
ENGROSSED SUBSTITUTE HOUSE BILL 2190

State of Washington 62nd Legislature 2012 Regular Session

By House Transportation (originally sponsored by Representatives
Clibborn, Armstrong, Billig, and Hargrove; by request of Governor
Gregoire)

READ FIRST TIME 02/21/12.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 43.19.642 and 46.44.0915; amending 2011 c 367 ss 101, 103,
3 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212,
4 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303,
5 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407,
6 502, 503, 505, 601, and 603 (uncodified); adding new sections to 2011
7 c 367 (uncodified); repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and
8 721 (uncodified); making appropriations and authorizing expenditures
9 for capital improvements; and declaring an emergency.

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

11 **2011-2013 FISCAL BIENNIUM**
12 **GENERAL GOVERNMENT AGENCIES--OPERATING**

13 **Sec. 101.** 2011 c 367 s 101 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**
16 Motor Vehicle Account--State Appropriation ~~(\$430,000)~~
17 \$415,000

1 The appropriation in this section is subject to the following
2 conditions and limitations: The entire appropriation is provided
3 solely for staffing costs to be dedicated to state transportation
4 activities. Staff hired to support transportation activities must have
5 practical experience with complex construction projects.

6 **Sec. 102.** 2011 c 367 s 103 (uncodified) is amended to read as
7 follows:

8 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

9	Motor Vehicle Account--State Appropriation	((\$2,216,000))
10		<u>\$1,727,000</u>
11	Puget Sound Ferry Operations Account--State	
12	Appropriation	((\$4,624,000))
13		<u>\$1,260,000</u>
14	TOTAL APPROPRIATION	((\$6,840,000))
15		<u>\$2,987,000</u>

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

18 (1) The office of financial management, in consultation with the
19 transportation committees of the legislature, shall conduct a budget
20 evaluation study for the new traffic management center proposed by the
21 department of transportation. The study must consider data resulting
22 from the plan identified in section 604 of this act. The budget
23 evaluation study team approach using value engineering techniques must
24 be utilized by the office of financial management in conducting the
25 study. The office of financial management shall select the budget
26 evaluation study team members, contract for the study, and report the
27 results to the transportation committees of the legislature and the
28 department of transportation in a timely manner following the study.
29 Options reviewed must include use of existing facilities, including the
30 Wheeler building data center in Olympia. Funds allocated for the new
31 traffic management center must be used by the office of financial
32 management through an interagency agreement with the department of
33 transportation to cover the cost of the study.

34 (2) ~~((~~\$4,480,000~~ of the Puget Sound ferry operations account--state~~
35 ~~appropriation -- is -- provided -- solely -- for -- marine -- insurance. -- The~~
36 ~~appropriation -- is -- intended -- to -- fully -- fund -- a -- two -- year -- policy, -- and -- the~~
37 ~~office -- of -- financial -- management -- shall -- increase -- the -- deductible -- to~~

1 ~~\$10,000,000 and reduce components of the policy in order to keep the~~
2 ~~total cost of the two-year policy at or below the appropriation in this~~
3 ~~subsection.~~

4 ~~(5))~~ \$1,116,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for marine insurance. The amount in
6 this subsection as well as the amount in section 103(2) of this act is
7 intended to fully fund a two-year policy. For fiscal year 2012, the
8 office of financial management shall increase the deductible to ten
9 million dollars and reduce components of the policy in order to keep
10 the total cost of the two-year policy at or below the appropriation in
11 this subsection and section 103(2) of this act.

12 (3) \$840,000 of the motor vehicle account--state appropriation is
13 provided out of funds set aside out of statewide fuel taxes distributed
14 to counties according to RCW 46.68.120(3) solely for the office of
15 financial management to contract with the Washington state association
16 of counties to identify, evaluate, and implement performance measures
17 associated with county transportation activities. The performance
18 measures must include, at a minimum, those related to safety, system
19 preservation, mobility, environmental protection, and project
20 completion. A report on the county transportation performance
21 implementation project must be provided to the transportation
22 committees of the legislature by December 31, 2012.

23 ~~((6))~~ (4) \$169,000 of the motor vehicle account--state
24 appropriation is provided solely for the office of regulatory
25 assistance integrated permitting project.

26 ~~((7))~~ (5) \$40,000 of the Puget Sound ferry operations account--
27 state appropriation is provided solely for the state's share of the
28 marine salary survey.

29 ~~((8))~~ (6) The office of financial management shall study the
30 available data regarding statewide transit, bicycle, and pedestrian
31 trips and recommend additional performance measures that will
32 effectively measure the state's performance in increasing transit
33 ridership and bicycle and pedestrian trips. The office of financial
34 management shall report its findings and recommendations to the
35 transportation committees of the legislature by November 15, 2011, and
36 integrate the new performance measures into the report prepared by the
37 office of financial management pursuant to RCW 47.04.280 regarding

1 progress towards achieving Washington state's transportation system
2 policy goals.

3 NEW SECTION. **Sec. 103.** A new section is added to 2011 c 367
4 (uncodified) to read as follows:

5 **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

6 Motor Vehicle Account--State Appropriation	\$462,000
7 Puget Sound Ferry Operations Account--State	
8 Appropriation	\$3,360,000
9 TOTAL APPROPRIATION	\$3,822,000

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

12 (1) \$462,000 of the motor vehicle account--state appropriation is
13 provided solely for the transportation executive management system.

14 (2) \$3,360,000 of the Puget Sound ferry operations account--state
15 appropriation is provided solely for marine insurance. The amount in
16 this subsection as well as the amount in section 102(2) of this act is
17 intended to fully fund a two-year policy. For fiscal year 2013, the
18 department of enterprise services shall increase the deductible to ten
19 million dollars and reduce components of the policy in order to keep
20 the total cost of the two-year policy at or below the appropriation in
21 this subsection and section 102(2) of this act.

22 NEW SECTION. **Sec. 104.** A new section is added to 2011 c 367
23 (uncodified) to read as follows:

24 **FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

25 Puget Sound Ferry Operations Account--State	
26 Appropriation	\$75,000

27 The appropriation in this section is subject to the following
28 conditions and limitations: \$75,000 of the Puget Sound ferry
29 operations account--state appropriation is provided solely for
30 implementing chapter 16, Laws of 2011 1st sp. sess. (Washington state
31 ferry system). \$43,200 of the appropriation is provided solely for
32 closing out the marine employees' commission lease agreement in fiscal
33 year 2012, and the remainder of the appropriation is provided solely
34 for costs associated with marine employees' commission commissioner
35 payments and travel.

1 (1) \$1,673,900 of the highway safety account--federal appropriation
2 is provided solely for the conclusion of the target zero trooper pilot
3 program, which the commission has developed and implemented in
4 collaboration with the Washington state patrol. The pilot program must
5 continue to demonstrate the effectiveness of intense, high visibility,
6 driving under the influence enforcement in Washington. The commission
7 shall continue to apply to the national highway traffic safety
8 administration for federal highway safety grants to cover the cost of
9 the pilot program. State funding is provided in section 207 of this
10 act for the state patrol to continue the target zero trooper program in
11 fiscal year 2013.

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

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

20 (b) In order to ensure adequate time in the 2011-2013 fiscal
21 biennium to evaluate the effectiveness of the pilot projects, any
22 projects authorized by the commission must be authorized by December
23 31, 2011.

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

28 (3) \$460,000 of the highway safety account--state appropriation is
29 provided solely for the implementation of chapter ... (Engrossed Second
30 Substitute House Bill No. 1789), Laws of 2011 (addressing DUI
31 accountability). If chapter ... (Engrossed Second Substitute House
32 Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the
33 amount provided in this subsection lapses.

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

1 (5) \$22,000,000 of the highway safety account--federal
2 appropriation is provided solely for federal funds that may be
3 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the
4 2011-2013 fiscal biennium.

5 **Sec. 202.** 2011 c 367 s 202 (uncodified) is amended to read as
6 follows:

7 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

8 Rural Arterial Trust Account--State Appropriation	((\$948,000))
9	<u>\$914,000</u>
10 Motor Vehicle Account--State Appropriation	((\$2,161,000))
11	<u>\$2,086,000</u>
12 County Arterial Preservation Account--State	
13 Appropriation	((\$1,480,000))
14	<u>\$1,426,000</u>
15 TOTAL APPROPRIATION	((\$4,589,000))
16	<u>\$4,426,000</u>

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

27 **Sec. 203.** 2011 c 367 s 203 (uncodified) is amended to read as
28 follows:

29 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

30 Transportation Improvement Account--State	
31 Appropriation	((\$3,707,000))
32	<u>\$3,621,000</u>

33 The appropriation in this section is subject to the following
34 conditions and limitations: The transportation improvement board shall
35 submit a report to the transportation committees of the legislature by
36 December 1, 2011, on the implementation of the recommendations that

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

7 **Sec. 204.** 2011 c 367 s 204 (uncodified) is amended to read as
8 follows:

9 **FOR THE JOINT TRANSPORTATION COMMITTEE**

10 Motor Vehicle Account--State Appropriation (~~(\$2,060,000)~~)
11 \$1,978,000

12 The appropriation in this section is subject to the following
13 conditions and limitations:

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

20 (~~(+3)~~) (2) \$200,000 of the motor vehicle account--state
21 appropriation is from the cities statewide fuel tax distributions under
22 RCW 46.68.110(2) for the joint transportation committee to study and
23 make recommendations on RCW 90.03.525. The study must include: (a) An
24 inventory of state highways subject to the federal clean water act (40
25 C.F.R. Parts 122 through 124) (national pollutant discharge elimination
26 system) that are within city boundaries; (b) a survey of cities that
27 impose storm water fees or charges to the department of transportation,
28 or otherwise manage storm water runoff from state highways within their
29 jurisdiction; (c) case studies from a representative cross-section of
30 cities on how the department and cities have used RCW 90.03.525; and
31 (d) recommendations on how to achieve efficiencies in the cost and
32 management of state highway storm water runoff within cities under RCW
33 90.03.525.

