washington state ferries, and the transportation committees of the
11 legislature.

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

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

18 (5) The department shall target service reductions as required to
19 fit appropriation levels such that the shortening of shoulder seasons
20 and elimination of off-peak runs on all routes are considered.

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

23 Puget Sound Ferry Operations Account--State
24 Appropriation \$52,480,000

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

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

34 (2) The department shall provide quarterly reports to the
35 transportation committees of the legislature outlining wages and
36 benefits provided to employees.

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

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

6 Puget Sound Ferry Operations Account--State
7 Appropriation \$34,658,000

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

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

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

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

18 Puget Sound Ferry Operations Account--State
19 Appropriation \$16,574,000

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

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

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

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

30 Multimodal Transportation Account--State
31 Appropriation \$29,657,000
32 Multimodal Transportation Account--Federal
33 Appropriation \$300,000
34 TOTAL APPROPRIATION \$29,957,000

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

3 (1) \$24,091,000 of the multimodal transportation account--state
4 appropriation is provided solely for the Amtrak service contract and
5 Talgo maintenance contract associated with providing and maintaining
6 state-supported passenger rail service. The department is directed to
7 continue to pursue efforts to reduce costs, increase ridership, and
8 review fares or fare schedules. Within thirty days of each annual
9 ridership/revenue reconciliation under the Amtrak service contract, the
10 department shall report annual credits to the office of financial
11 management and the legislative transportation committees. Annual
12 credits from Amtrak to the department including, but not limited to,
13 credits for increased revenue due to higher ridership, and fare or fare
14 schedule adjustments, must be used to offset corresponding amounts of
15 the multimodal transportation account--state appropriation, which must
16 be placed in reserve. Upon completion of the rail platform project in
17 the city of Stanwood, the department shall continue to provide daily
18 Amtrak Cascades service to the city.

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

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

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

24	Motor Vehicle Account--State Appropriation	\$8,709,000
25	Motor Vehicle Account--Federal Appropriation	\$2,567,000
26	TOTAL APPROPRIATION	\$11,276,000

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

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

2 Motor Vehicle Account--State Appropriation \$874,000
3 Rural Arterial Trust Account--State Appropriation \$54,517,000
4 County Arterial Preservation Account--State
5 Appropriation \$29,360,000
6 TOTAL APPROPRIATION \$84,751,000

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

9 (1) \$874,000 of the motor vehicle account--state appropriation may
10 be used for county ferry projects as developed pursuant to RCW
11 47.56.725(4).

12 (2) The total appropriation in this section includes funding to
13 assist counties in recovering from federally declared emergencies by
14 providing capitalization advances and local match for federal emergency
15 funding as determined by the county road administration board.
16 Emergency loans may be made only from existing fund balances, and it is
17 the intent of the legislature that the account be managed based on cash
18 flow. The county road administration board shall specifically identify
19 any of the selected projects and shall include information concerning
20 the selected projects in its next annual report to the legislature.

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

22 Small City Pavement and Sidewalk Account--State
23 Appropriation \$3,812,000
24 Transportation Improvement Account--State
25 Appropriation \$178,376,000
26 TOTAL APPROPRIATION \$182,188,000

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

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

33 Motor Vehicle Account--State Appropriation \$5,433,000

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

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

5 (2) \$3,669,000 of the motor vehicle account--state appropriation is
6 provided solely for high priority safety projects that are directly
7 linked to employee safety, environmental risk, or minor works that
8 prevent facility deterioration.

9 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
10 **IMPROVEMENTS--PROGRAM I**

11	Multimodal Transportation Account--State	
12	Appropriation	\$34,703,000
13	Transportation Partnership Account--State	
14	Appropriation	\$2,006,139,000
15	Motor Vehicle Account--State Appropriation	\$65,433,000
16	Motor Vehicle Account--Federal Appropriation	\$432,068,000
17	Motor Vehicle Account--Private/Local	
18	Appropriation	\$50,485,000
19	Transportation 2003 Account (Nickel Account)--State	
20	Appropriation	\$422,005,000
21	State Route Number 520 Corridor Account--State	
22	Appropriation	\$1,019,460,000
23	TOTAL APPROPRIATION	\$4,030,293,000

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

26 (1) Except as provided otherwise in this section, the entire
27 transportation 2003 account (nickel account) appropriation and the
28 entire transportation partnership account appropriation are provided
29 solely for the projects and activities as listed by fund, project, and
30 amount in LEAP Transportation Document 2011-1 as developed March 22,
31 2011, Program - Highway Improvement Program (I). However, limited
32 transfers of specific line-item project appropriations may occur
33 between projects for those amounts listed subject to the conditions and
34 limitations in section 603 of this act.

35 (2) The department shall, on a quarterly basis beginning July 1,
36 2011, provide to the office of financial management and the legislature
37 reports providing the status on each active project funded in part or

1 whole by the transportation 2003 account (nickel account) or the
2 transportation partnership account. Funding provided at a programmatic
3 level for transportation partnership account and transportation 2003
4 account (nickel account) projects relating to bridge rail, guard rail,
5 fish passage barrier removal, and roadside safety projects must be
6 reported on a programmatic basis. Projects within this programmatic
7 level funding must be completed on a priority basis and scoped to be
8 completed within the current programmatic budget. Report formatting
9 and elements must be consistent with the October 2009 quarterly project
10 report. The department shall also provide the information required
11 under this subsection on a quarterly basis via the transportation
12 executive information system.

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

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

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

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

37 (7) The department shall work with the department of archaeology
38 and historic preservation to ensure that the cultural resources

1 investigation is properly conducted on all mega-highway projects and
2 large ferry terminal projects. These projects must be conducted with
3 active archaeological management. Additionally, the department shall
4 establish a scientific peer review of independent archaeologists that
5 are knowledgeable about the region and its cultural resources.

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

17 (9) The multimodal transportation account--state appropriation
18 includes up to \$34,703,000 in proceeds from the sale of bonds
19 authorized in RCW 47.10.867.

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

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

26 (12) The motor vehicle account--state appropriation includes up to
27 \$45,667,000 in proceeds from the sale of bonds authorized in RCW
28 47.10.843.

29 (13) The state route number 520 corridor account--state
30 appropriation includes up to \$982,824,000 in proceeds from the sale of
31 bonds authorized in RCW 47.10.879.

32 (14) \$8,321,000 of the transportation partnership account--state
33 appropriation and \$16,679,000 of the motor vehicle account--federal
34 appropriation are provided solely for the I-5/Columbia River Crossing
35 project (400506A). No funding may be expended until written
36 confirmation has been received by the department that the state of
37 Oregon is providing an equal amount of additional funding to the
38 project.

1 (15) \$107,000 of the motor vehicle account--federal appropriation
2 and \$27,000 of the motor vehicle account--state appropriation are
3 provided solely for the SR 9/SR 204 Intersection Improvement project
4 (L2000040).

5 (16) \$2,134,000 of the motor vehicle account--federal appropriation
6 and \$47,000 of the motor vehicle account--state appropriation are
7 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
8 Build New Highway project (501210T).

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

13 (18) \$25,687,000 of the transportation partnership account--state
14 appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont
15 Avenue Extension project (202800D).

16 (19) The department shall continue to work with the local partners
17 in developing transportation solutions necessary for the economic
18 growth in the Red Mountain American viticulture area of Benton county.

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

22 (21) \$932,000 of the motor vehicle account--federal appropriation
23 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
24 project (209790B).

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

27 (23) It is important that the public and policymakers have accurate
28 and timely access to information related to the Alaskan Way viaduct
29 replacement project as it proceeds to, and during, the construction of
30 all aspects of the project including, but not limited to, information
31 regarding costs, schedules, contracts, project status, and neighborhood
32 impacts. Therefore, it is the intent of the legislature that the
33 state, city, and county departments of transportation establish a
34 single source of accountability for integration, coordination,
35 tracking, and information of all requisite components of the
36 replacement project, which must include, at a minimum:

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

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

3 (24) Within the amounts provided in this section, \$20,000 of the
4 motor vehicle account--state appropriation and \$980,000 of the motor
5 vehicle account--federal appropriation are provided solely for the
6 department to continue work on a comprehensive tolling study of the
7 state route number 167 corridor (project 316718S).

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

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

26 (26) Funding for a signal at state route number 507 and Yew Street
27 is included in the appropriation for intersection and spot improvements
28 (0BI2002).

29 (27) \$226,809,000 of the transportation partnership account--state
30 appropriation and \$1,019,460,000 of the state route number 520 corridor
31 account--state appropriation are provided solely for the state route
32 number 520 bridge replacement and HOV program. When developing the
33 financial plan for the program, the department shall assume that all
34 maintenance and operation costs for the new facility are to be covered
35 by tolls collected on the toll facility, and not by the motor vehicle
36 account.

37 (28) Any savings on projects on the state route number 532 corridor

1 must be used within the corridor to begin work on flood prevention and
2 raising portions of the highway above flood and storm influences.

3 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **PRESERVATION--PROGRAM P**

5	Transportation Partnership Account--State	
6	Appropriation	\$34,182,000
7	Motor Vehicle Account--State Appropriation	\$67,583,000
8	Motor Vehicle Account--Federal Appropriation	\$625,437,000
9	Motor Vehicle Account--Private/Local Appropriation	\$17,253,000
10	TOTAL APPROPRIATION	\$744,455,000

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

13 (1) Except as provided otherwise in this section, the entire
14 transportation 2003 account (nickel account) appropriation and the
15 entire transportation partnership account appropriation are provided
16 solely for the projects and activities as listed by fund, project, and
17 amount in LEAP Transportation Document 2011-1 as developed March 22,
18 2011, Program - Highway Preservation Program (P). However, limited
19 transfers of specific line-item project appropriations may occur
20 between projects for those amounts listed subject to the conditions and
21 limitations in section 603 of this act.

22 (2) The department shall, on a quarterly basis beginning July 1,
23 2011, provide to the office of financial management and the legislature
24 reports providing the status on each active project funded in part or
25 whole by the transportation 2003 account (nickel account) or the
26 transportation partnership account. Funding provided at a programmatic
27 level for transportation partnership account projects relating to
28 seismic bridges must be reported on a programmatic basis. Projects
29 within this programmatic level funding must be completed on a priority
30 basis and scoped to be completed within the current programmatic
31 budget. The department shall work with the office of financial
32 management and the transportation committees of the legislature to
33 agree on report formatting and elements. Elements must include, but
34 not be limited to, project scope, schedule, and costs. The department
35 shall also provide the information required under this subsection on a
36 quarterly basis via the transportation executive information system.

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

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

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

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

22 (7) The motor vehicle account--state appropriation includes up to
23 \$10,652,000 in proceeds from the sale of bonds authorized in RCW
24 47.10.843.

25 (8) When the department provides bridge inspection services to
26 cities and counties, the department may charge cities and counties only
27 for the direct hourly costs for department inspectors employed while
28 conducting and documenting inspections.

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

31 (10) \$277,000 of the motor vehicle account--federal appropriation
32 and \$10,000 of the motor vehicle account--state appropriation are
33 provided solely for the environmental impact statement and preliminary
34 planning for the replacement of the state route number 9 Snohomish
35 river bridge (project L2000018).

36 (11) \$3,093,000 of the motor vehicle account--federal appropriation
37 is provided solely for the I-90/Ritzville to Tokio - Paving of Outside
38 Lanes project (609041G).

1 (12) \$2,733,000 of the motor vehicle account--federal appropriation
2 and \$114,000 of the motor vehicle account--state appropriation are
3 provided solely for the SR 167/Puyallup River Bridge Replacement
4 project (316725A). This project must be completed as a design-build
5 project.

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

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

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

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

20 Puget Sound Capital Construction Account--State
21 Appropriation \$20,542,000
22 Puget Sound Capital Construction Account--Federal
23 Appropriation \$12,291,000
24 Transportation 2003 Account (Nickel Account)--State
25 Appropriation \$16,036,000
26 Transportation Partnership Account--State Appropriation \$36,000
27 Multimodal Transportation Account--State
28 Appropriation \$150,000
29 TOTAL APPROPRIATION \$49,055,000

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

32 (1) \$20,542,000 of the Puget Sound capital construction
33 account--state appropriation, \$12,291,000 of the Puget Sound capital
34 construction account--federal appropriation, \$36,000 of the
35 transportation partnership account--state appropriation, \$16,036,000 of
36 the transportation 2003 account (nickel account)--state appropriation,

1 and \$150,000 of the multimodal transportation account--state
2 appropriation are provided solely for ferry terminal projects, as
3 listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed
4 March 22, 2011, Program - Washington State Ferries Capital Program (W).

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

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

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

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

20	Puget Sound Capital Construction Account--State	
21	Appropriation	\$72,277,000
22	Puget Sound Capital Construction Account--Federal	
23	Appropriation	\$46,589,000
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation	\$20,906,000
26	Transportation Partnership Account--State	
27	Appropriation	\$1,000,000
28	Ferry Vessel Replacement Account--State Appropriation	\$9,727,000
29	Multimodal Transportation Account--State	
30	Appropriation	\$11,711,000
31	TOTAL APPROPRIATION	\$162,210,000

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

34 (1) \$72,277,000 of the Puget Sound capital construction account--
35 state appropriation, \$46,589,000 of the Puget Sound capital
36 construction account--federal appropriation, \$1,000,000 of the
37 transportation partnership account--state appropriation, \$20,906,000 of

1 the transportation 2003 account (nickel account)--state appropriation,
2 \$9,727,000 of the ferry vessel replacement account--state
3 appropriation, and \$11,711,000 of the multimodal transportation
4 account--state appropriation are provided solely for ferry vessel
5 projects, as listed in LEAP Transportation Document 2011-2 ALL PROJECTS
6 as developed March 22, 2011, Program - Washington State Ferries Capital
7 Program (W).