34 (~~(+4)~~) (3) \$425,000 of the motor vehicle account--state
35 appropriation is for the joint transportation committee to conduct a
36 study to evaluate the potential for financing state transportation
37 projects using public-private partnerships. The study must compare the

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

24 ~~((+5))~~ (4) \$100,000 of the motor vehicle account--state
25 appropriation is for an investigation of the use of liquid natural gas
26 on existing Washington state ferry vessels as well as the 144-car class
27 vessels and report to the legislature by December 31, 2011.

28 (5) The Columbia River Crossing bridge project is a major
29 initiative to address congestion problems on I-5 between Portland,
30 Oregon and Vancouver, Washington that requires support by not only the
31 governors of both states but the legislatures as well. The joint
32 transportation committee must convene a subcommittee for legislative
33 oversight of the I-5/Columbia River Crossing bridge replacement
34 project. The Columbia River Crossing legislative oversight
35 subcommittee will be made up of six members, two appointed by the chair
36 and ranking member of the senate transportation committee, two
37 appointed by the chair and ranking member of the house of
38 representatives transportation committee, one designee of the governor,

1 and one citizen jointly appointed by the four members of the joint
2 transportation executive committee. The citizen appointee must be a
3 Washington state resident of the area served by the bridge. At least
4 two of the legislative members must be from the legislative districts
5 served by the bridge. In addition to reviewing project and financing
6 information, the subcommittee must also coordinate with the Oregon
7 legislative oversight committee for the Columbia River Crossing bridge.

8 **Sec. 205.** 2011 c 367 s 205 (uncodified) is amended to read as
9 follows:

10 **FOR THE TRANSPORTATION COMMISSION**

11 Motor Vehicle Account--State Appropriation	((\$2,142,000))
	<u>\$2,866,000</u>
13 Multimodal Transportation Account--State Appropriation	\$112,000
14 TOTAL APPROPRIATION	((\$2,254,000))
	<u>\$2,978,000</u>

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

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

28 (2) Consistent with RCW 43.135.055 and 47.46.100, during the
29 2011-2013 fiscal biennium, the legislature authorizes the
30 transportation commission to periodically review and, if necessary,
31 adjust the schedule of toll charges applicable to the Tacoma Narrows
32 bridge only in amounts not greater than those sufficient to support (a)
33 any required costs for operating and maintaining the toll bridge,
34 including the cost of insurance, (b) any amount required by law to meet
35 the redemption of bonds and applicable interest payments, and (c)
36 repayment of the motor vehicle fund.

1 ~~((4))~~ (3) Consistent with its authority in RCW 47.56.840, the
2 transportation commission shall consider the need for a citizen
3 advisory group that provides oversight on new tolled facilities.

4 (4) \$775,000 of the motor vehicle account--state appropriation is
5 provided solely to determine the feasibility of transitioning from the
6 gas tax to a road user assessment system of paying for transportation.

7 (a) The transportation commission, with direction from the steering
8 committee created in (b) of this subsection, must: Review relevant
9 reports and data related to models of road user assessments and methods
10 of transitioning to a road user assessment system; analyze the research
11 to identify issues for policy decisions in Washington; make
12 recommendations for the design of systemwide trials; develop a plan to
13 assess public perspectives and educate the public on the current
14 transportation funding system and options for a new system; and perform
15 other tasks as deemed necessary by the steering committee.

16 (b) The transportation commission must convene a steering committee
17 to provide direction to and guide the transportation commission's work.
18 Membership of the steering committee must include, but is not limited
19 to, members representing the following interests: The trucking
20 industry; business; cities and counties; public transportation;
21 environmental; user fee technology; auto and light truck manufacturers;
22 and the motoring public. In addition, a member from each of the two
23 largest caucuses of the senate, appointed by the president of the
24 senate, and a member from each of the two largest caucuses of the house
25 of representatives, appointed by the speaker of the house of
26 representatives, must serve on the steering committee.

27 (c) The transportation commission must update the governor and the
28 legislature on this work by January 1, 2013. In addition, this update
29 must include a plan and budget request for work to be completed during
30 the 2013-2015 fiscal biennium.

31 (5) Within the amounts provided pursuant to section 305(17)(c) of
32 this act, the commission shall retain appropriate independent experts
33 and conduct an investment-grade traffic and revenue analysis for the
34 Columbia river crossing project, including origin and destination and
35 stated preferences studies.

36 (a) The commission's analysis must include the assessment and
37 review of the following variables within the project:

1 (i) Exemptions from tolls for vehicles with two, three, or more
2 occupants;

3 (ii) A variable toll where the tolls vary by time of day and day of
4 the week; and

5 (iii) A toll of one dollar per day for individuals who use the
6 bridge ten times or more in a seven day time period.

7 (b) The analysis must also assess the following:

8 (i) The impact light rail service in the corridor will have on
9 estimated toll revenues;

10 (ii) The level of diversion from the Interstate 5 corridor and the
11 impact on estimated toll revenues; and

12 (iii) The estimated toll revenues from vehicle trips originating
13 within the region, within the two states, and outside the two states,
14 by vehicle type.

15 (c) The commission must submit its final report of findings and
16 recommendations to the transportation committees of the legislature on
17 or before July 1, 2014.

18 **Sec. 206.** 2011 c 367 s 206 (uncodified) is amended to read as
19 follows:

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

21 Motor Vehicle Account--State Appropriation ((\$702,000))
22 \$780,000

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

25 (1) \$100,000 of the motor vehicle account--state appropriation is
26 provided solely for an additional staff person for the freight mobility
27 strategic investment board.

28 (2) The freight mobility strategic investment board shall submit a
29 report to the transportation committees of the legislature by December
30 1, 2011, on the implementation of the recommendations that resulted
31 from the evaluation of efficiencies in the delivery of transportation
32 funding and services to local governments that was required under
33 section 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 **Sec. 207.** 2011 c 367 s 207 (uncodified) is amended to read as
 2 follows:

3 **FOR THE WASHINGTON STATE PATROL**

4 (~~Vehicle Licensing Fraud Account--State Appropriation . . . \$100,000~~)

5 State Patrol Highway Account--State

6 Appropriation (~~(\$349,812,000)~~)

7 \$355,048,000

8 Highway Safety Account--State Appropriation \$6,432,000

9 State Patrol Highway Account--Federal

10 Appropriation \$10,903,000

11 State Patrol Highway Account--Private/Local

12 Appropriation (~~(\$3,369,000)~~)

13 \$3,494,000

14 TOTAL APPROPRIATION (~~(\$364,184,000)~~)

15 \$375,877,000

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

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

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

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

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

14 (4) (~~(\$12,655,000)~~) \$12,178,000 of the total appropriation is
15 provided solely for automobile fuel in the 2011-2013 fiscal biennium.
16 The Washington state patrol shall analyze their fuel consumption and
17 submit a report to the legislative transportation committees by
18 December 31, 2011, on fuel conservation methods that could be used to
19 minimize costs and ensure that the Washington state patrol is managing
20 fuel consumption effectively.

21 (5) (~~(\$7,421,000)~~) \$7,672,000 of the total appropriation is
22 provided solely for the purchase of pursuit vehicles.

23 (6) (~~(\$6,611,000)~~) \$6,695,000 of the total appropriation is
24 provided solely for vehicle repair and maintenance costs of vehicles
25 used for highway purposes.

26 (7) (~~(\$1,724,000)~~) \$1,865,000 of the total appropriation is
27 provided solely for the purchase of mission vehicles used for highway
28 purposes in the commercial vehicle and traffic investigation sections
29 of the Washington state patrol.

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

37 (9) The Washington state patrol shall not account for or record
38 locally provided DUI cost reimbursement payments as expenditure credits

1 to the state patrol highway account. The patrol shall report the
2 amount of expected locally provided DUI cost reimbursements to the
3 office of financial management and transportation committees of the
4 legislature by September 30th of each year.

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

10 ~~(((\$100,000 of the vehicle licensing fraud account state~~
11 ~~appropriation is provided solely to support the transportation portion~~
12 ~~of the vehicle license fraud program during the 2011-2013 fiscal~~
13 ~~biennium.))~~ \$2,187,000 of the state patrol highway account--state
14 appropriation is provided solely for mobile office platforms.