8 (2) \$18,906,000 of the transportation 2003 account (nickel
9 account)--state appropriation, \$11,711,000 of the multimodal
10 transportation account--state appropriation, and \$1,537,000 of the
11 Puget Sound capital construction account--state appropriation are
12 provided solely for the acquisition of three new Island Home class
13 ferry vessels subject to the conditions of RCW 47.56.780.

14 (3) \$56,200,000 of the Puget Sound capital construction account--
15 state appropriation and \$9,727,000 of the ferry vessel replacement
16 account--state appropriation are provided solely for the acquisition of
17 one 144-vehicle capacity ferry vessel. The department shall pursue a
18 contract that includes an option for a second 144-vehicle capacity
19 ferry vessel. If sufficient resources are not made available to
20 procure the second vessel before the option expires, only one 144-
21 vehicle capacity ferry vessel must be procured. The contract must
22 require the vendor to present to the joint transportation committee
23 within sixty days of signing the contract a list of design options that
24 will result in significant cost savings changes in terms of
25 construction or the long-term maintenance and operations of the vessel.
26 The contract must allow for exercising the options without a penalty.

27 (4) \$2,800,000 of the Puget Sound capital construction account--
28 federal appropriation is provided solely for completing the Anacortes
29 terminal design up to the maximum allowable construction cost phase.
30 Beyond preparing environmental work, these funds may be spent only
31 after the following conditions have been met: (a) A value engineering
32 process is conducted on the existing design and the concept of a
33 terminal building smaller than preferred alternative; (b) the office of
34 financial management participates in the value engineering process; (c)
35 the office of financial management concurs with the recommendations of
36 the value engineering process; and (d) the office of financial
37 management gives its approval to proceed with the design work.

1 (5) The department shall provide to the office of financial
2 management and the legislature quarterly reports providing the status
3 on each project listed in this section and in the project lists
4 submitted pursuant to this act and on any additional projects for which
5 the department has expended funds during the 2011-2013 fiscal biennium.
6 Elements must include, but not be limited to, project scope, schedule,
7 and costs. The department shall also provide the information required
8 under this subsection via the transportation executive information
9 systems (TEIS). The quarterly report regarding the status of projects
10 identified on the list referenced in subsection (1) of this section
11 must be developed according to an earned value method of project
12 monitoring.

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

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

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

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

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

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

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

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

1 (D) A review of the department's vessel maintenance, preservation,
2 and improvement program contracting process and contractual
3 requirements;

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

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

9 (G) Coordination with required United States coast guard dry
10 dockings;

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

14 (I) A method for evaluating the ongoing maintenance and
15 preservation costs associated with proposed improvement projects; and

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

18 (7) To protect the waters of Puget Sound, the department shall
19 investigate nontoxic alternatives to fuel additives and other
20 commercial products that are used to operate, maintain, and preserve
21 vessels.

22 (8) The Puget Sound capital construction account--state
23 appropriation includes up to \$72,277,000 in proceeds from the sale of
24 bonds authorized in RCW 47.10.843.

25 (9) No portion of the total appropriation provided in this section
26 may be used to retrofit or investigate retrofitting existing vessels
27 with alternative fuels.

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

31 **NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-3 (EMERGENCY REPAIRS)**

33 Puget Sound Capital Construction Account--State
34 Appropriation \$2,000,000

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

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

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

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

10	Essential Rail Assistance Account--State	
11	Appropriation	\$1,000,000
12	Transportation Infrastructure Account--State	
13	Appropriation	\$5,838,000
14	Multimodal Transportation Account--State	
15	Appropriation	\$52,987,000
16	Multimodal Transportation Account--Federal	
17	Appropriation	\$352,006,000
18	Multimodal Transportation Account--Private/Local	
19	Appropriation	\$1,292,000
20	TOTAL APPROPRIATION	\$413,123,000

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

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

28 (b) Within the amounts provided in this section, \$2,903,000 of the
29 transportation infrastructure account--state appropriation is for low-
30 interest loans through the freight rail investment bank program for
31 specific projects listed as recipients of these loans in the LEAP
32 transportation document identified in (a) of this subsection. The
33 department shall issue freight rail investment bank program loans with
34 a repayment period of no more than ten years, and only so much interest
35 as is necessary to recoup the department's costs to administer the
36 loans.

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

6 (2)(a) If any funds remain in the program reserves (F01001A &
7 F01000A) for the program and projects listed in subsection (1)(b) and
8 (c) of this section, the department shall issue a call for projects for
9 the freight rail investment bank program and the emergent freight rail
10 assistance program, and shall evaluate the applications according to
11 the cost-benefit methodology developed during the 2008 interim using
12 the legislative priorities specified in (c) of this subsection. By
13 November 1, 2011, the department shall submit a prioritized list of
14 recommended projects to the office of financial management and the
15 transportation committees of the legislature.

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

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

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

31 (ii) Self-sustaining economic development that creates family-wage
32 jobs;

33 (iii) Preservation of transportation corridors that would otherwise
34 be lost;

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

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

1 (vi) Mitigation of impacts of increased rail traffic on
2 communities.

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

6 (4) 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 and the status of such applications.

10 (5) The department shall, on a quarterly basis, provide to the
11 office of financial management and the legislature reports providing
12 the status on active projects identified in the LEAP transportation
13 document described in subsection (1)(a) of this section. Report
14 formatting and elements must be consistent with the October 2009
15 quarterly project report.

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

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

23 (8) \$4,886,000 of the multimodal transportation account--state
24 appropriation is provided solely for expenditures related to the
25 capital high-speed passenger rail grant that are not federally
26 reimbursable.

27 (9) \$1,087,000 of the multimodal transportation account--state
28 appropriation is provided solely as state matching funds for successful
29 grant applications to the federal rail line relocation and improvement
30 program (project 798999D).

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

1 NEW SECTION. **Sec. 312. FOR THE DEPARTMENT OF TRANSPORTATION--**

2 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

3	Motor Vehicle Account--State Appropriation	\$3,521,000
4	Motor Vehicle Account--Federal Appropriation	\$28,541,000
5	Highway Infrastructure Account--State Appropriation	\$207,000
6	Highway Infrastructure Account--Federal	
7	Appropriation	\$1,602,000
8	Freight Mobility Investment Account--State	
9	Appropriation	\$11,947,000
10	Transportation Partnership Account--State	
11	Appropriation	\$6,035,000
12	Freight Mobility Multimodal Account--State	
13	Appropriation	\$8,648,000
14	Freight Mobility Multimodal Account--Local	
15	Appropriation	\$4,581,000
16	Multimodal Transportation Account--State	
17	Appropriation	\$13,932,000
18	Passenger Ferry Account--State Appropriation	\$1,115,000
19	TOTAL APPROPRIATION	\$80,129,000

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

22 (1) The department shall, on a quarterly basis beginning July 1,
23 2011, provide to the office of financial management and the legislature
24 reports providing the status on each active project funded in part or
25 whole by the transportation 2003 account (nickel account) or the
26 transportation partnership account. Report formatting and elements
27 must be consistent with the October 2009 quarterly project report. The
28 department shall also provide the information required under this
29 subsection on a quarterly basis via the transportation executive
30 information system.

31 (2) \$1,115,000 of the passenger ferry account--state appropriation
32 is provided solely for near and long-term costs of capital improvements
33 in a business plan approved by the governor for passenger ferry
34 service.

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

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

5 (5) Federal funds may be transferred from program Z to programs I
6 and P and state funds must be transferred from programs I and P to
7 program Z to replace those federal funds in a dollar-for-dollar match.
8 Fund transfers authorized under this subsection shall not affect
9 project prioritization status. Appropriations must initially be
10 allotted as appropriated in this act. The department may not transfer
11 funds as authorized under this subsection without approval of the
12 office of financial management. The department shall submit a report
13 on those projects receiving fund transfers to the office of financial
14 management and the transportation committees of the legislature by
15 December 1, 2011, and December 1, 2012.

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

18 (7) \$10,557,000 of the multimodal transportation account--state
19 appropriation, \$12,136,000 of the motor vehicle account--federal
20 appropriation, and \$5,195,000 of the transportation partnership
21 account--state appropriation are provided solely for the pedestrian and
22 bicycle safety program projects and safe routes to schools program
23 projects identified in: LEAP Transportation Document 2011-A,
24 pedestrian and bicycle safety program projects and safe routes to
25 schools program projects, as developed March 22, 2011; LEAP
26 Transportation Document 2009-A, pedestrian and bicycle safety program
27 projects and safe routes to schools program projects, as developed
28 March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and
29 bicycle safety program projects and safe routes to schools program
30 projects, as developed April 20, 2007; and LEAP Transportation Document
31 2006-B, pedestrian and bicycle safety program projects and safe routes
32 to schools program projects, as developed March 8, 2006. Projects must
33 be allocated funding based on order of priority. The department shall
34 review all projects receiving grant awards under this program at least
35 semiannually to determine whether the projects are making satisfactory
36 progress. Any project that has been awarded funds, but does not report
37 activity on the project within one year of the grant award must be
38 reviewed by the department to determine whether the grant should be

1 terminated. The department shall promptly close out grants when
2 projects have been completed, and identify where unused grant funds
3 remain because actual project costs were lower than estimated in the
4 grant award.

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

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

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

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

30 **TRANSFERS AND DISTRIBUTIONS**

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

35 Highway Bond Retirement Account--State Appropriation . . . \$909,298,000

1 Ferry Bond Retirement Account--State Appropriation \$31,801,000
 2 State Route Number 520 Corridor Account--State
 3 Appropriation \$1,075,000
 4 Transportation Improvement Board Bond Retirement
 5 Account--State Appropriation \$16,544,000
 6 Nondebt-Limit Reimbursable Account Appropriation \$25,200,000
 7 Transportation Partnership Account--State
 8 Appropriation \$3,128,000
 9 Motor Vehicle Account--State Appropriation \$328,000
 10 Transportation 2003 Account (Nickel Account)--State
 11 Appropriation \$763,000
 12 Transportation Improvement Account--State Appropriation \$29,000
 13 Multimodal Transportation Account--State
 14 Appropriation \$138,000
 15 Toll Facility Bond Retirement Account--State
 16 Appropriation \$33,792,000
 17 Toll Facility Bond Retirement Account--Federal
 18 Appropriation \$14,649,000
 19 TOTAL APPROPRIATION \$1,036,745,000

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

23 State Route Number 520 Corridor Account--State
 24 Appropriation \$68,000
 25 Transportation Partnership Account--State
 26 Appropriation \$607,000
 27 Motor Vehicle Account--State Appropriation \$63,000
 28 Transportation 2003 Account (Nickel Account)--State
 29 Appropriation \$377,000
 30 Transportation Improvement Account--State Appropriation \$5,000
 31 Multimodal Transportation Account--State
 32 Appropriation \$27,000
 33 TOTAL APPROPRIATION \$1,147,000

34 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**
 35 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

1 **MVFT BONDS AND TRANSFERS**

2 Motor Vehicle Account--State Appropriation: For
3 transfer to the Puget Sound Capital Construction
4 Account \$107,819,000

5 The department of transportation is authorized to sell up to
6 \$107,819,000 in bonds authorized by RCW 47.10.843 for vessel and
7 terminal acquisition, major and minor improvements, and long lead-time
8 materials acquisition for the Washington state ferries.

9 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
10 **FOR DISTRIBUTION**

11 Motor Vehicle Account--State Appropriation for motor
12 vehicle fuel tax distributions to cities and
13 counties \$478,753,000

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

15 Motor Vehicle Account--State Appropriation: For
16 motor vehicle fuel tax refunds and statutory
17 transfers \$1,247,260,000

18 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**
19 **TRANSFERS**

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

22 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**
23 **TRANSFERS**

24 (1) Tacoma Narrows Toll Bridge Account--State
25 Appropriation: For transfer to the Motor Vehicle
26 Account--State \$543,000

27 (2) Motor Vehicle Account--State Appropriation:
28 For transfer to the Puget Sound Ferry Operations
29 Account--State \$61,000,000

30 (3) Recreational Vehicle Account--State
31 Appropriation: For transfer to the Motor Vehicle
32 Account--State \$1,450,000

33 (4) License Plate Technology Account--State
34 Appropriation: For transfer to the Highway Safety

1 Account--State \$3,000,000
2 (5) Multimodal Transportation Account--State
3 Appropriation: For transfer to the Puget Sound
4 Ferry Operations Account--State \$21,000,000
5 (6) Highway Safety Account--State Appropriation:
6 For transfer to the Motor Vehicle Account--State \$24,000,000
7 (7) Department of Licensing Services Account--State
8 Appropriation: For transfer to the Motor Vehicle
9 Account--State \$300,000
10 (8) Advanced Right-of-Way Account: For transfer
11 to the Motor Vehicle Account--State \$5,000,000
12 (9) State Route Number 520 Civil Penalties
13 Account--State Appropriation: For transfer to the
14 State Route Number 520 Corridor Account--State \$754,000
15 (10) Regional Mobility Grant Program Account--State
16 Appropriation: For transfer to the Multimodal
17 Transportation Account--State \$1,000,000
18 (11) Motor Vehicle Account--State Appropriation:
19 For transfer to the State Patrol Highway Account--
20 State \$16,500,000
21 (12) State Route Number 520 Corridor Account--State Appropriation:
22 For transfer to the Motor Vehicle Account--State, in an amount equal to
23 funds dispersed during the 2009-2011 fiscal biennium authorized under
24 section 905(7) of this act.
25 (13) Motor Vehicle Account--State Appropriation:
26 For transfer to the Puget Sound Capital Construction
27 Account--State \$10,000,000
28 (14) Motor Vehicle Account--State Appropriation:
29 For transfer to the Special Category C Account--State \$1,100,000
30 (15) The transfers identified in this section are subject to the
31 following conditions and limitations:
32 (a) The amount transferred in subsection (1) of this section
33 represents repayment of operating loans and reserve payments provided
34 to the Tacoma Narrows toll bridge account from the motor vehicle
35 account in the 2005-2007 fiscal biennium.
36 (b) The transfer in subsection (9) of this section represents toll
37 revenue collected from toll violations.

1 agencies shall use the most economical financial contract option
2 available, including long-term leases, lease-purchase agreements,
3 lease-development with option to purchase agreements, or financial
4 contracts using certificates of participation. Expenditures made by an
5 agency for one of the indicated purposes before the issue date of the
6 authorized financial contract and any certificates of participation
7 therein are intended to be reimbursed from proceeds of the financial
8 contract and any certificates of participation therein to the extent
9 provided in the agency's financing plan approved by the state finance
10 committee.

11 (2) State agencies may enter into agreements with the department of
12 general administration and the state treasurer's office to develop
13 requests to the legislature for the acquisition of properties and
14 facilities through financial contracts. The agreements may include
15 charges for services rendered.

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

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

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

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

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

32 Mega-projects are defined as individual or groups of related
33 projects that cost \$1,000,000,000 or more. These projects include, but
34 are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North
35 Spokane corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the
36 Columbia river crossing. The department of transportation shall track
37 mega-projects and report the financial status and schedule of these

1 projects at least once a year to the transportation committees of the
2 legislature and the office of financial management. The design of
3 mega-projects must be evaluated considering cost, capacity, safety,
4 mobility needs, and how well the design of the facility fits within its
5 urban environment.

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

7 (1) The transportation 2003 projects or improvements and the 2005
8 transportation partnership projects or improvements are listed in LEAP
9 Transportation Document 2011-1 as developed March 22, 2011, which
10 consists of a list of specific projects by fund source and amount over
11 a sixteen-year period. Current fiscal biennium funding for each
12 project is a line-item appropriation, while the outer year funding
13 allocations represent a sixteen-year plan. The department is expected
14 to use the flexibility provided in this section to assist in the
15 delivery and completion of all transportation partnership account and
16 transportation 2003 account (nickel account) projects on the LEAP
17 transportation documents referenced in this act. For the 2009-2011 and
18 2011-2013 project appropriations, unless otherwise provided in this
19 act, the director of financial management may authorize a transfer of
20 appropriation authority between projects funded with transportation
21 2003 account (nickel account) appropriations, or transportation
22 partnership account appropriations, in order to manage project spending
23 and efficiently deliver all projects in the respective program under
24 the following conditions and limitations:

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

27 (b) Transfers from a project may not be made as a result of the
28 reduction of the scope of a project or be made to support increases in
29 the scope of a project;

30 (c) Each transfer between projects may only occur if the director
31 of financial management finds that any resulting change will not hinder
32 the completion of the projects as approved by the legislature. Until
33 the legislature reconvenes to consider the 2012 supplemental
34 transportation budget, any unexpended 2009-2011 appropriation balance
35 as approved by the office of financial management, in consultation with
36 the legislative staff of the house of representatives and senate

1 transportation committees, may be considered when transferring funds
2 between projects;

3 (d) Transfers from a project may be made if the funds appropriated
4 to the project are in excess of the amount needed to complete the
5 project;

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

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

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

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

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

23 (4) The office of financial management shall document approved
24 transfers and schedule changes in the transportation executive
25 information system, compare changes to the legislative baseline funding
26 and schedules identified by project identification number identified in
27 the LEAP transportation documents referenced in this act, and transmit
28 revised project lists to chairs of the transportation committees of the
29 legislature on a quarterly basis.

30 NEW SECTION. **Sec. 604.** Executive Order number 05-05,
31 archaeological and cultural resources, was issued effective November
32 10, 2005. Agencies and higher education institutions that issue grants
33 or loans for capital projects shall comply with the requirements set
34 forth in this executive order.

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

1 As part of its annual budget submittal, the department shall
2 provide an annual update to the legislature and the office of financial
3 management that:

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

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

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

12 (4) Identifies highway projects that have lost significant local or
13 regional contributions that were essential to completing the project;
14 and

15 (5) Identifies contingency amounts allocated to projects.

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

17 As part of its 2012 supplemental budget submittal, the department
18 shall provide a report to the legislature and the office of financial
19 management that:

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

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

26 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

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

29 There is hereby created in the motor vehicle fund the RV account.
30 All moneys hereafter deposited in said account shall be used by the
31 department of transportation for the construction, maintenance, and
32 operation of recreational vehicle sanitary disposal systems at safety
33 rest areas in accordance with the department's highway system plan as
34 prescribed in chapter 47.06 RCW. During the ((2007-2009—and))

1 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
2 from the RV account to the motor vehicle fund such amounts as reflect
3 the excess fund balance of the RV account to accomplish the purposes
4 identified in this section.

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

7 Before accepting any unsolicited project proposals, the commission
8 must adopt rules to facilitate the acceptance, review, evaluation, and
9 selection of unsolicited project proposals. These rules must include
10 the following:

11 (1) Provisions that specify unsolicited proposals must meet
12 predetermined criteria;

13 (2) Provisions governing procedures for the cessation of
14 negotiations and consideration;

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

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

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

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

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

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

35 The commission may adopt other rules as necessary to avoid
36 conflicts with existing laws, statutes, or contractual obligations of
37 the state.

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

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

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

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

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

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

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

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

8 (3) Any federal moneys available for acquisition of right-of-way
9 for future construction under the provisions of section 108 of Title
10 23, United States Code.

11 During the ((2007-2009—and)) 2009-2011 and 2011-2013 fiscal
12 biennia, the legislature may transfer from the advance right-of-way
13 revolving fund to the motor vehicle account amounts as reflect the
14 excess fund balance of the advance right-of-way revolving fund.

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

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

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

21 (a) Review and approve the annual financial reports submitted by
22 sponsoring organizations with active special license plate series and
23 present those annual financial reports to the senate and house
24 transportation committees;

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

28 (c) Issue approval and rejection notification letters to sponsoring
29 organizations, the department, the chairs of the senate and house of
30 representatives transportation committees, and the legislative sponsors
31 identified in each application. The letters must be issued within
32 seven days of making a determination on the status of an application;
33 and

34 (d) Review annually the number of plates sold for each special
35 license plate series created after January 1, 2003. The department may
36 submit a recommendation to discontinue a special plate series to the

1 chairs of the senate and house of representatives transportation
2 committees.

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

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

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

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

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

29 (a) The appropriate local legislative authority must first enact an
30 ordinance allowing for their use to detect one or more of the
31 following: Stoplight, railroad crossing, or school speed zone
32 violations. At a minimum, the local ordinance must contain the
33 restrictions described in this section and provisions for public notice
34 and signage. Cities and counties using automated traffic safety
35 cameras before July 24, 2005, are subject to the restrictions described

1 in this section, but are not required to enact an authorizing
2 ordinance.

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

6 (c) During the (~~(2009-2011)~~) 2011-2013 fiscal biennium, automated
7 traffic safety cameras may be used to detect speed violations for the
8 purposes of (~~(section 201(2), chapter 470, Laws of 2009)~~) section
9 201(3) of this act if the local legislative authority first enacts an
10 ordinance authorizing the use of cameras to detect speed violations.

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

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

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

1 (g) Notwithstanding any other provision of law, all photographs,
2 microphotographs, or electronic images prepared under this section are
3 for the exclusive use of law enforcement in the discharge of duties
4 under this section and are not open to the public and may not be used
5 in a court in a pending action or proceeding unless the action or
6 proceeding relates to a violation under this section. No photograph,
7 microphotograph, or electronic image may be used for any purpose other
8 than enforcement of violations under this section nor retained longer
9 than necessary to enforce this section.

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

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

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

30 (3) If the registered owner of the vehicle is a rental car
31 business, the law enforcement agency shall, before a notice of
32 infraction being issued under this section, provide a written notice to
33 the rental car business that a notice of infraction may be issued to
34 the rental car business if the rental car business does not, within
35 eighteen days of receiving the written notice, provide to the issuing
36 agency by return mail:

37 (a) A statement under oath stating the name and known mailing

1 address of the individual driving or renting the vehicle when the
2 infraction occurred; or

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

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

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

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

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

30 (6) During the ((2009-2011)) 2011-2013 fiscal biennium, this
31 section does not apply to automated traffic safety cameras for the
32 purposes of ((~~section 218(2), chapter 470, Laws of 2009~~)) section
33 216(5) of this act.

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

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

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

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

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

16 (5) Consistent with chapter 34.05 RCW, the department of
17 transportation shall develop an administrative adjudication process to
18 review appeals of civil penalties issued by the department of
19 transportation for toll nonpayment detected through the use of a photo
20 toll system under this section.

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

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

26 (b) A notice of civil penalty must include with it a certificate or
27 facsimile thereof, based upon inspection of photographs,
28 microphotographs, videotape, or other recorded images produced by a
29 photo toll system, stating the facts supporting the notice of civil
30 penalty. This certificate or facsimile is prima facie evidence of the
31 facts contained in it and is admissible in a proceeding established
32 under subsection (5) of this section. The photographs, digital
33 photographs, microphotographs, videotape, or other recorded images
34 evidencing the toll nonpayment civil penalty must be available for
35 inspection and admission into evidence in a proceeding to adjudicate
36 the liability for the civil penalty.

37 (c) Notwithstanding any other provision of law, all photographs,
38 digital photographs, microphotographs, videotape, other recorded

1 images, or other records identifying a specific instance of travel
2 prepared under this chapter are for the exclusive use of the tolling
3 agency for toll collection and enforcement purposes and are not open to
4 the public and may not be used in a court in a pending action or
5 proceeding unless the action or proceeding relates to a civil penalty
6 under this chapter. No photograph, digital photograph,
7 microphotograph, videotape, other recorded image, or other record
8 identifying a specific instance of travel may be used for any purpose
9 other than toll collection or enforcement of civil penalties under this
10 section. Records identifying a specific instance of travel by a
11 specific person or vehicle must be retained only as required to ensure
12 payment and enforcement of tolls and to comply with state records
13 retention policies.

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

18 (e) Within existing resources, the department of transportation
19 shall conduct education and outreach efforts at least six months prior
20 to activating an all-electronic photo toll system. Methods of outreach
21 shall include a department presence at community meetings in the
22 vicinity of a toll facility, signage, and information published in
23 local media. Information provided shall include notice of when all
24 electronic photo tolling shall begin and methods of payment.
25 Additionally, the department shall provide quarterly reporting on
26 education and outreach efforts and other data related to the issuance
27 of civil penalties.

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

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

35 (9) Except as provided otherwise in this subsection, all civil
36 penalties, including the photo toll and associated fees, collected
37 under this section must be deposited into the toll facility account of
38 the facility on which the toll was assessed. However, ~~((beginning on~~

1 ~~July 1, 2011,~~) civil penalties deposited into the Tacoma Narrows toll
2 bridge account created under RCW 47.56.165 that are in excess of
3 amounts necessary to support the toll adjudication process applicable
4 to toll collection on the Tacoma Narrows bridge must first be allocated
5 toward repayment of operating loans and reserve payments provided to
6 the account from the motor vehicle account under section 1005(15),
7 chapter 518, Laws of 2007. Additionally, all civil penalties,
8 resulting from nonpayment of tolls on the state route number 520
9 corridor, shall be deposited into the state route number 520 civil
10 penalties account created under section 4, chapter 248, Laws of 2010
11 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

12 (10) If the registered owner of the vehicle is a rental car
13 business, the department of transportation shall, before a toll bill is
14 issued, provide a written notice to the rental car business that a toll
15 bill may be issued to the rental car business if the rental car
16 business does not, within thirty days of the mailing of the written
17 notice, provide to the issuing agency by return mail:

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

21 (b) A statement under oath that the business is unable to determine
22 who was driving or renting the vehicle at the time the toll was
23 assessed because the vehicle was stolen at the time the toll was
24 assessed. A statement provided under this subsection must be
25 accompanied by a copy of a filed police report regarding the vehicle
26 theft; or

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

29 Timely mailing of this statement to the issuing agency relieves a
30 rental car business of any liability under this section for the payment
31 of the toll.

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

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

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

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

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

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

17 (4) For the 2009-2011 fiscal biennium, all fuel purchased by the
18 Washington state ferries at Harbor Island for the operation of the
19 Washington state ferries diesel powered vessels must be a minimum of
20 five percent biodiesel blend so long as the per gallon price of diesel
21 containing a five percent biodiesel blend level does not exceed the per
22 gallon price of diesel by more than five percent. If the per gallon
23 price of diesel containing a five percent biodiesel blend level exceeds
24 the per gallon price of diesel by more than five percent, the
25 requirements of this section do not apply to vessel fuel purchases by
26 the Washington state ferries.

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

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

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

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

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

1 The department of licensing services account is created in the
2 motor vehicle fund. All receipts from service fees received under RCW
3 46.17.025 must be deposited into the account. Moneys in the account
4 may be spent only after appropriation. Expenditures from the account
5 may be used only for:

6 (1) Information and service delivery systems for the department;

7 (2) Reimbursement of county licensing activities; and

8 (3) County auditor or other agent and subagent support including,
9 but not limited to, the replacement of department-owned equipment in
10 the possession of county auditors or other agents and subagents
11 appointed by the director. During the ((2007-2009 and 2009-2011))
12 2011-2013 fiscal ((~~biennia~~)) biennium, the legislature may transfer
13 from the department of licensing services account such amounts as
14 reflect the excess fund balance of the account.