15 (12) \$1,500,000 of the state patrol highway account--state
16 appropriation is provided solely for the auto theft investigation units
17 in King county, the city of Spokane, and the city of Tacoma. If
18 chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012
19 is not enacted by June 30, 2012, the amount provided in this subsection
20 lapses.

21 (13) \$3,500,000 of the highway safety account--state appropriation
22 is provided solely for equipment acquisition, installation,
23 integration, and financing needs associated with the conversion of the
24 existing communication system to narrowbanding as required by the
25 federal communications commission, but the \$3,500,000 must be placed in
26 escrow and not allotted until the review of the Washington state
27 patrol's narrowbanding project has been completed and approved. If
28 chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012
29 is not enacted by June 30, 2012, the amount provided in this subsection
30 lapses.

31 (14) \$900,000 of the highway safety account--state appropriation is
32 provided solely for: The cadet detachment used to manage traffic and
33 augment security at the Seattle ferry terminals; contracts for
34 additional traffic control personnel for the Edmonds and Seattle ferry
35 terminals; and K-9 explosives dogs. If chapter ... (Engrossed
36 Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June
37 30, 2012, the amount provided in this subsection lapses.

1 (15) \$3,500,000 of the state patrol highway account--state
 2 appropriation and \$1,600,000 of the highway safety account--state
 3 appropriation are provided solely for the ongoing operations of the
 4 Washington state patrol. If chapter ... (Engrossed Substitute Senate
 5 Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the
 6 amount provided in this subsection lapses.

7 (16) \$432,000 of the highway safety account--state appropriation is
 8 provided solely for implementation of chapter ... (Second Substitute
 9 House Bill No. 2443), Laws of 2012 (persons who drive impaired). If
 10 chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 is
 11 not enacted by June 30, 2012, the amount provided in this subsection
 12 lapses.

13 **Sec. 208.** 2011 c 367 s 208 (uncodified) is amended to read as
 14 follows:

15 **FOR THE DEPARTMENT OF LICENSING**

16	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
17	<u>License Plate Technology Account--State</u>	
18	<u>Appropriation</u>	<u>\$1,250,000</u>
19	Motorcycle Safety Education Account--State	
20	Appropriation	((\$4,411,000))
21		<u>\$4,365,000</u>
22	Wildlife Account--State Appropriation	((\$859,000))
23		<u>\$825,000</u>
24	Highway Safety Account--State Appropriation	((\$149,904,000))
25		<u>\$146,889,000</u>
26	Highway Safety Account--Federal Appropriation	((\$2,884,000))
27		<u>\$4,299,000</u>
28	<u>Highway Safety Account--Private/Local Appropriation</u>	<u>\$200,000</u>
29	Motor Vehicle Account--State Appropriation	((\$78,586,000))
30		<u>\$76,250,000</u>
31	Motor Vehicle Account--Private/Local Appropriation . . .	((\$1,721,000))
32		<u>\$1,714,000</u>
33	Motor Vehicle Account--Federal Appropriation	((\$242,000))
34		<u>\$380,000</u>
35	Department of Licensing Services Account--State	
36	Appropriation	((\$5,815,000))
37		<u>\$6,095,000</u>

1	Ignition Interlock Device Revolving Account--State	
2	Appropriation	(((\$1,315,000))
3		<u>\$2,027,000</u>
4	TOTAL APPROPRIATION	(((\$245,769,000))
5		<u>\$244,326,000</u>

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

8 ~~(1) ((\$62,000 of the motor vehicle account--state appropriation is
9 provided solely for the implementation of chapter ... (Engrossed
10 Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee).
11 If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of
12 2011 is not enacted by June 30, 2011, the amount provided in this
13 subsection lapses.~~

14 ~~(2))~~ \$231,000 of the motor vehicle account--state appropriation is
15 provided solely for the implementation of chapter ... (Substitute
16 Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter
17 ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by
18 June 30, 2011, the amount provided in this subsection lapses.

19 ~~((3))~~ (2) \$193,000 of the department of licensing services
20 account--state appropriation is provided solely for a phased
21 implementation of chapter ... (Substitute House Bill No. 1046), Laws of
22 2011 (vehicle and vessel quick titles). Funding is contingent upon
23 revenues associated with the vehicle and vessel quick title program
24 paying all direct and indirect expenditures associated with the
25 department's implementation of this subsection. If chapter ...
26 (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June
27 30, 2011, the amount provided in this subsection lapses.

28 ~~((4) The department may seek federal funds to implement a driver's
29 license and identicard biometric matching system pilot program to
30 verify the identity of applicants for, and holders of, drivers'
31 licenses and identicards if applicants are provided the opportunity to
32 opt out of participating in the program, which meets the requirement of
33 RCW 46.20.037 that such a program be voluntary. If funds are received,
34 the department shall report any benefits or problems identified during
35 the course of the pilot program to the transportation committees of the
36 legislature upon the completion of the program.~~

37 ~~(5) (\$1,938,000))~~ (3) The department may seek federal funds to

1 implement a facial recognition matching system for drivers' licenses,
2 permits, and identicards, consistent with Substitute House Bill No.
3 2433 (facial recognition matching system).

4 (4) \$4,299,000 of the highway safety account--federal appropriation
5 is for federal funds that may be received during the 2011-2013 fiscal
6 biennium. Upon receipt of the funds, the department shall provide a
7 report on the use of the funds to the transportation committees of the
8 legislature and the office of financial management.

9 ((+6)) (5) By December 31, 2011, the department shall submit to
10 the office of financial management and the transportation committees of
11 the legislature draft legislation that rewrites the tow truck statutes
12 (chapter 46.55 RCW) in plain language and is revenue and policy
13 neutral.

14 ((+7)) (6) \$128,000 of the highway safety account--state
15 appropriation is provided solely for the implementation of chapter ...
16 (Engrossed Substitute House Bill No. 1635), Laws of 2011 (driver's
17 license exams). If chapter ... (Engrossed Substitute House Bill No.
18 1635), Laws of 2011 is not enacted by June 30, 2011, the amount
19 provided in this subsection lapses.

20 ((+8)) (7) \$68,000 of the highway safety account--state
21 appropriation is provided solely for the implementation of chapter ...
22 (Engrossed Second Substitute House Bill No. 1789), Laws of 2011
23 (~~((driving under the influence))~~) (addressing DUI accountability). If
24 chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of
25 2011 is not enacted by June 30, 2011, the amount provided in this
26 subsection lapses.

27 ((+9)) (8) \$63,000 of the highway safety account--state
28 appropriation is provided solely for the implementation of chapter ...
29 (Substitute House Bill No. 1237), Laws of 2011 (selective service
30 system). If chapter ... (Substitute House Bill No. 1237), Laws of 2011
31 is not enacted by June 30, 2011, the amount provided in this subsection
32 lapses.

33 ((+10)) (9) \$340,000 of the motor vehicle account--private/local
34 appropriation is provided solely for the implementation of chapter ...
35 (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion
36 reduction charge). If chapter ... (Engrossed Substitute Senate Bill
37 No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount
38 provided in this subsection lapses.

1 ~~((12))~~ (10) \$1,738,000 of the department of licensing services
2 account--state appropriation is provided solely for purchasing
3 equipment for field licensing service offices and subagent offices.

4 (11) \$176,000 of the highway safety account--state appropriation is
5 provided solely for the implementation of Substitute House Bill No.
6 2234 (notifying employers of commercial driver's license suspension).
7 If Substitute House Bill No. 2234 is not enacted by June 30, 2012, the
8 amount provided in this subsection lapses.

9 (12) \$34,000 of the motor vehicle account--state appropriation is
10 provided solely for the implementation of Substitute House Bill No.
11 2299 (4-H special license plates). If Substitute House Bill No. 2299
12 is not enacted by June 30, 2012, the amount provided in this subsection
13 lapses.

14 (13) \$69,000 of the motor vehicle account--state appropriation is
15 provided solely for the implementation of Substitute House Bill No.
16 2312 (military service award emblems). If Substitute House Bill No.
17 2312 is not enacted by June 30, 2012, the amount provided in this
18 subsection lapses.

19 (14) \$275,000 of the motor vehicle account--state appropriation is
20 provided solely for the implementation of Engrossed Substitute Senate
21 Bill No. 6582 (local transportation revenue options). If Engrossed
22 Substitute Senate Bill No. 6582 is not enacted by June 30, 2012, the
23 amount provided in this subsection lapses.

24 (15) \$712,000 of the ignition interlock device revolving account--
25 state appropriation is provided solely for the implementation of Second
26 Substitute House Bill No. 2443 (DUI accountability). If Second
27 Substitute House Bill No. 2443 is not enacted by June 30, 2012, the
28 amount provided in this subsection lapses.

29 (16) \$420,000 of the highway safety account--state appropriation is
30 provided solely for the implementation of chapter ... (Engrossed
31 Substitute Senate Bill No. 6150), Laws of 2012 and chapter ...
32 (Engrossed Substitute Senate Bill No. 6455), Laws of 2012. If chapter
33 ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 or
34 chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012
35 are not enacted by June 30, 2012, the amount provided in this
36 subsection lapses.

37 (17) Consistent with RCW 43.135.055 and 43.24.086, during the
38 2011-2013 fiscal biennium, the legislature authorizes the department to

1 adjust the business and vehicle fees for the for hire licensing program
2 in amounts sufficient to recover the costs of administering the for
3 hire licensing program.

4 (18) \$216,000 of the motor vehicle account--state appropriation is
5 provided solely for regulating the use of off-road vehicles in certain
6 areas. If chapter . . . (Engrossed Second Substitute Senate Bill No.
7 5366), Laws of 2012 is not enacted by June 30, 2012, the amount
8 provided in this subsection lapses.

9 (19) The legislature intends to establish a veteran designation for
10 drivers' licenses and identicards issued under chapter 46.20 RCW, as
11 proposed under House Bill No. 2378, during the 2013 legislative
12 session. The designation would serve to establish a person's service
13 in the armed forces and be granted to a person who provides a United
14 States department of defense discharge document, DD Form 214, that
15 shows a discharge status of "honorable" or "general under honorable
16 conditions." The department shall report to the transportation
17 committees of the legislature by December 1, 2012, with a plan to
18 implement the designation. The plan must include the most cost-
19 effective options for implementation, a proposed fee amount to cover
20 the costs of the designation, and any other recommendations on the
21 implementation of the designation.

22 **Sec. 209.** 2011 c 367 s 209 (uncodified) is amended to read as
23 follows:

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

26	High Occupancy Toll Lanes Operations Account--State	
27	Appropriation	((\$1,295,000))
28		<u>\$1,274,000</u>
29	Motor Vehicle Account--State Appropriation	((\$550,000))
30		<u>\$537,000</u>
31	Tacoma Narrows Toll Bridge Account--State	
32	Appropriation	((\$23,429,000))
33		<u>\$23,361,000</u>
34	State Route Number 520 Corridor Account--State	
35	Appropriation	\$27,295,000
36	State Route Number 520 Civil Penalties	
37	Account--State Appropriation	((\$4,622,000))

1 \$3,622,000
2 TOTAL APPROPRIATION(((\$57,191,000))
3 \$56,089,000

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

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

12 (2) (~~(\$4,622,000)~~) \$3,622,000 of the state route number 520 civil
13 penalties account--state appropriation and \$1,458,000 of the Tacoma
14 Narrows toll bridge account--state appropriation are provided solely
15 for expenditures related to the toll adjudication process. All costs
16 associated with the toll adjudication process are anticipated to be
17 covered by revenue collected from the toll adjudication process. The
18 department shall report quarterly on the civil penalty process to the
19 office of financial management and the house of representatives and
20 senate transportation committees beginning September 30, 2011. The
21 reports must include a summary table for each toll facility that
22 includes: The number of notices of civil penalty issued; the number of
23 recipients who pay before the notice becomes a penalty; the number of
24 recipients who request a hearing and the number who do not respond;
25 workload costs related to hearings; the cost and effectiveness of debt
26 collection activities; and revenues generated from notices of civil
27 penalty.

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

36 (4) The department shall ensure that, at no cost to the Tacoma
37 Narrows toll bridge account, new electronic tolling tag readers are

1 installed on the Tacoma Narrows bridge as soon as practicable that are
2 able to read existing and new electronic tolling tags.

3 (5) \$17,786,000 of the state route number 520 corridor account--
4 state appropriation is provided solely for nonvendor costs associated
5 with tolling the state route number 520 bridge. Funds from the state
6 route number 520 corridor account--state appropriation shall not be
7 used to pay for items prohibited by Executive Order No. 1057, including
8 subscriptions to technical publications, employee educational expenses,
9 professional membership dues and fees, employee recognition and safety
10 awards, meeting meals and light refreshments, commute trip reduction
11 incentives, and employee travel.

12 **Sec. 210.** 2011 c 367 s 210 (uncodified) is amended to read as
13 follows:

14 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
15 **C**

16	Motor Vehicle Account--State Appropriation	((\$69,107,000))
17		<u>\$67,327,000</u>
18	Transportation Partnership Account--State	
19	Appropriation	\$1,460,000
20	Multimodal Transportation Account--State	
21	Appropriation	\$363,000
22	Transportation 2003 Account (Nickel Account)--State	
23	Appropriation	\$1,460,000
24	TOTAL APPROPRIATION	((\$72,390,000))
25		<u>\$70,610,000</u>

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

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

36 (2) \$1,460,000 of the transportation partnership account--state

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

4 (3) \$210,000 of the motor vehicle account--state appropriation is
5 provided solely for the department's compliance with its national
6 pollution discharge elimination system permit.

7 ((+5)) (4) \$502,000 of the motor vehicle account--state
8 appropriation is provided solely to provide support for the
9 transportation executive information system.

10 **Sec. 211.** 2011 c 367 s 211 (uncodified) is amended to read as
11 follows:

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

14 Motor Vehicle Account--State Appropriation ((\$25,851,000))
15 \$25,440,000

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

18 (1) The department shall submit a predesign proposal for a new
19 traffic management center to the office of financial management
20 consistent with the process followed by nontransportation capital
21 construction projects. The department shall not award a contract for
22 construction of a new traffic management center until the predesign
23 proposal has been submitted and the office of financial management has
24 completed a budget evaluation study that indicates a new building is
25 the recommended option for accommodating additional traffic management
26 operations.

27 (2) \$850,000 of the motor vehicle account--state appropriation is
28 provided solely for the department's compliance with its national
29 pollution discharge elimination system permit.

30 **Sec. 212.** 2011 c 367 s 212 (uncodified) is amended to read as
31 follows:

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

33 Aeronautics Account--State Appropriation ((\$6,066,000))
34 \$5,999,000

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

36 TOTAL APPROPRIATION ((\$8,216,000))

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

6 **Sec. 213.** 2011 c 367 s 213 (uncodified) is amended to read as
7 follows:

8 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
9 **SUPPORT--PROGRAM H**

10	Motor Vehicle Account--State Appropriation	((\$47,418,000))
11		<u>\$45,725,000</u>
12	Motor Vehicle Account--Federal Appropriation	((\$500,000))
13		<u>\$1,796,000</u>
14	Multimodal Transportation Account--State	
15	Appropriation	\$250,000
16	TOTAL APPROPRIATION	((\$48,168,000))
17		<u>\$47,771,000</u>

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

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

28 ~~(2))~~ \$3,754,000 of the motor vehicle account--state appropriation
29 is provided solely for the department's compliance with its national
30 pollution discharge elimination system permit.

31 ~~((3))~~ (2) It is the intent of the legislature that the real
32 estate services division of the department will recover the cost of its
33 efforts from future sale proceeds.

34 ~~((4))~~ (3) The legislature recognizes that the Dryden pit site
35 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
36 real property under the jurisdiction of the department of
37 transportation, and that the public would benefit significantly from

1 the complete enjoyment of the natural scenic beauty and recreational
2 opportunities available at the site. Therefore, pursuant to RCW
3 47.12.080, the legislature declares that transferring the property to
4 the department of fish and wildlife for recreational use and fish and
5 wildlife restoration efforts is consistent with the public interest in
6 order to preserve the area for the use of the public and the betterment
7 of the natural environment. The department of transportation shall
8 work with the department of fish and wildlife, and shall transfer and
9 convey the Dryden pit site to the department of fish and wildlife as is
10 for an adjusted fair market value reflecting site conditions, the
11 proceeds of which must be deposited in the motor vehicle fund. The
12 department of transportation is not responsible for any costs
13 associated with the cleanup or transfer of this property. By July 1,
14 2011, and annually thereafter until the entire Dryden pit property has
15 been transferred, the department shall submit a status report regarding
16 the transaction to the chairs of the legislative transportation
17 committees.

18 (4) The legislature recognizes that the trail known as the Apple
19 Capital Loop, and its extensions, serve to separate motor vehicle
20 traffic from pedestrians and bicyclists, increasing motor vehicle
21 safety on existing state route number 28. Consistent with chapter
22 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that
23 transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537
24 and 2-09-04569 to Douglas county and the city of East Wenatchee is
25 consistent with the public interest. The legislature directs the
26 department to transfer the property to Douglas county and the city of
27 East Wenatchee. The department must be paid fair market value for any
28 portions of the transferred real property that is later abandoned,
29 vacated, or ceases to be publicly maintained for trail purposes.
30 Douglas county and the city of East Wenatchee must agree to accept
31 responsibility for trail segments within their respective jurisdictions
32 and sign an agreement with the state that the transfer of these parcels
33 to their respective jurisdictions extinguishes any state obligations to
34 improve, maintain, or be in any way responsible for these assets. The
35 department shall report to the transportation committees of the
36 legislature by June 30, 2013, and annually thereafter, on the status of
37 the transfer until complete.