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

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

35 (2) During the 2009-2011 and 2011-2013 fiscal ((~~biennium~~)) biennia,
36 and in conformance with section 223(11), chapter 470, Laws of 2009 and

1 section 221(3) of this act, this section does not apply to the purchase
2 of uniforms by the Washington state ferries.

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

4 **2009-2011 FISCAL BIENNIUM**
5 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

8 **FOR THE MARINE EMPLOYEES COMMISSION**

9 Puget Sound Ferry Operations Account--State

10 Appropriation ((~~\$440,000~~))
11 \$374,000

12 **TRANSPORTATION AGENCIES--OPERATING**

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

15 **FOR THE TRANSPORTATION COMMISSION**

16 Motor Vehicle Account--State Appropriation ((~~\$2,328,000~~))
17 \$2,167,000

18 Multimodal Transportation Account--State Appropriation . . ((~~\$112,000~~))
19 \$111,000

20 TOTAL APPROPRIATION ((~~\$2,440,000~~))
21 \$2,278,000

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

24 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
25 the transportation commission shall periodically review and, if
26 necessary, modify the schedule of fares for the Washington state ferry
27 system. The transportation commission may increase ferry fares,
28 except no fare schedule modifications may be made prior to September 1,
29 2009. For purposes of this subsection, "modify" includes increases or
30 decreases to the schedule.

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

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

14 (4) The commission may name state ferry vessels consistent with its
15 authority to name state transportation facilities under RCW 47.01.420.
16 When naming or renaming state ferry vessels, the commission shall
17 investigate selling the naming rights and shall make recommendations to
18 the legislature regarding this option.

19 (5) \$350,000 of the motor vehicle account--state appropriation is
20 provided solely for consultant support services to assist the
21 commission in updating the statewide transportation plan. The updated
22 plan must be submitted to the legislature by December 1, 2010.

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

32 (7) The commission shall work with the department of
33 transportation's economic partnerships (Program K) in conducting a best
34 practices review of nontoll, public-private partnerships. The purpose
35 of this review is to identify the policies and procedures that would be
36 appropriate for application in Washington state. The commission must
37 report its findings and recommendations, including draft legislation if

1 warranted, to the house of representatives and senate transportation
2 committees by January 2011.

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

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

14 FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU	
15 State Patrol Highway Account--State	
16 Appropriation	((\$227,958,000))
17	<u>\$224,558,000</u>
18 State Patrol Highway Account--Federal	
19 Appropriation\$10,903,000
20 State Patrol Highway Account--Private/Local	
21 Appropriation	((\$867,000))
22	<u>\$939,000</u>
23 TOTAL APPROPRIATION	((\$239,728,000))
24	<u>\$236,400,000</u>

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

27 (1) Washington state patrol officers engaged in off-duty uniformed
28 employment providing traffic control services to the department of
29 transportation or other state agencies may use state patrol vehicles
30 for the purpose of that employment, subject to guidelines adopted by
31 the chief of the Washington state patrol. The Washington state patrol
32 shall be reimbursed for the use of the vehicle at the prevailing state
33 employee rate for mileage and hours of usage, subject to guidelines
34 developed by the chief of the Washington state patrol, and Cessna
35 pilots funded from the state patrol highway account who are certified
36 to fly the King Airs may pilot those aircraft for general fund purposes
37 with the general fund reimbursing the state patrol highway account an

1 hourly rate to cover the costs incurred during the flights since the
2 aviation section will no longer be part of the Washington state patrol
3 cost allocation system as of July 1, 2009.

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

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

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

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

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

1 deploy the pilot program equipment used in the roadway construction
2 zones.

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

10 (8) \$2,832,000 of the state patrol highway account--state
11 appropriation is provided solely for the aerial traffic enforcement
12 program. The Washington state patrol shall evaluate the costs
13 associated with aerial traffic highway enforcement to determine if the
14 costs are accurately apportioned between the state patrol highway
15 account and the general fund. It is the intent of the legislature that
16 the state patrol highway account incurs costs that result only from
17 highway enforcement activities and that the general fund incurs costs
18 associated with the King Airs. The Washington state patrol shall
19 report the results of the evaluation to the legislature by June 30,
20 2010.

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

24 (10) \$3,601,000 of the state patrol highway account--state
25 appropriation is provided solely for the costs associated with a basic
26 trooper class.

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

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

35 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
36 State Patrol Highway Account--State Appropriation . . . ((~~\$1,648,000~~))
37 \$1,196,000

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

5 (7) (~~(\$345,000 of the state patrol highway account state~~
6 ~~appropriation is provided solely for the implementation of Engrossed~~
7 ~~Substitute House Bill No. 1445 (domestic partners/Washington state~~
8 ~~patrol retirement system). If Engrossed Substitute House Bill No. 1445~~
9 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~
10 ~~shall lapse)) After May 1, 2011, unless specifically prohibited, the
11 Washington state patrol may transfer state patrol highway account--
12 state appropriations for the 2009-2011 fiscal biennium between
13 operating programs after approval by the director of the office of
14 financial management. However, the state patrol shall not transfer
15 state moneys that are provided solely for a specified purpose.~~

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

18 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
19 **MAINTENANCE--PROGRAM B**

20	High Occupancy Toll Lanes Operations Account--State	
21	Appropriation	((\$2,852,000))
22		<u>\$2,732,000</u>
23	Motor Vehicle Account--State Appropriation	((\$575,000))
24		<u>\$2,945,000</u>
25	Tacoma Narrows Toll Bridge Account--State	
26	Appropriation	\$26,543,000
27	State Route Number 520 Corridor Account--State	
28	Appropriation	((\$28,000,000))
29		<u>\$736,000</u>
30	State Route Number 520 Civil Penalties	
31	Account--State Appropriation	((\$2,130,000))
32		<u>\$130,000</u>
33	TOTAL APPROPRIATION	((\$60,100,000))
34		<u>\$33,086,000</u>

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

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

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

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

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

21 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil
22 penalties account--state appropriation and \$140,000 of the Tacoma
23 Narrows toll bridge account--state appropriation are provided solely
24 for expenditures related to the toll adjudication process. The amount
25 provided in this subsection is contingent on the enactment by June 30,
26 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
27 House Bill No. 2897; however, if the enacted bill does not specify the
28 department as the toll penalty adjudicating agency, the amounts
29 provided in this subsection lapse.

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

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

15 (3) The department may submit information technology-related
16 requests for funding only if the department has coordinated with the
17 department of information services as required under section 601 of
18 this act.

19 (4) \$573,000 of the motor vehicle account--state appropriation is
20 provided solely for the department to maintain the investment in the
21 electronic fare system at Washington's ferry terminals. Investment in
22 the electronic fare system must include the following: Replacement of
23 critical hardware components that are at risk of failure;
24 implementation of software to allow ORCA cards to be used for vehicles;
25 repair of the turnstiles to ensure that the turnstiles properly record
26 ORCA credit and debit card charges; and dedication of a communication
27 line for transmission of ORCA data to the clearinghouse.

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

30 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
31 **AND CONSTRUCTION--PROGRAM D--OPERATING**
32 Motor Vehicle Account--State Appropriation (~~(\$25,292,000)~~)
33 \$24,639,000

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

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

2 Aeronautics Account--State Appropriation ((~~\$5,960,000~~))

3 \$5,761,000

4 Aeronautics Account--Federal Appropriation \$2,150,000

5 TOTAL APPROPRIATION ((~~\$8,110,000~~))

6 \$7,911,000

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

9 (1) \$50,000 of the aeronautics account--state appropriation is a
10 reappropriation provided solely to pay any outstanding obligations of
11 the aviation planning council, which expires July 1, 2009.

12 (2) \$150,000 of the aeronautics account--state appropriation is a
13 reappropriation provided solely to complete runway preservation
14 projects.

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

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

24 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
25 **SUPPORT--PROGRAM H**

26 Motor Vehicle Account--State Appropriation ((~~\$49,331,000~~))

27 \$45,219,000

28 Motor Vehicle Account--Federal Appropriation \$500,000

29 Multimodal Transportation Account--State

30 Appropriation \$250,000

31 TOTAL APPROPRIATION ((~~\$50,081,000~~))

32 \$45,969,000

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

35 (1) The department shall develop a plan for all current and future
36 surplus property parcels based on the recommendations from the surplus
37 property legislative work group that were presented to the senate

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

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

21 (3) \$3,175,000 of the motor vehicle account--state appropriation is
22 provided solely for the department's compliance with its national
23 pollution discharge elimination system permit.

24 (4) The department shall provide updated information on six project
25 milestones for all active projects, funded in part or in whole with
26 2005 transportation partnership account funds or 2003 nickel account
27 funds, on a quarterly basis in the transportation executive information
28 system (TEIS). The department shall also provide updated information
29 on six project milestones for projects, funded with preexisting funds
30 and that are agreed to by the legislature, office of financial
31 management, and the department, on a quarterly basis in TEIS.

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

34 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
35 **K**

36 Motor Vehicle Account--State Appropriation	((\$673,000))
37	<u>\$643,000</u>

1	FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M	
2	Motor Vehicle Account--State Appropriation	((\$347,645,000))
3		<u>\$348,943,000</u>
4	Motor Vehicle Account--Federal Appropriation	\$7,000,000
5	Motor Vehicle Account--Private/Local Appropriation	((\$5,797,000))
6		<u>\$7,997,000</u>
7	TOTAL APPROPRIATION	((\$360,442,000))
8		<u>\$363,940,000</u>

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

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

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

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

25 (4) \$7,000,000 of the motor vehicle account--federal appropriation
26 is for unanticipated federal funds that may be received during the
27 2009-11 fiscal biennium. Upon receipt of the funds, the department
28 shall provide a report on the use of the funds to the transportation
29 committees of the legislature and the office of financial management.

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

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

35 (b) The department is reimbursed from the narrows bridge lights
36 organization within three months from the date any maintenance work is
37 performed. If the narrows bridge lights organization is unable to

1 reimburse the department for any future costs incurred, the lights must
2 be removed at the expense of the narrows bridge lights organization
3 subject to the terms of the contract.

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

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

9 (8) \$16,800,000 of the motor vehicle account--state appropriation
10 is provided solely for the high priority maintenance backlog.
11 Addressing the maintenance backlog must result in increased levels of
12 service.

13 (9) \$750,000 of the motor vehicle account--state appropriation is
14 provided solely for the department's compliance with its national
15 pollution discharge elimination system permit.

16 (10) \$317,000 of the motor vehicle account--state appropriation is
17 provided solely for maintaining a new active traffic management system
18 on Interstate 5, Interstate 90, and SR 520. The department shall track
19 the costs associated with these systems on a corridor basis and report
20 to the legislative transportation committees on the cost and benefits
21 of the system.

22 (11) \$286,000 of the motor vehicle account--state appropriation is
23 provided solely for storm water assessment fees charged by local
24 governments.

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

27 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
28 **OPERATING**

29	Motor Vehicle Account--State Appropriation	((\$51,128,000))
30		<u>\$49,764,000</u>
31	Motor Vehicle Account--Federal Appropriation	\$2,050,000
32	Motor Vehicle Account--Private/Local Appropriation	\$127,000
33	TOTAL APPROPRIATION	((\$53,305,000))
34		<u>\$51,941,000</u>

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

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

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

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

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

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

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

1 (e) For purposes of the 2009-11 fiscal biennium pilot program,
2 infractions detected through the use of automated traffic safety
3 cameras are not part of the registered owner's driving record under RCW
4 46.52.101 and 46.52.120. Additionally, infractions generated by the
5 use of automated traffic safety cameras must be processed in the same
6 manner as parking infractions for the purposes of RCW 3.50.100,
7 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
8 fine issued under this subsection (2) for an infraction generated
9 through the use of an automated traffic safety camera is one hundred
10 thirty-seven dollars. The court shall remit thirty-two dollars of the
11 fine to the state treasurer for deposit into the state patrol highway
12 account; and

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

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

35 (4) \$173,000 of the motor vehicle account--state appropriation is
36 provided solely for the department to continue a pilot tow truck
37 incentive program and to expand the program to other areas of the
38 state. The department may provide incentive payments to towing

1 companies that meet clearance goals on accidents that involve heavy
2 trucks. The department shall report to the office of financial
3 management and the transportation committees of the legislature on the
4 effectiveness of the clearance goals and submit recommendations to
5 improve the pilot program with the department's 2010 supplemental
6 omnibus transportation appropriations act submittal. The tow truck
7 incentive program may continue to provide incentives for quick
8 clearance of traffic incidents involving large vehicles. The
9 department shall make recommendations as part of its biennial budget
10 proposal for expanding the use of the incentive program.

11 (5) \$92,000 of the motor vehicle account--state appropriation is
12 provided solely for operating a new active traffic management system on
13 Interstate 5, Interstate 90, and SR 520. The department shall track
14 the costs associated with these systems on a corridor basis and report
15 to the legislative transportation committees on the cost and benefits
16 of the system.