1 (5) If the department determines that all or portion of real
2 property or an interest in real property that was acquired through
3 condemnation within the previous ten years is no longer necessary for
4 a transportation purpose, the former owner has a right of repurchase as
5 described in this subsection. For the purposes of this subsection,
6 "former owner" means the person or entity from whom the department
7 acquired title. At least ninety days prior to the date on which the
8 property is intended to be sold by the department, the department must
9 mail notice of the planned sale to the former owner of the property at
10 the former owner's last known address or to a forwarding address if
11 that owner has provided the department with a forwarding address. If
12 the former owner of the property's last known address, or forwarding
13 address if a forwarding address has been provided, is no longer the
14 former owner of the property's address, the right of repurchase is
15 extinguished. If the former owner notifies the department within
16 thirty days of the date of the notice that the former owner intends to
17 repurchase the property, the department shall proceed with the sale of
18 the property to the former owner for fair market value and shall not
19 list the property for sale to other owners. If the former owner does
20 not provide timely written notice to the department of the intent to
21 exercise a repurchase right, or if the sale to the former owner is not
22 completed within seven months of the date of notice that the former
23 owner intends to repurchase the property, the right of repurchase is
24 extinguished.

25 **Sec. 214.** 2011 c 367 s 214 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
28 **K**

29 Motor Vehicle Account--State Appropriation	(\$622,000)
	\$826,000
31 Multimodal Transportation Account--State Appropriation	\$110,000
32 TOTAL APPROPRIATION	(\$732,000)
	\$936,000

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

36 (1)(a) \$225,000 of the motor vehicle account--state appropriation
37 is provided solely to carry out work related to assessing the

1 operational feasibility of a road user assessment, including
2 technology, agency administration, multistate and federal standards,
3 and other necessary elements. This work must be carried out under the
4 guidance of the steering committee and in coordination with the
5 transportation commission's policy assessment and public outreach
6 planning authorized in section 205(4)(a) of this act.

7 (b) If subsequent appropriations are provided, the department may
8 conduct a limited scope pilot project to test the feasibility of a road
9 user assessment system to be applied to electric vehicles. The pilot
10 project must be carried out under the guidance of the steering
11 committee described under section 205(4)(a) of this act and in
12 coordination with the transportation commission.

13 (2) The department shall conduct a study on the potential to
14 generate revenue from off-premise outdoor advertising signs that are
15 erected or maintained adjacent and visible to the interstate system
16 highways, primary system highways, or scenic system highways. The
17 study must provide an evaluation of the market for outdoor advertising
18 signs, including an evaluation of the number of potential advertisers
19 and the amount charged by other jurisdictions for sign permits, and
20 must provide a recommendation for a revised fee structure that
21 recognizes the market value for off-premise signs and considers
22 charging differential fees based on the size, type, and location of the
23 sign.

24 **Sec. 215.** 2011 c 367 s 215 (uncodified) is amended to read as
25 follows:

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

27 Motor Vehicle Account--State Appropriation	(\$380,327,000)
	<u>\$373,209,000</u>
29 Motor Vehicle Account--Federal Appropriation	\$7,000,000
30 <u>Highway Safety Account--State Appropriation</u>	<u>\$4,000,000</u>
31 TOTAL APPROPRIATION	(\$387,327,000)
	<u>\$384,209,000</u>

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

35 (1) The department shall request an unanticipated receipt for any
36 federal moneys received for emergency snow and ice removal and shall

1 place an equal amount of the motor vehicle account--state appropriation
2 into unallotted status. This exchange shall not affect the amount of
3 funding available for snow and ice removal.

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

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

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

18 (5) \$4,530,000 of the motor vehicle account--state appropriation is
19 provided solely for the department's compliance with its national
20 pollution discharge elimination system permit.

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

25 (7) \$6,884,000 of the motor vehicle account--state appropriation is
26 provided solely for the high priority maintenance backlog. Addressing
27 the maintenance backlog must result in increased levels of service. If
28 chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011
29 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the
30 appropriation provided in this subsection lapses.

31 (8) \$317,000 of the motor vehicle account--state appropriation is
32 provided solely for maintaining a new active traffic management system
33 on Interstate 5, Interstate 90, and state route number 520. The
34 department shall track the costs associated with these systems on a
35 corridor basis and report to the transportation committees of the
36 legislature on the costs and benefits of the systems by December 1,
37 ((2011)) 2012.

1 (9) \$4,000,000 of the highway safety account--state appropriation
 2 is provided solely to further reduce the highway maintenance backlog in
 3 order to maintain or increase levels of service. If chapter ...
 4 (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not
 5 enacted by June 30, 2012, the amount provided in this subsection
 6 lapses.

7 **Sec. 216.** 2011 c 367 s 216 (uncodified) is amended to read as
 8 follows:

9 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
 10 **OPERATING**

11	Motor Vehicle Account--State Appropriation	(((\$50,166,000))
12		<u>\$48,741,000</u>
13	Motor Vehicle Account--Federal Appropriation	\$2,050,000
14	Motor Vehicle Account--Private/Local Appropriation	(((\$127,000))
15		<u>\$250,000</u>
16	TOTAL APPROPRIATION	(((\$52,343,000))
17		<u>\$51,041,000</u>

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

20 (1) \$6,000,000 of the motor vehicle account--state appropriation is
 21 provided solely for low-cost enhancements. The department shall give
 22 priority to low-cost enhancement projects that improve safety or
 23 provide congestion relief. The department shall prioritize low-cost
 24 enhancement projects on a statewide rather than regional basis. By
 25 September 1st of each even-numbered year, the department shall provide
 26 a report to the legislature listing all low-cost enhancement projects
 27 prioritized on a statewide rather than regional basis completed in the
 28 prior year.

29 (2) \$145,000 of the motor vehicle account--state appropriation is
 30 provided solely for the department to continue a pilot tow truck
 31 incentive program and to expand the program to other areas of the
 32 state. The department may provide incentive payments to towing
 33 companies that meet clearance goals on accidents that involve heavy
 34 trucks.

35 (3) During the 2011-2013 fiscal biennium, the department shall
 36 implement a pilot program that expands private transportation
 37 providers' access to high occupancy vehicle lanes. Under the pilot

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

24 (4) \$9,000,000 of the motor vehicle account--state appropriation is
25 provided solely for the department's incident response program.

26 (5) The department, in consultation with the Washington state
27 patrol, must continue a pilot program for the patrol to issue
28 infractions based on information from automated traffic safety cameras
29 in roadway construction zones on state highways. The department must
30 report to the joint transportation committee by January 1, 2012, and
31 January 1, 2013, on the status of this pilot program. For the purpose
32 of this pilot program, during the 2011-2013 fiscal biennium, a roadway
33 construction zone includes areas where public employees or private
34 contractors may be present or where a driving condition exists that
35 would make it unsafe to drive at higher speeds, such as, when the
36 department is redirecting or realigning lanes on any public roadway
37 pursuant to ongoing construction. The department shall use the
38 following guidelines to administer the program:

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

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

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

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

18 (e) For purposes of the 2011-2013 fiscal biennium pilot program,
19 infractions detected through the use of automated traffic safety
20 cameras are not part of the registered owner's driving record under RCW
21 46.52.101 and 46.52.120. Additionally, infractions generated by the
22 use of automated traffic safety cameras must be processed in the same
23 manner as parking infractions for the purposes of RCW 3.50.100,
24 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the
25 fine issued under this subsection (5) for an infraction generated
26 through the use of an automated traffic safety camera is one hundred
27 thirty-seven dollars. The court shall remit thirty-two dollars of the
28 fine to the state treasurer for deposit into the state patrol highway
29 account; and

30 (f) If a notice of infraction is sent to the registered owner and
31 the registered owner is a rental car business, the infraction must be
32 dismissed against the business if it mails to the patrol, within
33 fourteen days of receiving the notice, a declaration under penalty of
34 perjury of the name and known mailing address of the individual driving
35 or renting the vehicle when the infraction occurred. If the business
36 is unable to determine who was driving or renting the vehicle at the
37 time the infraction occurred, the business must sign a declaration
38 under penalty of perjury to this effect. The declaration must be

1 mailed to the patrol within fourteen days of receiving the notice of
2 traffic infraction. Timely mailing of this declaration to the issuing
3 agency relieves a rental car business of any liability under this
4 section for the notice of infraction. A declaration form suitable for
5 this purpose must be included with each automated traffic infraction
6 notice issued, along with instructions for its completion and use.

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

11 **Sec. 217.** 2011 c 367 s 217 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
14 **SUPPORT--PROGRAM S**

15	Motor Vehicle Account--State Appropriation	((\$28,430,000))
16		<u>\$27,335,000</u>
17	Motor Vehicle Account--Federal Appropriation	\$30,000
18	Multimodal Transportation Account--State	
19	Appropriation	\$973,000
20	TOTAL APPROPRIATION	((\$29,433,000))
21		<u>\$28,338,000</u>

22 The appropriations in this section are subject to the following
23 conditions and limitations: The department shall utilize existing
24 resources and customer service staff to develop and implement new
25 policies and procedures to ensure compliance with new federal passenger
26 vessel Americans with disabilities act requirements.

27 **Sec. 218.** 2011 c 367 s 218 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
30 **AND RESEARCH--PROGRAM T**

31	Motor Vehicle Account--State Appropriation	((\$23,394,000))
32		<u>\$22,055,000</u>
33	Motor Vehicle Account--Federal Appropriation	\$21,885,000
34	Multimodal Transportation Account--State	
35	Appropriation	\$662,000
36	Multimodal Transportation Account--Federal	

1	Appropriation	\$3,559,000
2	Multimodal Transportation Account--Private/Local	
3	Appropriation	\$100,000
4	TOTAL APPROPRIATION	(((\$49,600,000))
5		<u>\$48,261,000</u>

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

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

13 (2) \$200,000 of the motor vehicle account--state appropriation is
14 provided solely for extending the freight database pilot project that
15 began in 2009. Global positioning system (GPS) data is intended to
16 help guide freight investment decisions and track highway project
17 effectiveness as it relates to freight traffic.

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

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

1 governmental, and environmental interests in regional communities
2 across the state.

3 (5) Within existing resources, the department shall develop a
4 statewide policy regarding the curation of artifacts and the use of
5 museums and information centers as potential mitigation under the
6 national environmental policy act. This policy must address the
7 following issues: How to minimize costs associated with information
8 centers and museums; when to use existing facilities to preserve and
9 display artifacts; how to minimize the time that stand-alone facilities
10 are needed; and how to transfer artifacts and other items to facilities
11 that are not owned or rented by the department. A report regarding
12 this policy must be submitted to the joint transportation committee by
13 September 1, 2012.

14 **Sec. 219.** 2011 c 367 s 219 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--**
17 **PROGRAM U**

18	Motor Vehicle Account--State Appropriation	((\$85,209,000))
19		<u>\$74,734,000</u>
20	Motor Vehicle Account--Federal Appropriation	\$400,000
21	Multimodal Transportation Account--State	
22	Appropriation	((\$3,320,000))
23		<u>\$1,798,000</u>
24	TOTAL APPROPRIATION	((\$88,929,000))
25		<u>\$76,932,000</u>

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

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

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

35	((a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT	
36	DIVISION OF RISK MANAGEMENT FEES	\$1,639,000
37	(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE	

1	STATE AUDITOR	\$937,000
2	(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF	
3	GENERAL ADMINISTRATION	\$6,060,000
4	(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF	
5	PERSONNEL	\$6,347,000
6	(e) FOR PAYMENT OF SELF INSURANCE LIABILITY	
7	PREMIUMS AND ADMINISTRATION	\$44,418,000
8	(f) FOR ARCHIVES AND RECORDS MANAGEMENT	\$623,000
9	(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS	
10	ENTERPRISES	\$1,008,000
11	(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS	
12	PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT	\$1,143,000
13	(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE	
14	DEPARTMENT OF INFORMATION SERVICES	\$1,980,000
15	(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
16	GENERAL'S OFFICE	\$8,526,000
17	(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
18	GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT	
19	LITIGATION	(\$672,000))
20	<u>(a) TO THE SECRETARY OF STATE--ARCHIVES AND</u>	
21	<u>RECORDS MANAGEMENT</u>	<u>\$512,000</u>
22	<u>(b) TO THE OFFICE OF THE STATE AUDITOR--AUDITOR</u>	
23	<u>SERVICES</u>	<u>\$488,000</u>
24	<u>(c) TO THE OFFICE OF THE ATTORNEY</u>	
25	<u>GENERAL--ATTORNEY GENERAL SERVICES</u>	<u>\$7,127,000</u>
26	<u>(d) TO THE OFFICE OF FINANCIAL MANAGEMENT--LABOR</u>	
27	<u>RELATIONS SERVICES</u>	<u>\$266,000</u>
28	<u>(e) TO THE OFFICE OF FINANCIAL</u>	
29	<u>MANAGEMENT--OFFICE OF CHIEF INFORMATION OFFICER</u>	<u>\$473,000</u>
30	<u>(f) TO THE OFFICE OF MINORITY AND WOMEN'S</u>	
31	<u>BUSINESS ENTERPRISES</u>	<u>\$840,000</u>
32	<u>(g) TO CONSOLIDATED TECHNICAL SERVICES</u>	<u>\$182,000</u>
33	<u>(h) TO THE DEPARTMENT OF ENTERPRISE</u>	
34	<u>SERVICES--HUMAN RESOURCE MANAGEMENT SYSTEM</u>	<u>\$3,495,000</u>
35	<u>(i) TO THE DEPARTMENT OF ENTERPRISE</u>	
36	<u>SERVICES--PRODUCTION SUPPORT</u>	<u>\$974,000</u>
37	<u>(j) TO THE DEPARTMENT OF ENTERPRISE</u>	
38	<u>SERVICES--REAL ESTATE SERVICES</u>	<u>\$108,000</u>

1	<u>(k) TO THE DEPARTMENT OF ENTERPRISE</u>	
2	<u>SERVICES--PUBLICATIONS AND HISTORICAL SERVICES</u>	<u>\$691,000</u>
3	<u>(l) TO THE DEPARTMENT OF ENTERPRISE</u>	
4	<u>SERVICES--CAMPUS RENT</u>	<u>\$3,293,000</u>
5	<u>(m) TO THE DEPARTMENT OF ENTERPRISE</u>	
6	<u>SERVICES--CAPITAL PROJECT SURCHARGE</u>	<u>\$879,000</u>
7	<u>(n) TO THE DEPARTMENT OF ENTERPRISE</u>	
8	<u>SERVICES--PERSONAL SERVICE CONTRACTS</u>	<u>\$100,000</u>
9	<u>(o) TO THE DEPARTMENT OF ENTERPRISE</u>	
10	<u>SERVICES--SECURE FILE TRANSFER SERVICES</u>	<u>\$39,000</u>
11	<u>(p) TO THE DEPARTMENT OF ENTERPRISE</u>	
12	<u>SERVICES--ACCESS SERVICES</u>	<u>\$179,000</u>
13	<u>(q) TO THE DEPARTMENT OF ENTERPRISE</u>	
14	<u>SERVICES--RISK MANAGEMENT SERVICES</u>	<u>\$1,290,000</u>
15	<u>(r) TO THE DEPARTMENT OF ENTERPRISE</u>	
16	<u>SERVICES--INFORMATION TECHNOLOGY SERVICES</u>	<u>\$1,557,000</u>

17 **Sec. 220.** 2011 c 367 s 220 (uncodified) is amended to read as
18 follows:

19 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
20 **V**

21	State Vehicle Parking Account--State Appropriation	\$452,000
22	Regional Mobility Grant Program Account--State	
23	Appropriation	\$48,942,000
24	Multimodal Transportation Account--State	
25	Appropriation	((\$41,706,000))
26		<u>\$51,857,000</u>
27	Multimodal Transportation Account--Federal	
28	Appropriation	\$2,582,000
29	Multimodal Transportation Account--Private/Local	
30	Appropriation	\$1,027,000
31	Rural Mobility Grant Program Account--State	
32	Appropriation	\$17,000,000
33	TOTAL APPROPRIATION	((\$111,709,000))
34		<u>\$121,860,000</u>

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

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

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

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

22 (2) \$395,000 of the multimodal transportation account--state
23 appropriation is provided solely for administration costs of the
24 regional and rural mobility grant programs.

25 (3) Funds are provided for the rural mobility grant program as
26 follows:

27 (a) \$8,500,000 of the rural mobility grant program account--state
28 appropriation is provided solely for grants for those transit systems
29 serving small cities and rural areas as identified in the "Summary of
30 Public Transportation - 2009" published by the department of
31 transportation. Noncompetitive grants must be distributed to the
32 transit systems serving small cities and rural areas in a manner
33 similar to past disparity equalization programs. If the funding
34 provided in this subsection (~~((+2))~~) (3)(a) exceeds the amount required
35 for recipient counties to reach eighty percent of the average per
36 capita sales tax, funds in excess of that amount may be used for the
37 competitive grant process established in (b) of this subsection.

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

5 ~~((3))~~ (4)(a) \$6,000,000 of the multimodal transportation
6 account--state appropriation is provided solely for a vanpool grant
7 program for: (a) Public transit agencies to add vanpools or replace
8 vans; and (b) incentives for employers to increase employee vanpool
9 use. The grant program for public transit agencies will cover capital
10 costs only; operating costs for public transit agencies are not
11 eligible for funding under this grant program. Additional employees
12 may not be hired from the funds provided in this section for the
13 vanpool grant program, and supplanting of transit funds currently
14 funding vanpools is not allowed. The department shall encourage grant
15 applicants and recipients to leverage funds other than state funds.