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

19 (7) During the 2009-11 biennium, the department shall implement a
20 pilot program that expands private transportation providers' access to
21 high occupancy vehicle lanes. Under the pilot program, when the
22 department reserves a portion of a highway based on the number of
23 passengers in a vehicle, the following vehicles must be authorized to
24 use the reserved portion of the highway if the vehicle has the capacity
25 to carry eight or more passengers, regardless of the number of
26 passengers in the vehicle: (a) Auto transportation company vehicles
27 regulated under chapter 81.68 RCW; (b) passenger charter carrier
28 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
29 stretch limousines and stretch sport utility vehicles as defined under
30 department rules; (c) private nonprofit transportation provider
31 vehicles regulated under chapter 81.66 RCW; and (d) private employer
32 transportation service vehicles. For purposes of this subsection,
33 "private employer transportation service" means regularly scheduled,
34 fixed-route transportation service that is offered by an employer for
35 the benefit of its employees. By June 30, 2011, the department shall
36 report to the transportation committees of the legislature on whether
37 private transportation provider use of high occupancy vehicle lanes
38 under the pilot program reduces the speeds of high occupancy vehicle

1 lanes. Nothing in this subsection is intended to authorize the
2 conversion of public infrastructure to private, for-profit purposes or
3 to otherwise create an entitlement or other claim by private users to
4 public infrastructure.

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

7 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
8 **SUPPORT--PROGRAM S**

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

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

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

27 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
28 **AND RESEARCH--PROGRAM T**

29	Motor Vehicle Account--State Appropriation	((\$25,955,000))
30		<u>\$25,384,000</u>
31	Motor Vehicle Account--Federal Appropriation	\$22,002,000
32	Multimodal Transportation Account--State	
33	Appropriation	\$1,090,000
34	Multimodal Transportation Account--Federal	
35	Appropriation	\$3,287,000
36	Multimodal Transportation Account--Private/Local	

1	Appropriation	\$99,000
2	TOTAL APPROPRIATION	((\$52,433,000))
3		<u>\$51,862,000</u>

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

6 (1) \$150,000 of the motor vehicle account--federal appropriation is
7 provided solely for the costs to develop an electronic map-based
8 computer application that will enable law enforcement officers and
9 others to more easily locate collisions and other incidents in the
10 field.

11 (2) \$400,000 of the multimodal transportation account--state
12 appropriation is provided solely for a diesel multiple unit feasibility
13 and initial planning study. The study must evaluate potential service
14 on the Stampede Pass line from Maple Valley to Auburn via Covington.
15 The study must evaluate the potential demand for service, the business
16 model and capital needs for launching and running the line, and the
17 need for improvements in switching, signaling, and tracking. The study
18 must also consider the interconnectivity benefits of, and potential
19 for, future Amtrak Cascades stops in south King county and north Pierce
20 county. As part of its consideration, the department shall conduct a
21 thorough market analysis of the potential for adding or changing stops
22 on the Amtrak Cascades route. The department shall amend the scope,
23 schedule, and budget of the current study process to accommodate the
24 market analysis. A report on the study must be submitted to the
25 legislature by September 30, 2010.

26 (3) \$365,000 of the motor vehicle account--state appropriation and
27 \$81,000 of the motor vehicle account--federal appropriation are
28 provided solely for the development of a freight database to help guide
29 freight investment decisions and track project effectiveness. The
30 database must be based on truck movement tracked through geographic
31 information system technology. For the remainder of the biennium, the
32 department may expand data collection to any highways that have high
33 truck volumes. TransNow shall contribute additional federal funds that
34 are not appropriated in this act. The department shall work with the
35 freight mobility strategic investment board to implement this database.

36 (4) \$2,000,000 of the motor vehicle account--state appropriation is
37 provided solely for scoping unfunded state highway projects to ensure

1 that a well-vetted project list is available for future program funding
2 discussions.

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

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

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

16 (d) Prior to the commencement of the 2011 legislative session, the
17 department shall provide a report to the legislative transportation
18 committees and the office of financial management that includes
19 estimated costs and construction time frames.

20 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
21 appropriation is provided solely for a corridor study of state route
22 number 516 from the eastern border of Maple Valley to state route
23 number 167 to determine whether improvements are needed and the costs
24 of any needed improvements.

25 (6) \$500,000 of the multimodal transportation account--federal
26 appropriation is provided solely for continued support of the
27 International Mobility and Trade Corridor project and for the
28 department to work with the Whatcom council of governments to examine
29 potential improvements to international border freight and passenger
30 rail movement and the use of diesel multiple units.

31 (7) \$80,000 of the motor vehicle account--state appropriation is
32 provided solely to continue existing work regarding feasibility of a
33 new interchange between Rochester and Harrison Avenue on Interstate 5.

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

36 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**

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

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

12 (3) \$7,000,000 of the multimodal transportation account--state
13 appropriation is provided solely for a vanpool grant program for: (a)
14 Public transit agencies to add vanpools or replace vans; and (b)
15 incentives for employers to increase employee vanpool use. The grant
16 program for public transit agencies will cover capital costs only;
17 operating costs for public transit agencies are not eligible for
18 funding under this grant program. Additional employees may not be
19 hired from the funds provided in this section for the vanpool grant
20 program, and supplanting of transit funds currently funding vanpools is
21 not allowed. The department shall encourage grant applicants and
22 recipients to leverage funds other than state funds. At least
23 \$1,600,000 of this amount must be used for vanpool grants in congested
24 corridors.

25 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
26 account--state appropriation is provided solely for a grant for a
27 flexible carpooling pilot project program to be administered and
28 monitored by the department. Funds are appropriated for one time only.
29 The pilot project program must: Test and implement at least one
30 flexible carpooling system in a high-volume commuter area that enables
31 carpooling without prearrangement; utilize technologies that, among
32 other things, allow for transfer of ride credits between participants;
33 and be a membership system that involves prescreening to ensure safety
34 of the participants. The program must include a pilot project that
35 targets commuter traffic on the state route number 520 bridge. The
36 department shall submit to the legislature by December 2010 a report on
37 the program results and any recommendations for additional flexible
38 carpooling programs.

1 (5) \$3,318,000 of the multimodal transportation account--state
2 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
3 grant program account--state appropriation are reappropriated and
4 provided solely for the regional mobility grant projects identified on
5 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
6 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
7 The department shall continue to review all projects receiving grant
8 awards under this program at least semiannually to determine whether
9 the projects are making satisfactory progress. The department shall
10 promptly close out grants when projects have been completed, and any
11 remaining funds available to the office of transit mobility must be
12 used only to fund projects on the LEAP Transportation Document 2006-D,
13 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
14 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
15 as developed April 24, 2009. It is the intent of the legislature to
16 appropriate funds through the regional mobility grant program only for
17 projects that will be completed on schedule. However, the Chuckanut
18 park and ride project (101100G) is recognized as a crucial investment
19 in the transportation system. For this reason, the department shall
20 not close out the grant for the Chuckanut park and ride project until
21 Skagit transit has exhausted all other pending opportunities for
22 federal and local funds. If additional funds cannot be secured, the
23 department shall consider this project a priority in the 2011-13 grant
24 process. The department shall make every effort to advance the
25 Chuckanut park and ride project within existing resources.

26 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
27 program account--state appropriation is provided solely for the
28 regional mobility grant projects identified in LEAP Transportation
29 Document 2009-B, as developed April 24, 2009. The department shall
30 review all projects receiving grant awards under this program at least
31 semiannually to determine whether the projects are making satisfactory
32 progress. Any project that has been awarded funds, but does not report
33 activity on the project within one year of the grant award, must be
34 reviewed by the department to determine whether the grant should be
35 terminated. The department shall promptly close out grants when
36 projects have been completed, and any remaining funds available to the
37 office of transit mobility must be used only to fund projects
38 identified in LEAP Transportation Document 2009-B, as developed April

1 24, 2009. The department shall provide annual status reports on
2 December 15, 2009, and December 15, 2010, to the office of financial
3 management and the transportation committees of the legislature
4 regarding the projects receiving the grants. It is the intent of the
5 legislature to appropriate funds through the regional mobility grant
6 program only for projects that will be completed on schedule.

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

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

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

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

20 (8) \$300,000 of the multimodal transportation account--state
21 appropriation is provided solely for a transportation demand management
22 program, developed by the Whatcom council of governments, to further
23 reduce drive-alone trips and maximize the use of sustainable
24 transportation choices. The community-based program must focus on all
25 trips, not only commute trips, by providing education, assistance, and
26 incentives to four target audiences: (a) Large work sites; (b)
27 employees of businesses in downtown areas; (c) school children; and (d)
28 residents of Bellingham.

29 (9) \$130,000 of the multimodal transportation account-- state
30 appropriation is provided solely to the department to distribute to
31 support Engrossed Substitute House Bill No. 2072 (special needs
32 transportation).

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

37 (b) \$50,000 of the amount provided in this subsection is provided
38 solely to support the pilot project to be developed or implemented by

1 the local coordinating coalition comprised of a single county,
2 described in sections 9, 10, and 11, chapter . . . (Engrossed
3 Substitute House Bill No. 2072), Laws of 2009. The department shall
4 assist the local coordinating coalition to seek funding sufficient to
5 fully fund the pilot project from a variety of sources including, but
6 not limited to, the regional transit authority serving the county, the
7 regional transportation planning organization serving the county, and
8 other appropriate state and federal agencies and grants. Development
9 or implementation of the pilot project is contingent on securing
10 funding sufficient to fully fund the pilot project.

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

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

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

24 (12) \$2,309,000 of the multimodal transportation account--state
25 appropriation is provided solely for the tri-county connection service
26 for Island, Skagit, and Whatcom transit agencies.

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

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

30 Puget Sound Ferry Operations Account--State

31	Appropriation	((\$425,922,000))
32		<u>\$447,460,000</u>

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

35 (1) ((~~\$78,754,952~~)) \$97,053,000 of the Puget Sound ferry operations
36 account--state appropriation is provided solely for auto ferry vessel
37 operating fuel in the 2009-11 fiscal biennium. This appropriation is

1 contingent upon the enactment of sections 716 and 701 of this act. All
2 fuel purchased by the Washington state ferries at Harbor Island truck
3 terminal for the operation of the Washington state ferries diesel
4 powered vessels must be a minimum of five percent biodiesel blend so
5 long as the per gallon price of diesel containing a five percent
6 biodiesel blend level does not exceed the per gallon price of diesel by
7 more than five percent.

8 (2) To protect the waters of Puget Sound, the department shall
9 investigate nontoxic alternatives to fuel additives and other
10 commercial products that are used to operate, maintain, and preserve
11 vessels.

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

20 (4) The department shall strive to significantly reduce the number
21 of injuries suffered by Washington state ferries employees. By
22 December 15, 2009, the department shall submit to the office of
23 financial management and the transportation committees of the
24 legislature its implementation plan to reduce such injuries.

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

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

36 (7) The office of financial management budget instructions require
37 agencies to recast enacted budgets into activities. The Washington
38 state ferries shall include a greater level of detail in its 2011-13

1 omnibus transportation appropriations act request, as determined
2 jointly by the office of financial management, the Washington state
3 ferries, and the legislative transportation committees.

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

13 (9) \$1,100,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for a marketing program. The
15 department shall present a marketing program proposal to the
16 transportation committees of the legislature during the 2010
17 legislative session before implementing this program. Of this amount,
18 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
19 Coupeville for mitigation expenses related to only one vessel operating
20 on the Port Townsend/Keystone ferry route. The moneys provided to the
21 city of Port Townsend and town of Coupeville are not contingent upon
22 the required marketing proposal.

23 (10) \$350,000 of the Puget Sound ferry operations account--state
24 appropriation is provided solely for two extra trips per day during the
25 summer of 2009 season, beyond the current schedule, on the Port
26 Townsend/Keystone route.

27 (11) When purchasing uniforms that are required by collective
28 bargaining agreements, the department shall contract with the lowest
29 cost provider.

30 (12) The legislature finds that measuring the performance of
31 Washington state ferries requires the measurement of quality,
32 timeliness, and unit cost of services delivered to customers.
33 Consequently, the department must develop a set of metrics that measure
34 that performance and report to the transportation committees of the
35 legislature and to the office of financial management on the
36 development of these measurements along with recommendations to the
37 2010 legislature on which measurements must become a part of the next
38 omnibus transportation appropriations act.

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

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

19 (b) The process for appointing an investigating officer or officers
20 and a description of the authorities and responsibilities of the
21 investigating officer or officers. The investigating officer or
22 officers must:

23 (i) Have the appropriate training and experience as determined by
24 the policy;

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

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

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

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

37 (c) The process of working with the affected employee or employees

1 in accordance with the employee's or employees' respective collective
2 bargaining agreement and the appropriate union officials, within
3 protocols afforded to all public employees;

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

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

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

13 (14) \$7,300,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for the purposes of travel time
15 associated with Washington state ferries employees. However, if
16 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
17 system) is enacted by June 30, 2010, containing an appropriation for
18 purposes of travel time associated with Washington state ferries
19 employees, the amount provided in this subsection lapses.

20 (15) \$50,000 of the Puget Sound ferry operations account--state
21 appropriation is provided solely to implement a mechanism to report on-
22 time performance statistics.

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

29 (b) The department shall, by November 1, 2010, report to the
30 transportation committees of the legislature statistics regarding its
31 on-time arrival and departure status on a route-by-route and month-by-
32 month basis, as well as an annual route-by-route and systemwide basis,
33 weighted by the number of customers on each sailing and distinguishing
34 peak period on-time performance. The statistics must include reasons
35 for any delays over ten minutes from the scheduled time. The
36 statistics must be prominently displayed on the Washington state
37 ferries' web site. Each Washington state ferries vessel and terminal

1 must prominently display the statistics as they relate to their
2 specific route.