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

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

21 ~~((4))~~ (5) \$8,942,000 of the regional mobility grant program
22 account--state appropriation is reappropriated and provided solely for
23 the regional mobility grant projects identified in LEAP Transportation
24 Document 2007-B, as developed April 20, 2007, or LEAP Transportation
25 Document 2009-B, as developed April 24, 2009. The department shall
26 continue to review all projects receiving grant awards under this
27 program at least semiannually to determine whether the projects are
28 making satisfactory progress. The department shall promptly close out
29 grants when projects have been completed, and any remaining funds must
30 be used only to fund projects identified in: LEAP Transportation
31 Document 2007-B, as developed April 20, 2007; LEAP Transportation
32 Document 2009-B, as developed April 24, 2009; or LEAP Transportation
33 Document 2011-B, as developed April 19, 2011. It is the intent of the
34 legislature to appropriate funds through the regional mobility grant
35 program only for projects that will be completed on schedule and that
36 all funds in the regional mobility grant program be used as soon as
37 practicable to advance eligible projects.

1 (~~(5)~~) (6)(a) \$40,000,000 of the regional mobility grant program
2 account--state appropriation is provided solely for the regional
3 mobility grant projects identified in LEAP Transportation Document
4 2011-B, as developed April 19, 2011. The department shall review all
5 projects receiving grant awards under this program at least
6 semiannually to determine whether the projects are making satisfactory
7 progress. Any project that has been awarded funds, but does not report
8 activity on the project within one year of the grant award, must be
9 reviewed by the department to determine whether the grant should be
10 terminated. The department shall promptly close out grants when
11 projects have been completed, and any remaining funds must be used only
12 to fund projects identified in LEAP Transportation Document 2011-B, as
13 developed April 19, 2011. The department shall provide annual status
14 reports on December 15, 2011, and December 15, 2012, to the office of
15 financial management and the transportation committees of the
16 legislature regarding the projects receiving the grants. It is the
17 intent of the legislature to appropriate funds through the regional
18 mobility grant program only for projects that will be completed on
19 schedule.

20 (b) In order to be eligible to receive a grant under (a) of this
21 subsection during the 2011-2013 fiscal biennium, a transit agency must
22 establish a process for private transportation providers to apply for
23 the use of park and ride facilities. For purposes of this subsection,
24 (i) "private transportation provider" means: An auto transportation
25 company regulated under chapter 81.68 RCW; a passenger charter carrier
26 regulated under chapter 81.70 RCW, except marked or unmarked stretch
27 limousines and stretch sport utility vehicles as defined under
28 department of licensing rules; a private nonprofit transportation
29 provider regulated under chapter 81.66 RCW; or a private employer
30 transportation service provider; and (ii) "private employer
31 transportation service" means regularly scheduled, fixed-route
32 transportation service that is offered by an employer for the benefit
33 of its employees.

34 (~~(6)~~) (7) \$2,309,000 of the multimodal transportation account--
35 state appropriation is provided solely for the tri-county connection
36 service for Island, Skagit, and Whatcom transit agencies.

37 (~~(7)~~) (8) \$200,000 of the multimodal transportation account--

1 state appropriation is contingent on the timely development of an
2 annual report summarizing the status of public transportation systems
3 as identified under RCW 35.58.2796.

4 ~~((+8))~~ (9) Funds provided for the commute trip reduction program
5 may also be used for the growth and transportation efficiency center
6 program.

7 ~~((+9))~~ (10) An affected urban growth area that has not previously
8 implemented a commute trip reduction program is exempt from the
9 requirements in RCW 70.94.527 if a solution to address the state
10 highway deficiency that exceeds the person hours of delay threshold has
11 been funded and is in progress during the 2011-2013 fiscal biennium.

12 (11) \$10,000,000 of the multimodal transportation account--state
13 appropriation is provided solely for a grant program for transit
14 authorities. The funding provided in this subsection must be
15 distributed statewide to transit authorities according to the
16 distribution formula in (a) of this subsection. Funding must be used
17 for operations.

18 (a) Of the amounts provided in this subsection:

19 (i) One-third must be distributed based on vehicle miles of service
20 provided;

21 (ii) One-third must be distributed based on the number of vehicle
22 hours of service provided; and

23 (iii) One-third must be distributed based on the number of
24 passenger trips.

25 (b) For the purposes of this subsection:

26 (i) "Transit authorities" has the same meaning as in RCW
27 9.91.025(2).

28 (ii) "Vehicle miles of service," "vehicle hours of service," and
29 "passenger trips" are transit service metrics as reported by the public
30 transportation program of the department of transportation in the
31 annual report required in RCW 35.58.2796 for calendar year 2010.

32 (c) If chapter ... (Engrossed Substitute Senate Bill No. 6455),
33 Laws of 2012 is not enacted by June 30, 2012, the amount provided in
34 this subsection lapses.

35 **Sec. 221.** 2011 c 367 s 221 (uncodified) is amended to read as
36 follows:

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

2 Puget Sound Ferry Operations Account--State

3 Appropriation ((~~\$467,773,000~~))

4 \$475,654,000

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

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

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

18 ((~~+5~~)) (3) Until a reservation system is operational on the San
19 Juan islands inner-island route, the department shall provide the same
20 priority loading benefits on the San Juan islands inner-island route to
21 home health care workers as are currently provided to patients
22 traveling for purposes of receiving medical treatment.

23 ((~~+6~~)) (4) The department shall request from the United States
24 coast guard variable minimum staffing levels on all of its vessels by
25 December 31, 2011.

26 ((~~+10~~)) (5) The department shall continue to provide service to
27 Sidney, British Columbia and shall explore the option of purchasing a
28 foreign built vehicle and passenger ferry vessel either with safety of
29 life at sea (SOLAS) certification or the ability to be retrofitted for
30 SOLAS certification to operate solely on the Anacortes to Sidney,
31 British Columbia route currently served by vessels of the Washington
32 state ferries fleet. The vessel should have the capability of carrying
33 at least one hundred standard vehicles and approximately four hundred
34 to five hundred passengers. Further, the department shall explore the
35 possibilities of contracting a commercial company to operate the vessel
36 exclusively on this route so long as the contractor's employees
37 assigned to the vessel are represented by the same employee
38 organizations as the Washington state ferries. The department shall

1 report back to the transportation committees of the legislature
2 regarding: The availability of a vessel; the cost of the vessel,
3 including transport to the Puget Sound region; and the need for any
4 statutory changes for the operation of the Sydney, British Columbia
5 service by a private company.

6 ~~((+11))~~ (6) For the 2011-2013 fiscal biennium, the department of
7 transportation may enter into a distributor controlled fuel hedging
8 program and other methods of hedging approved by the fuel hedging
9 committee.

10 ~~((+12)–The–department–shall–target–service–reductions–totaling~~
11 ~~\$4,000,000, – such – that – the – shortening – of – shoulder – seasons – and~~
12 ~~eliminations of off peak runs on all routes are considered. Prior to~~
13 ~~implementing the reductions, the department shall consult with ferry~~
14 ~~employees and ferry advisory committees to determine which reductions~~
15 ~~would impact the fewest number of riders. The reductions must be~~
16 ~~identified and implementation must begin no later than the fall 2011~~
17 ~~schedule.~~

18 ~~(+13)–\$135,248,000))~~ (7) It is the intent of the legislature to
19 appropriate funding to the Washington state ferries division in the
20 2013-2015 biennium at a level sufficient to maintain current ferry
21 routes and schedules at existing levels. The Washington state ferries
22 division must conduct any public outreach consistent with the policy
23 direction provided in this subsection to maintain current ferry routes
24 and schedules at existing levels.

25 (8) \$136,648,000 of the Puget Sound ferry operations account--state
26 appropriation is provided solely for auto ferry vessel operating fuel
27 in the 2011-2013 fiscal biennium. The amount provided in this
28 appropriation represents the fuel budget for purposes of calculating
29 any ferry fare fuel surcharge.

30 ~~((+14))~~ (9) \$8,000,000 of the Puget Sound ferry operations
31 account--state appropriation is provided solely for the purchase of
32 fuel for marine operations. If chapter ... (Engrossed Substitute
33 Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012,
34 the amount provided in this subsection lapses.

35 (10) \$150,000 of the Puget Sound ferry operations account--state
36 appropriation is provided solely for the department to increase
37 recreation and tourist ridership by entering into agreements for
38 marketing and outreach strategies with local economic development

1 agencies. The department shall identify the number of tourist and
2 recreation riders on the applicable ferry routes both before and after
3 implementation of marketing and outreach strategies developed through
4 the agreements. The department shall report results of the marketing
5 and outreach strategies to the transportation committees of the
6 legislature by October 15, 2012.

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

15 ~~((+16))~~ (12) The department, office of financial management, and
16 transportation committees of the legislature shall make recommendations
17 regarding an appropriate budget structure for the Washington state
18 ferries. The recommendation may include a potential restructuring of
19 the Washington state ferries budget. The recommendation must
20 facilitate transparency in reporting and budgeting as well as provide
21 the opportunity to link revenue sources with expenditures. Findings
22 and recommendations must be reported to the office of financial
23 management and the joint transportation committee by September 1, 2011.