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

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

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

15 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
16 Multimodal Transportation Account--State
17 Appropriation ((~~\$37,371,000~~))
18 \$29,871,000
19 Multimodal Transportation Account--Federal
20 Appropriation \$100,000
21 TOTAL APPROPRIATION \$29,971,000

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

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

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

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

33 **Sec. 918.** 2010 c 247 s 224 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**

1 TOTAL APPROPRIATION ((~~\$209,470,000~~))
2 \$206,914,000

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

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

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

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

13 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**
14 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

15 Motor Vehicle Account--State Appropriation ((~~\$4,810,000~~))
16 \$4,623,000

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

19 (1) \$1,198,000 of the motor vehicle account--state appropriation is
20 provided solely for the Olympic region site acquisition debt service
21 payments and administrative costs associated with capital improvement
22 and preservation project and financial management.

23 (2) ((~~\$3,612,000~~)) \$3,425,000 of the motor vehicle account--state
24 appropriation is provided solely for high priority safety projects that
25 are directly linked to employee safety, environmental risk, or minor
26 works that prevent facility deterioration. This includes the
27 administrative costs associated with those projects and the
28 reconstruction of the Wandermere facility that was destroyed in the
29 2008-09 winter storms.

30 **Sec. 1005.** 2010 c 247 s 303 (uncodified) is amended to read as
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

33 Multimodal Transportation Account--State
34 Appropriation ((~~\$98,000~~))
35 \$2,000

36 Transportation Partnership Account--State

1	Appropriation	((\$1,665,644,000))
2		<u>\$1,326,290,000</u>
3	Motor Vehicle Account--State Appropriation	((\$85,534,000))
4		<u>\$66,880,000</u>
5	Motor Vehicle Account--Federal Appropriation	((\$570,107,000))
6		<u>\$532,554,000</u>
7	Motor Vehicle Account--Private/Local	
8	Appropriation	((\$70,714,000))
9		<u>\$83,270,000</u>
10	Special Category C Account--State Appropriation	\$25,221,000
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation	((\$713,205,000))
13		<u>\$590,797,000</u>
14	Freight Mobility Multimodal Account--State	
15	Appropriation	((\$4,574,000))
16		<u>\$4,575,000</u>
17	Tacoma Narrows Toll Bridge Account--State	
18	Appropriation	((\$789,000))
19		<u>\$797,000</u>
20	State Route Number 520 Corridor Account--State	
21	Appropriation	((\$231,763,000))
22		<u>\$229,838,000</u>
23	((State Route Number 520 Civil Penalties Account--State	
24	Appropriation	\$1,190,000))
25	TOTAL APPROPRIATION	((\$3,368,839,000))
26		<u>\$2,860,224,000</u>

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

29 (1) Except as provided otherwise in this section, the entire
30 transportation 2003 account (nickel account) appropriation and the
31 entire transportation partnership account appropriation are provided
32 solely for the projects and activities as listed by fund, project, and
33 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed
34 March ((~~8, 2010~~)) 22, 2011, Program - Highway Improvement Program (I).
35 However, limited transfers of specific line-item project appropriations
36 may occur between projects for those amounts listed subject to the
37 conditions and limitations in section 603 ((~~of this act~~)), chapter
38 . . . (Senate Bill No. 5176), Laws of 2011.

1 (2) (~~(\$163,385,000)~~) \$158,094,000 of the transportation partnership
2 account--state appropriation and (~~(\$231,763,000)~~) \$229,838,000 of the
3 state route number 520 corridor account--state appropriation are
4 provided solely for the state route number 520 bridge replacement and
5 HOV project. The department shall submit an application for the
6 eastside transit and HOV project to the supplemental discretionary
7 grant program for regionally significant projects as provided in the
8 American Recovery and Reinvestment Act of 2009.

9 (3) As required under section 305(6), chapter 518, Laws of 2007,
10 the department shall report by January 2010 to the transportation
11 committees of the legislature on the findings of the King county noise
12 reduction solutions pilot project.

13 (4) Funding allocated for mitigation costs is provided solely for
14 the purpose of project impact mitigation, and shall not be used to
15 develop or otherwise participate in the environmental assessment
16 process.

17 (5) The department shall apply for surface transportation program
18 (STP) enhancement funds to be expended in lieu of or in addition to
19 state funds for eligible costs of projects in Programs I and P
20 including, but not limited to, the SR 518, SR 520, Columbia river
21 crossing, and Alaskan Way viaduct projects.

22 (6) The department shall, on a quarterly basis beginning July 1,
23 2009, provide to the office of financial management and the legislature
24 reports providing the status on each active project funded in part or
25 whole by the transportation 2003 account (nickel account) or the
26 transportation partnership account. Funding provided at a programmatic
27 level for transportation partnership account and transportation 2003
28 account (nickel account) projects relating to bridge rail, guard rail,
29 fish passage barrier removal, and roadside safety projects should be
30 reported on a programmatic basis. Projects within this programmatic
31 level funding should be completed on a priority basis and scoped to be
32 completed within the current programmatic budget. Report formatting
33 and elements must be consistent with the October 2009 quarterly project
34 report. On a representative sample of new construction contracts
35 valued at fifteen million dollars or more, the department must also use
36 an earned value method of project monitoring.

37 (7) The transportation 2003 account (nickel account)--state

1 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
2 from the sale of bonds authorized by RCW 47.10.861.

3 (8) The transportation partnership account--state appropriation
4 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
5 sale of bonds authorized in RCW 47.10.873.

6 (9) The special category C account--state appropriation includes up
7 to (~~(\$25,221,000)~~) \$25,022,000 in proceeds from the sale of bonds
8 authorized in RCW 47.10.812.

9 (10) The motor vehicle account--state appropriation includes up to
10 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
11 authorized in RCW 47.10.843.

12 (11) The state route number 520 corridor account--state
13 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
14 from the sale of bonds authorized in RCW 47.10.879.

15 (12) The department must prepare a tolling study for the Columbia
16 river crossing project. While conducting the study, the department
17 must coordinate with the Oregon department of transportation to perform
18 the following activities:

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

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

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

27 (d) Confer with the project sponsor's council, as well as local and
28 regional governing bodies adjacent to the Interstate 5 Columbia river
29 crossing corridor and the Interstate 205 corridor regarding the
30 implementation of tolls, the impacts that the implementation of tolls
31 might have on the operation of the corridors, the diversion of traffic
32 to local streets, and potential mitigation measures;

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

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

1 (g) Conduct public work sessions and open houses to provide
2 information to citizens, including users of the bridge and business and
3 freight interests, regarding implementation of tolls on the Interstate
4 5 and to solicit citizen views on the following items:

5 (i) Funding a portion of the Columbia river crossing project with
6 tolls;

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

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

11 (h) Provide a report to the governor and the legislature by January
12 2010.

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

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

21 (i) Confer with the mayors and city councils of jurisdictions in
22 the vicinity of the project regarding the implementation of high
23 occupancy toll lanes and the impacts that the implementation of these
24 high occupancy toll lanes might have on the operation of the corridor
25 and adjacent local streets;

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

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

32 (iv) Provide a report to the governor and the legislature by
33 January 2010.

34 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
35 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
36 federal appropriation are provided solely for project 100224I, US 2
37 high priority safety project. Expenditure of these funds is for safety

1 projects on state route number 2 between Monroe and Gold Bar, which may
2 include median rumble strips, traffic cameras, and electronic message
3 signs.

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

7 (16) The department shall conduct a public outreach process to
8 identify and respond to community concerns regarding the Belfair
9 bypass. The process must include representatives from Mason county,
10 the legislature, area businesses, and community members. The
11 department shall use this process to consider and develop design
12 alternatives that alter the project's scope so that the community's
13 needs are met within the project budget. The department shall provide
14 a report on the process and outcomes to the legislature by June 30,
15 2010.

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

24 (18) \$250,000 of the motor vehicle account--state appropriation is
25 provided solely for the design and construction of a right turn lane to
26 improve visibility and traffic flow on state route number 195 and
27 Cheney-Spokane Road (project L1000001).

28 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
29 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
30 state appropriation are provided solely for the Westview school noise
31 wall (project WESTV).

32 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
33 appropriation and \$131,000 of the motor vehicle account--federal
34 appropriation are provided solely for interchange design and planning
35 work on US 12 at A Street and Tank Farm Road (project PASCO).

36 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
37 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
38 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor

1 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
2 \$9,422,000 of the motor vehicle account--federal appropriation are
3 provided solely for project 400506A, the I-5/Columbia river
4 crossing/Vancouver project. The funding described in this subsection
5 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
6 Oregon.

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

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

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

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

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

36 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
37 account--state appropriation is provided solely for project 109040Q,

1 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
2 project, as indicated in the LEAP transportation document referenced in
3 subsection (1) of this section.

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

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

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

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

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

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

37 (c) Economic considerations for future system investments.

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

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

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

16 (c) Economic considerations for future system investments.

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

28 (32) \$400,000 of the motor vehicle account--state appropriation is
29 provided solely for the department to conduct a state route number 2
30 route development plan (project L2000016) that will identify essential
31 improvements needed between the port of Everett/Naval station and
32 approaching the state route number 9 interchange near the city of
33 Snohomish.

34 (33) If the SR 26 - Intersection and Illumination Improvements are
35 not completed by June 30, 2009, the department shall ensure that the
36 improvements are completed as soon as practicable after June 30, 2009,
37 and shall submit monthly progress reports on the improvements beginning
38 July 1, 2009.

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

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

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

25 (37) \$10,000,000 of the transportation partnership account--state
26 appropriation is provided solely for the Spokane street viaduct portion
27 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
28 indicated in the LEAP transportation document referenced in subsection
29 (1) of this section.

30 (38) The department shall conduct a public outreach process to
31 identify and respond to community concerns regarding the portion of
32 John's Creek Road that connects state route number 3 and state route
33 number 101. The process must include representatives from Mason
34 county, the legislature, area businesses, and community members. The
35 department shall use this process to consider, develop, and design a
36 project scope so that the community's needs are met for the lowest
37 cost. The department shall provide a report on the process and
38 outcomes to the legislature by June 30, 2010.

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

8 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--
9 federal appropriation (~~(is)~~) and \$1,405,000 of the motor vehicle
10 account--state appropriation are provided solely for the Alaskan Way
11 Viaduct - Automatic Shutdown project, identified as project L1000034.

12 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
13 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
14 account--state appropriation are provided solely for the US 12/Nine
15 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified
16 as project 501210T.

17 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
18 appropriation is provided solely for the Express Lanes System Concept
19 Study project, identified as project 800020A. As part of this project,
20 the department shall prepare a comprehensive tolling study of the
21 Interstate 5 express lanes to determine the feasibility of
22 administering tolls within the corridor. The department shall
23 regularly report to the Washington transportation commission regarding
24 the progress of the study. The elements of the study must include, at
25 a minimum:

26 (i) The potential for value pricing to generate revenues for needed
27 transportation facilities;

28 (ii) Maximizing the efficient operation of the corridor;

29 (iii) Economic considerations for future system investments; and

30 (iv) An analysis of the impacts to the regional transportation
31 system.

32 (b) The department shall submit a final report on the study to the
33 joint transportation committee by June 30, 2011.

34 (~~(44) \$226,000~~) (43) \$206,000 of the motor vehicle account--
35 federal appropriation and \$9,000 of the motor vehicle account--state
36 appropriation are provided solely for the SR 16/Rosedale Street NW
37 Vicinity - Frontage Road project (301639C). These funds must not be

1 expended before an agreement stating that the city of Gig Harbor will
2 take ownership of the road has been signed. The frontage road must be
3 built for driving speeds of no more than thirty-five miles per hour.

4 ~~((45))~~ (44) The department shall work with the Washington state
5 transportation commission, the Oregon state department of
6 transportation, and the Oregon state transportation commission to
7 analyze and review potential options for a bistate, toll setting
8 framework. As part of the analysis, the department shall undertake the
9 following actions: Review statutory provisions and the governance
10 structures of toll facilities in the United States that are located
11 within two or more states; review relevant federal law regarding
12 transportation facilities that are located within two or more states;
13 consult with the state treasurers in Washington and Oregon regarding
14 the appropriate structure for the issuance of debt for toll facilities
15 that are located within two states; report findings and recommendations
16 to the Columbia river project sponsor's council by October 1, 2010; and
17 provide a final report to the governor and the legislature by June 30,
18 2011.

19 ~~((46))~~ (45) \$750,000 of the motor vehicle account--state
20 appropriation is provided solely for improvements from Allan Road to
21 state route number 12 (501207Z).

22 ~~((47) \$500,000)~~ (46) \$455,000 of the motor vehicle account--state
23 appropriation is provided solely for a traffic signal at the
24 intersection of state route number 7 and state route number 702
25 (300738A).

26 ~~((48) \$750,000)~~ (47) \$316,000 of the motor vehicle account--state
27 appropriation is provided solely for environmental work on the Belfair
28 Bypass (project 300344C).

29 ~~((49))~~ (48) The legislature finds that state route number 522
30 corridor provides an important link between Interstates 5 and 405 and
31 will be impacted by diversion from tolling elsewhere in the region.
32 State route number 522 must be reviewed as part of the scoping work
33 conducted under section 220(4) of this act. As such, the legislature
34 intends to provide additional funding for the corridor as a priority in
35 the next revenue package. The state will work with the affected cities
36 and the federal government to secure the necessary resources to address
37 the needs of this critical corridor.

1 ~~((+50) \$500,000))~~ (49) \$558,000 of the motor vehicle account--state
2 appropriation is provided solely for the US 12/SR 122/Mossyrock -
3 Intersection project (401212R) for safety improvements.

4 ~~((+51))~~ (50) \$200,000 of the motor vehicle account--federal
5 appropriation is provided solely for project US 97A/North of Wenatchee
6 - Wildlife Fence (209790B), and an offsetting reduction is anticipated
7 in the 2011-13 biennium.

8 ~~((+52))~~ (51) If a planned roundabout in the vicinity of state
9 route number 526 and 84th Street SW would divert commercial traffic
10 onto neighborhood streets, the department may not proceed with
11 improvements at state route number 526 and 84th Street SW until the
12 traffic impacts in the vicinity of state route number 526 and 40th
13 Avenue West are addressed.

14 ~~((+53))~~ (52) The department shall conduct a collision analysis
15 corridor study on state route number 167 from milepost 0 to milepost 5
16 and report to the transportation committees of the legislature on the
17 analysis results by December 1, 2010.

18 ~~((+54) \$2,600,000))~~ (53) \$357,000 of the motor vehicle account--
19 federal appropriation is provided solely for the ITS Advanced Traveler
20 Information System project in Whatcom county (100589B).

21 ~~((+55) \$900,000))~~ (54) \$94,000 of the motor vehicle account--
22 federal appropriation is provided solely for the US 97/Cameron Lake
23 Road intersection improvements project in Okanogan county (209700W).

24 ~~((+56) \$400,000))~~ (55) \$294,000 of the motor vehicle account--
25 federal appropriation and ~~((+56) \$100,000))~~ \$74,000 of the motor vehicle
26 account--state appropriation are provided solely for the SR 9/SR 204
27 Intersection Improvement project (L2000040).

28 ~~((+57))~~ (56) The legislature finds that the state route number 12
29 widening from state route number 124 to Walla Walla is an important
30 east-west corridor in the southeast region of the state. Widening the
31 highway to four lanes will increase safety and improve freight
32 mobility. Therefore, the legislature intends for the department to use
33 up to two million dollars in future redistributed federal obligation
34 authority that may be received by the department for right-of-way
35 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
36 Phase 7-A project (501210T).

1 (STP) enhancement funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in Programs I and P.

3 (4) \$6,636,000 of the Puyallup tribal settlement account--state
4 appropriation is provided solely for costs associated with the Murray
5 Morgan/11th Street bridge project. The city of Tacoma may use the
6 Puyallup tribal settlement account appropriation and other appropriated
7 funds for bridge rehabilitation, bridge replacement, bridge demolition,
8 and related mitigation. The department's participation, including
9 prior expenditures, may not exceed \$40,270,000. The city of Tacoma has
10 taken ownership of the bridge in its entirety, and the payment of these
11 funds extinguishes any real or implied agreements regarding future
12 bridge expenditures.

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

18 (6) The department shall, on a quarterly basis beginning July 1,
19 2009, provide to the office of financial management and the legislature
20 reports providing the status on each active project funded in part or
21 whole by the transportation 2003 account (nickel account) or the
22 transportation partnership account. Funding provided at a programmatic
23 level for transportation partnership account projects relating to
24 seismic bridges should be reported on a programmatic basis. Projects
25 within this programmatic level funding should be completed on a
26 priority basis and scoped to be completed within the current
27 programmatic budget. The department shall work with the office of
28 financial management and the transportation committees of the
29 legislature to agree on report formatting and elements. Elements must
30 include, but not be limited to, project scope, schedule, and costs.
31 For new construction contracts valued at fifteen million dollars or
32 more, the department must also use an earned value method of project
33 monitoring. The department shall also provide the information required
34 under this subsection on a quarterly basis via the transportation
35 executive information systems (TEIS).

36 (7) The department of transportation shall continue to implement
37 the lowest life cycle cost planning approach to pavement management
38 throughout the state to encourage the most effective and efficient use

1 of pavement preservation funds. Emphasis should be placed on
2 increasing the number of roads addressed on time and reducing the
3 number of roads past due.

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

7 (i) The current backlog of asphalt and concrete pavement
8 preservation projects;

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

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

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

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

18 (b) Additionally, the department shall work with the department of
19 ecology, the county road administration board, and the transportation
20 improvement board to explore and explain the potential use of permeable
21 asphalt and concrete pavement in state highway construction as an
22 alternative method of storm water mitigation and the potential effects
23 on highway pavement replacement needs.

24 (c) The department shall submit the report to the office of
25 financial management and the transportation committees of the
26 legislature by September 1, 2010, in order to inform the development of
27 the 2011-13 omnibus transportation appropriations act.

28 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
29 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
30 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
31 transportation partnership account--state appropriation are provided
32 solely for the SR 104/Hood Canal bridge - replace east half project,
33 identified as project 310407B in the LEAP transportation document
34 described in subsection (1) of this section.

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

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

4 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
5 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
6 account--state appropriation are provided solely for the environmental
7 impact statement and preliminary planning for the replacement of the
8 state route number 9 Snohomish river bridge (project L2000018).

9 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
10 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
11 account--state appropriation are provided solely for the SR 410/Nile
12 Valley Landslide - Establish Interim Detour project (541002R).

13 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
14 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
15 account--state appropriation are provided solely for the SR 410/Nile
16 Valley Landslide - Reconstruct Route project (541002T).

17 ((+16)) (15) The legislature anticipates a report in September
18 2010 that will outline the department's recommendation for developing
19 a Keller Ferry replacement at the lowest cost. The legislature
20 supports the request to the federal government for federal aid for a
21 replacement vessel and intends to provide reasonable matching amounts
22 as necessary.

23 ((+17) ~~\$2,100,000~~) (16) \$194,000 of the motor vehicle account--
24 federal appropriation is provided solely for the SR 21/Kettle River to
25 Malo paving project in Ferry county (602117A).

26 **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
29 **CAPITAL**

30	Motor Vehicle Account--State Appropriation	((\$8,158,000))
31		<u>\$6,847,000</u>
32	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
33		<u>\$11,412,000</u>
34	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
35		<u>\$174,000</u>
36	TOTAL APPROPRIATION	((\$26,368,000))
37		<u>\$18,433,000</u>

1 for terminal project support, and a maximum of \$4,497,000 may be used
2 for vessel project support. Of the total appropriation, \$5,851,000 is
3 provided solely for a reservation system and associated communications
4 projects.

5 (2) \$51,734,000 of the transportation 2003 account (nickel
6 account)--state appropriation, \$63,100,000 of the transportation
7 partnership account--state appropriation, and \$10,164,000 of the Puget
8 Sound capital construction account--state appropriation are provided
9 solely for the acquisition of three new Island Home class ferry vessels
10 subject to the conditions of RCW 47.56.780. The department shall
11 pursue a contract for the second and third Island Home class ferry
12 vessels with an option to purchase a fourth Island Home class ferry
13 vessel. However, if sufficient resources are available to build one
14 144-auto vessel prior to exercising the option to build the fourth
15 Island Home class ferry vessel, procurement of the fourth Island Home
16 class ferry vessel will be postponed and the department shall pursue
17 procurement of a 144-auto vessel.

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

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

24 (c) Cost savings from the following initiatives will be included in
25 the funding of these vessels: The department's review and update of
26 the vessel life-cycle cost model as required under this section; and
27 the implementation of technology efficiencies as required under section
28 602 of this act.

29 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
30 state appropriation and \$2,450,000 of the transportation partnership
31 account--state appropriation are provided solely for the following
32 projects related to the design of a 144-vehicle vessel class: (i)
33 \$1,380,000 is provided solely for completion of the contract for owner-
34 furnished equipment; (ii) \$8,320,000 is provided solely for completion
35 of the technical design, detail design, and production drawings(~~(, all~~
36 ~~of which must plan for an aluminum superstructure)); (iii) \$480,000 is~~
37 provided solely for the storage of owner-furnished equipment; and (iv)
38 a maximum of \$720,000 is for construction engineering. In completing

1 the contract for owner-furnished equipment, the department shall use as
2 much of the already procured equipment as is practicable on the Island
3 Home class ferry vessels if it is likely to be obsolete before it is
4 used in procured 144-vehicle vessels.

5 (b) The department shall conduct a cost-benefit study on
6 alternative furnishings and fittings for the 144-vehicle vessel class.
7 The study must review the proposed interior furnishings and fittings
8 for the long-term maintenance and out-of-service vessel costs and, if
9 appropriate, propose alternative interior furnishings and fittings that
10 will decrease long-term maintenance and out-of-service vessel costs.
11 The study must include a projection of out-of-service time and a life-
12 cycle cost analysis of planned out-of-service time, including the
13 impact on fleet size. The department must submit the study to the
14 joint transportation committee by August 1, 2010.

15 ~~((c) The department shall identify costs for any additional detail
16 design and production drawings costs related to incorporating the
17 aluminum superstructure and any changes in the proposed furnishings and
18 fittings.))~~

19 (4) ~~(\$6,300,000)~~ \$2,000,000 of the Puget Sound capital
20 construction account-- state appropriation is provided solely for
21 emergency capital costs.

22 (5) \$3,000,000 of the Puget Sound capital construction account--
23 federal appropriation is provided solely for completing the Anacortes
24 terminal design up to the maximum allowable construction cost phase.
25 Beyond preparing environmental work, these funds may be spent only
26 after the following conditions have been met: (a) A value engineering
27 process is conducted on the existing design and the concept of a
28 terminal building smaller than preferred alternative; (b) the office of
29 financial management participates in the value engineering process; (c)
30 the office of financial management concurs with the recommendations of
31 the value engineering process; and (d) the office of financial
32 management gives its approval to proceed with the design work.

33 (6) \$3,965,000 of the Puget Sound capital construction account--
34 state appropriation is provided solely for the following vessel
35 projects: Waste heat recovery pilot project for the Issaquah; jumbo
36 Mark 1 class steering gear ventilation pilot project; and improvements
37 to the Yakima and Kaleetan propulsion controls to allow for two engine

1 operation. Before beginning these projects, the Washington state
2 ferries must ensure the vessels' out-of-service time does not
3 negatively impact service to the system.

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

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

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

26 (10) \$1,200,000 of the total appropriation is provided solely for
27 improving the toll booth configuration at the Port Townsend and
28 Keystone ferry terminals.

29 (11) \$2,636,000 of the total appropriation is provided solely for
30 continued permitting work on the Mukilteo ferry terminal. The
31 department shall seek additional federal funding for this project.

32 (12) The department shall develop a proposed ferry vessel
33 maintenance, preservation, and improvement program and present it to
34 the transportation committees of the legislature by July 1, 2010. The
35 proposal must:

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

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

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

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

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

13 (iv) A review of the department's vessel maintenance, preservation,
14 and improvement program contracting process and contractual
15 requirements;

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

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

21 (vii) Coordination with required United States coast guard dry
22 dockings;

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

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

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

30 (13) \$247,000 of the Puget Sound capital construction account--
31 state appropriation is provided solely for the Washington state ferries
32 to review and update its vessel life-cycle cost model and report the
33 results to the house of representatives and senate transportation
34 committees of the legislature by December 1, 2010. This review will
35 evaluate the impact of the planned out-of-service periods scheduled for
36 each vessel on the ability of the overall system to deliver
37 uninterrupted service and will assess the risk of service disruption

1 from unscheduled maintenance or longer than planned maintenance
2 periods.

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

10 (15) The Puget Sound capital construction account--state
11 appropriation includes up to (~~(\$114,000,000)~~) \$76,000,000 in proceeds
12 from the sale of bonds authorized in RCW 47.10.843.

13 (16) The Puget Sound capital construction account--state
14 appropriation reflects the reduction of three terminal positions due to
15 decreased terminal activity and funding.

16 (17) The department shall provide data to the transportation
17 committees of the senate and house of representatives for a transparent
18 analysis of travel pay policies.

19 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as
20 follows:

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

22	Essential Rail Assistance Account--State	
23	Appropriation	((\$333,000))
24		<u>\$334,000</u>
25	Transportation Infrastructure Account--State	
26	Appropriation	((\$13,184,000))
27		<u>\$12,348,000</u>
28	Multimodal Transportation Account--State	
29	Appropriation	((\$102,202,000))
30		<u>\$82,141,000</u>
31	Multimodal Transportation Account--Federal	
32	Appropriation	((\$619,527,000))
33		<u>\$48,445,000</u>
34	((Multimodal Transportation Account--Private/Local	
35	 Appropriation	(\$81,000))
36	TOTAL APPROPRIATION	((\$735,327,000))
37		<u>\$143,268,000</u>

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

3 (1)(a) Except as provided otherwise in this section, the entire
4 appropriations in this section are provided solely for the projects and
5 activities as listed by project and amount in LEAP Transportation
6 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed March ((~~8, 2010~~))
7 22, 2011, Program - Rail Capital Program (Y).

8 (b)(i) Within the amounts provided in this section, \$116,000 of the
9 transportation infrastructure account--state appropriation is for a
10 low-interest loan through the freight rail investment bank program to
11 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

12 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))
13 \$400,000 of the transportation infrastructure account--state
14 appropriation is for a low-interest loan through the freight rail
15 investment bank program to the Port of Everett (BIN 722810A) for a new
16 rail track to connect a cement loading facility to the mainline.

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

21 (c)(i) Within the amounts provided in this section, \$1,713,000 of
22 the multimodal transportation account--state appropriation and \$333,000
23 of the essential rail assistance account--state appropriation are for
24 statewide - emergent freight rail assistance projects as follows: Port
25 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
26 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
27 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
28 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
29 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved
30 locomotive facility (BIN 711010B) \$525,000.

31 (ii) Within the amounts provided in this section, ((~~\$338,000~~))
32 \$346,000 of the multimodal transportation account--state appropriation
33 is for a statewide - emergent freight rail assistance project grant for
34 the Lincoln County PDA/Creston - new rail spur (BIN ((~~710510A~~))
35 F01001E) project, provided that the grantee first documents to the
36 satisfaction of the department sufficient commitments from the new
37 shipper or shippers to locate in the publicly owned industrial park

1 west of Creston to ensure that the net present value of the public
2 benefits of the project is greater than the grant amount.

3 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
4 \$8,079,000 of the transportation infrastructure account--state
5 appropriation is for grants to any intergovernmental entity or local
6 rail district to which the department of transportation assigns the
7 management and oversight responsibility for the business and economic
8 development elements of existing operating leases on the Palouse River
9 and Coulee City (PCC) rail lines. \$300,000 of the transportation
10 infrastructure account--state appropriation is provided solely for the
11 fence line replacement project on the CW line. The PCC rail line
12 system is made up of the CW, P&L, and PV Hooper rail lines. Business
13 and economic development elements include such items as levels of
14 service and business operating plans, but must not include the state's
15 oversight of railroad regulatory compliance, rail infrastructure
16 condition, or real property management issues. The PCC rail system
17 must be managed in a self-sustaining manner and best efforts must be
18 used to ensure that it does not require state capital or operating
19 subsidy beyond the level of state funding expended on it to date. The
20 assignment of the stated responsibilities to an intergovernmental
21 entity or rail district must be on terms and conditions as the
22 department of transportation and the intergovernmental entity or rail
23 district mutually agree. The grant funds may be used only to refurbish
24 the rail lines. It is the intent of the legislature to make the funds
25 appropriated in this section available as grants to an
26 intergovernmental entity or local rail district for the purposes stated
27 in this section at least until June 30, 2012, and to reappropriate as
28 necessary any portion of the appropriation in this section that is not
29 used by June 30, 2011.

30 (2)(a) The department shall issue a call for projects for the
31 freight rail investment bank program and the emergent freight rail
32 assistance program, and shall evaluate the applications according to
33 the cost benefit methodology developed during the 2008 interim using
34 the legislative priorities specified in (c) of this subsection. By
35 November 1, 2010, the department shall submit a prioritized list of
36 recommended projects to the office of financial management and the
37 transportation committees of the legislature.

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

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

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

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

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

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

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

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

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

29 (4) At the earliest possible date, the department shall apply, and
30 assist ports and local jurisdictions in applying, for any federal
31 funding that may be available for any projects that may qualify for
32 such federal funding. State projects must be (a) currently identified
33 on the project list referenced in subsection (1)(a) of this section or
34 (b) projects for which no state match is required to complete the
35 project. Local or port projects must not require additional state
36 funding in order to complete the project, with the exception of (c)
37 state funds currently appropriated for such project if currently
38 identified on the project list referenced in subsection (1)(a) of this

1 section or (d) potential grants awarded in the competitive grant
2 process for the essential rail assistance program. If the department
3 receives any federal funding, the department is authorized to obligate
4 and spend the federal funds in accordance with federal law. To the
5 extent permissible by federal law, federal funds may be used (e) in
6 addition to state funds appropriated for projects currently identified
7 on the project list referenced in subsection (1)(a) of this section in
8 order to advance funding from future biennia for such project(s) or (f)
9 in lieu of state funds; however, the state funds must be redirected
10 within the rail capital program to advance funding for other projects
11 currently identified on the project list referenced in subsection
12 (1)(a) of this section. State funds may be redirected only upon
13 consultation with the transportation committees of the legislature and
14 the office of financial management, and approval by the director of the
15 office of financial management. The department shall spend the federal
16 funds before the state funds, and shall consult the office of financial
17 management and the transportation committees of the legislature
18 regarding project scope changes.

19 (5) The department shall provide quarterly reports to the office of
20 financial management and the transportation committees of the
21 legislature regarding applications that the department submits for
22 federal funds and the status of such applications.

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

29 (7) The multimodal transportation account--state appropriation
30 includes up to \$48,000,000 in proceeds from the sale of bonds
31 authorized in RCW 47.10.867.

32 (8) When the balance of that portion of the miscellaneous program
33 account apportioned to the department for the grain train program
34 reaches \$1,180,000, the department shall acquire twenty-nine additional
35 grain train railcars.

36 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
37 account--federal appropriation is provided solely for high-speed rail
38 projects awarded to Washington state from the high-speed intercity

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

4 (10) \$2,200,000 of the multimodal transportation account--state
5 appropriation is provided solely for expenditures related to the
6 capital high-speed passenger rail grant that are not federally
7 reimbursable.

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

15 (12) \$1,000,000 of the multimodal transportation account--state
16 appropriation is provided solely for additional expenditures along the
17 Chelatchie Prairie railroad (~~((LN2000025))~~) (710110A).

18 **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
21 **CAPITAL**

22	((Highway Infrastructure Account--State Appropriation	\$207,000
23	Highway Infrastructure Account--Federal	
24	Appropriation	\$1,602,000))
25	Freight Mobility Investment Account--State	
26	Appropriation	((\$13,848,000))
27		<u>\$9,170,000</u>
28	Transportation Partnership Account--State	
29	Appropriation	((\$8,863,000))
30		<u>\$6,828,000</u>
31	Motor Vehicle Account--State Appropriation	((\$14,068,000))
32		<u>\$9,901,000</u>
33	Motor Vehicle Account--Federal Appropriation	((\$43,835,000))
34		<u>\$25,727,000</u>
35	Freight Mobility Multimodal Account--State	
36	Appropriation	((\$15,620,000))
37		<u>\$7,472,000</u>

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

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

8 (7) Federal funds may be transferred from program Z to programs I
9 and P and state funds shall be transferred from programs I and P to
10 program Z to replace those federal funds in a dollar-for-dollar match.
11 Fund transfers authorized under this subsection shall not affect
12 project prioritization status. Appropriations shall initially be
13 allotted as appropriated in this act. The department may not transfer
14 funds as authorized under this subsection without approval of the
15 office of financial management. The department shall submit a report
16 on those projects receiving fund transfers to the office of financial
17 management and the transportation committees of the legislature by
18 December 1, 2009, and December 1, 2010.

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

25 (9) (~~(\$18,289,000)~~) \$13,732,000 of the multimodal transportation
26 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
27 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
28 of the transportation partnership account--state appropriation are
29 provided solely for the pedestrian and bicycle safety program projects
30 and safe routes to schools program projects identified in LEAP
31 Transportation Document 2009-A, pedestrian and bicycle safety program
32 projects and safe routes to schools program projects, as developed
33 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
34 bicycle safety program projects and safe routes to schools program
35 projects, as developed April 20, 2007, and LEAP Transportation Document
36 2006-B, pedestrian and bicycle safety program projects and safe routes
37 to schools program projects, as developed March 8, 2006. Projects must
38 be allocated funding based on order of priority. The department shall

1 review all projects receiving grant awards under this program at least
2 semiannually to determine whether the projects are making satisfactory
3 progress. Any project that has been awarded funds, but does not report
4 activity on the project within one year of the grant award must be
5 reviewed by the department to determine whether the grant should be
6 terminated. The department shall promptly close out grants when
7 projects have been completed, and identify where unused grant funds
8 remain because actual project costs were lower than estimated in the
9 grant award.

10 (10) Except as provided otherwise in this section, the entire
11 appropriations in this section are provided solely for the projects and
12 activities as listed by project and amount in LEAP Transportation
13 Document 2011-2 ALL PROJECTS ((2010-2)) as developed March ((8, 2010))
14 22, 2011, Program - Local Program (Z).

15 (11) For the 2009-11 project appropriations, unless otherwise
16 provided in this act, the director of financial management may
17 authorize a transfer of appropriation authority between projects
18 managed by the freight mobility strategic investment board in order for
19 the board to manage project spending and efficiently deliver all
20 projects in the respective program.

21 (12) (~~(\$913,386 of the motor vehicle account--state appropriation~~
22 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
23 ~~provided solely for completion of the US 101 northeast peninsula safety~~
24 ~~rest area and associated roadway improvements east of Port Angeles at~~
25 ~~the Deer Park scenic view point. The department must surplus any~~
26 ~~right of way previously purchased for this project near Sequim.~~
27 ~~Approval to proceed with construction is contingent on surplus of~~
28 ~~previously purchased right of way. \$865,000 of the motor vehicle~~
29 ~~account--state appropriation is to be placed into unallotted status~~
30 ~~until such time as the right of way sale is completed.~~

31 ~~(13) \$5,894,000)~~ \$5,905,000 of the Puyallup tribal settlement
32 account--state appropriation is provided solely for costs associated
33 with the Murray Morgan/11th Street bridge project. The city of Tacoma
34 may use the Puyallup tribal settlement account appropriation and other
35 appropriated funds for bridge rehabilitation, bridge replacement,
36 bridge demolition, and bridge mitigation. The department's
37 participation, including prior expenditures, may not exceed

1 \$40,270,000. The city of Tacoma has taken ownership of the bridge in
2 its entirety, and the payment of these funds extinguishes any real or
3 implied agreements regarding future bridge expenditures.

4 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle
5 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor
6 vehicle account--state appropriation are provided solely to reimburse
7 the cities of Kirkland and Redmond for pavement and bridge deck
8 rehabilitation on state route number 908 (project 1LP611A). These
9 funds may not be expended unless the cities sign an agreement stating
10 that the cities agree to take ownership of state route number 908 in
11 its entirety and agree that the payment of these funds represents the
12 entire state commitment to the cities for state route number 908
13 expenditures. The amount provided in this subsection is contingent on
14 the enactment by June 30, 2010, of Senate Bill No. 6555.

15 ~~((+15))~~ (14) The department shall consider the condition of the
16 Broadway bridge in the city of Everett when prioritizing bridge
17 projects.

18 ~~((+16))~~ (15) In order to make the Hood Canal bridge safe for
19 cyclists, the department must work with stakeholders to review bicycle
20 safety needs on the bridge, including consideration of accident data
21 and improvements already made to this project.

22 ~~((+17) \$250,000))~~ (16) \$25,000 of the multimodal transportation
23 account--state appropriation is provided solely for the Shell Valley
24 emergency access road and bicycle/pedestrian path.

25 ~~((+18) \$500,000))~~ (17) \$50,000 of the motor vehicle account--state
26 appropriation is provided solely for improvements to the 150th and
27 Murray Road intersection in the city of Lakewood.

28 ~~((+19) \$250,000))~~ (18) \$100,000 of the motor vehicle account--state
29 appropriation is provided solely for flood reduction solutions on state
30 route number 522 caused by the lower McAleer and Lyon creek basins.

31 ~~((+20))~~ (19) \$200,000 of the motor vehicle account--state
32 appropriation is provided solely for improvements to the intersection
33 of 39th Ave SE and state route number 96 in Snohomish county.

34 **TRANSFERS AND DISTRIBUTIONS**

1 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
2 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
3 **FISCAL AGENT CHARGES**

4	State Route Number 520 Corridor Account--State	
5	Appropriation	(((\$40,000))
6		<u>\$83,000</u>
7	Transportation Partnership Account--State	
8	Appropriation	(((\$787,000))
9		<u>\$537,000</u>
10	Motor Vehicle Account--State Appropriation	(((\$122,000))
11		<u>\$62,000</u>
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	(((\$364,000))
14		<u>\$264,000</u>
15	Special Category C Account--State Appropriation	(((\$15,000))
16		<u>\$12,000</u>
17	Urban Arterial Trust Account--State Appropriation	\$5,000
18	Transportation Improvement Account--State Appropriation	\$3,000
19	Multimodal Transportation Account--State	
20	Appropriation	(((\$34,000))
21		<u>\$40,000</u>
22	TOTAL APPROPRIATION	(((\$1,370,000))
23		<u>\$1,006,000</u>

24 **Sec. 1103.** 2010 c 247 s 403 (uncodified) is amended to read as
25 follows:

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

28	Motor Vehicle Account--State Appropriation: For	
29	transfer to the Puget Sound Capital Construction	
30	Account	(((\$114,000,000))
31		<u>\$76,000,000</u>

32 The department of transportation is authorized to sell up to
33 (((\$114,000,000)) 76,000,000 in bonds authorized by RCW 47.10.843 for
34 vessel and terminal acquisition, major and minor improvements, and long
35 lead-time materials acquisition for the Washington state ferries.

1 For transfer to the State Patrol Highway Account--
2 State ((\$5,600,000))
3 \$4,600,000

4 ~~((13) The transfers identified in this section are subject to the~~
5 ~~following conditions and limitations:~~

6 ~~(a) The amount transferred in subsection (1) of this section~~
7 ~~represents repayment of operating loans and reserve payments provided~~
8 ~~to the Tacoma Narrows toll bridge account from the motor vehicle~~
9 ~~account in the 2005-07 fiscal biennium. However, if Engrossed~~
10 ~~Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the~~
11 ~~transfer in subsection (1) of this section shall not occur.~~

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

16 ~~(c) The transfer in subsection (9) of this section represents toll~~
17 ~~revenue collected from toll violations.)~~

18 (10) Highway Safety Account--State Appropriation:
19 For transfer to the Motor Vehicle Account--State \$19,000,000

20 **MISCELLANEOUS**

21 NEW SECTION. Sec. 1201. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 1202. Except for sections 704, 706, 708, 709,
26 711, and 713 of this act, this act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

30 NEW SECTION. Sec. 1203. Sections 704, 706, 708, and 711 of this
31 act are necessary for the immediate preservation of the public peace,
32 health, or safety, or support of the state government and its existing
33 public institutions, and take effect July 1, 2011.

1 NEW SECTION. **Sec. 1204.** Sections 709 and 713 of this act take
2 effect upon certification by the secretary of transportation that the
3 new statewide tolling operations center and photo toll system are fully
4 operational. A notice of certification must be filed with the code
5 reviser for publication in the state register. If a certificate is not
6 issued by the secretary of transportation by December 1, 2012, sections
7 709 and 713 of this act are null and void.

(End of bill)

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