24 ~~((+17))~~ (13) Two Kwa-di-tabil class ferry vessels must be placed
25 on the Port Townsend/Coupeville (Keystone) route to provide service at
26 the same levels provided when the steel electric vessels were in
27 service. After the vessels as funded under section 308~~((+7))~~ (6) of
28 this act are in service, the two most appropriate of these vessels for
29 the Port Townsend/Coupeville (Keystone) route must be placed on the
30 route. \$100,000 of the Puget Sound ferry operations account--state
31 appropriation is provided solely for the additional staffing required
32 to maintain a reservation system at this route when the second vessel
33 is in service.

34 ~~((+19))~~ (14) \$706,000 of the Puget Sound ferry operations
35 account--state appropriation is provided solely for terminal operations
36 to implement new federal passenger vessel Americans with disabilities
37 act requirements.

1 (~~(+20)~~) (15) \$152,000 of the Puget Sound ferry operations
2 account--state appropriation is provided solely for the department's
3 compliance with its national pollution discharge elimination system
4 permit.

5 (~~((21) If chapter . . . (Substitute House Bill No. 2053), Laws of~~
6 ~~2011 (additive transportation funding) is not enacted by June 30, 2011,~~
7 ~~the \$4,000,000 in service reductions identified in subsection (12) of~~
8 ~~this section must be restored and an identical amount must be reduced~~
9 ~~from the amount provided for the second 144-car vessel identified in~~
10 ~~section 308(8) of this act.))~~

11 **Sec. 222.** 2011 c 367 s 222 (uncodified) is amended to read as
12 follows:

13	FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING	
14	Multimodal Transportation Account--State	
15	Appropriation	((\$29,688,000))
16		<u>\$33,339,000</u>
17	Multimodal Transportation Account--Federal	
18	Appropriation	((\$300,000))
19		<u>\$400,000</u>
20	TOTAL APPROPRIATION	((\$29,988,000))
21		<u>\$33,739,000</u>

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

24 (1) (~~(\$24,091,000)~~) \$27,816,000 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 state-supported passenger rail service. The department is
28 directed to continue to pursue efforts to reduce costs, increase
29 ridership, and review fares or fare schedules. Within thirty days of
30 each annual cost/revenue reconciliation under the Amtrak service
31 contract, the department shall report annual credits to the office of
32 financial management and the legislative transportation committees.
33 Annual credits from Amtrak to the department including, but not limited
34 to, credits for increased revenue due to higher ridership, and fare or
35 fare schedule adjustments, must be used to offset corresponding amounts
36 of the multimodal transportation account--state appropriation, which

1 must be placed in reserve. Upon completion of the rail platform
2 project in the city of Stanwood, the department shall continue to
3 provide daily Amtrak Cascades service to the city.

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

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

7 (4) The department shall conduct a pilot program by partnering with
8 the travel industry on the Amtrak Cascades service between Vancouver,
9 British Columbia, and Seattle to test opportunities for increasing
10 ridership, maximizing farebox recovery, and stimulating private
11 investment. The pilot program must run from July 1, 2011, to June 30,
12 2012. The department shall report on the results of the pilot program
13 to the office of financial management and the legislature by September
14 30, 2012.

15 **Sec. 223.** 2011 c 367 s 223 (uncodified) is amended to read as
16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
18 **OPERATING**

19 Motor Vehicle Account--State Appropriation	(((\$8,853,000)))
20	<u>\$8,505,000</u>
21 Motor Vehicle Account--Federal Appropriation	\$2,567,000
22 <u>Multiuse Roadway Safety Account--State Appropriation</u>	<u>\$30,000</u>
23 TOTAL APPROPRIATION	(((\$11,420,000)))
24	<u>\$11,102,000</u>

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

27 (1) \$30,000 of the multiuse roadway safety account--state
28 appropriation is provided solely for regulating the use of off-road
29 vehicles in certain areas. If chapter . . . (Engrossed Second
30 Substitute Senate Bill No. 5366), Laws of 2012 is not enacted by June
31 30, 2012, the amount provided in this subsection lapses.

32 (2) The department shall submit a report to the transportation
33 committees of the legislature by December 1, 2011, on the
34 implementation of the recommendations that resulted from the evaluation
35 of efficiencies in the delivery of transportation funding and services
36 to local governments that was required under section 204(8), chapter

1 247, Laws of 2010. The report must include a description of how
2 recommendations were implemented, what efficiencies were achieved, and
3 an explanation of any recommendations that were not implemented.

4 **TRANSPORTATION AGENCIES--CAPITAL**

5 **Sec. 301.** 2011 c 367 s 301 (uncodified) is amended to read as
6 follows:

7 **FOR THE WASHINGTON STATE PATROL**

8 State Patrol Highway Account--State Appropriation . . . (~~(\$6,487,000)~~)
9 \$2,875,000

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

12 (1) (~~(\$653,000)~~) \$1,357,000 of the state patrol highway account--
13 state appropriation is provided solely for the following minor works
14 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for
15 water and sewer upgrades; \$210,000 for emergency backup system
16 replacement; \$85,000 for chiller replacement; (~~and~~) \$83,000 for roof
17 replacements; \$128,000 for septic system repairs; and \$576,000 for HVAC
18 replacements and energy upgrades.

19 (2) (~~(\$3,226,000)~~) \$1,097,000 of the state patrol highway account--
20 state appropriation is provided solely for the Shelton academy of the
21 Washington state patrol for the new waste water treatment lines, waste
22 water plants, reclaimed water lines, and water systems. (~~However,~~
23 ~~\$2,129,000~~ ~~of~~ ~~this~~ ~~amount~~ ~~is~~ ~~contingent~~ ~~on~~ ~~the~~ ~~department~~ ~~of~~
24 ~~corrections~~ ~~receiving~~ ~~funding~~ ~~for~~ ~~its~~ ~~portion~~ ~~of~~ ~~the~~ ~~regional~~ ~~water~~
25 ~~project~~ ~~in~~ ~~the~~ ~~2011~~ ~~2013~~ ~~omnibus~~ ~~capital~~ ~~appropriations~~ ~~act.~~ ~~If~~ ~~this~~
26 ~~funding~~ ~~is~~ ~~not~~ ~~provided~~ ~~by~~ ~~June~~ ~~30,~~ ~~2011,~~ ~~\$2,129,000~~ ~~of~~ ~~the~~
27 ~~appropriation~~ ~~provided~~ ~~in~~ ~~this~~ ~~subsection~~ ~~lapses.~~))

28 (3) \$421,000 of the state patrol highway account--state
29 appropriation is provided solely for the reappropriation of the Shelton
30 regional water project.

31 (4) (~~(\$2,187,000~~ ~~of~~ ~~the~~ ~~total~~ ~~appropriation~~ ~~is~~ ~~provided~~ ~~solely~~ ~~for~~
32 ~~mobile~~ ~~office~~ ~~platforms.~~

33 (+5)) It is the intent of the legislature that the omnibus
34 operating appropriations act provide funding for the portion of any
35 applicable debt service payments, resulting from financial contracts

1 identified under section 601 of this act, that are attributable to the
2 general fund as identified in the Washington state patrol's cost
3 allocation model.

4 **Sec. 302.** 2011 c 367 s 302 (uncodified) is amended to read as
5 follows:

6 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

7	Motor Vehicle Account--State Appropriation	\$874,000
8	Rural Arterial Trust Account--State Appropriation	(\$37,417,000)
9		<u>\$62,510,000</u>
10	County Arterial Preservation Account--State	
11	Appropriation	\$29,360,000
12	<u>Highway Safety Account--State Appropriation</u>	<u>\$4,000,000</u>
13	TOTAL APPROPRIATION	(\$67,651,000)
14		<u>\$96,744,000</u>

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

17 (1) \$874,000 of the motor vehicle account--state appropriation may
18 be used for county ferry projects as developed pursuant to RCW
19 47.56.725(4).

20 (2) ~~(\$37,417,000)~~ \$62,510,000 of the rural arterial trust
21 account--state appropriation is provided solely for county road
22 preservation grant projects as approved by the county road
23 administration board. These funds may be used to assist counties
24 recovering from federally declared emergencies by providing
25 capitalization advances and local match for federal emergency funding,
26 and may only be made using existing fund balances. It is the intent of
27 the legislature that the rural arterial trust account be managed based
28 on cash flow. The county road administration board shall specifically
29 identify any of the selected projects and shall include information
30 concerning the selected projects in its next annual report to the
31 legislature.

32 (3) \$4,000,000 of the highway safety account--state appropriation
33 is provided solely for the county arterial preservation program to help
34 counties meet urgent preservation needs. If chapter . . . (Engrossed
35 Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June
36 30, 2012, the amount provided in this subsection lapses.

1 provided solely for the Olympic region site acquisition debt service
2 payments and administrative costs associated with capital improvement
3 and preservation project and financial management.

4 (2) (~~(\$3,669,000)~~) \$3,781,000 of the motor vehicle account--state
5 appropriation is provided solely for high priority safety projects that
6 are directly linked to employee safety, environmental risk, or minor
7 works that prevent facility deterioration.

8 (3) \$400,000 of the motor vehicle account--state appropriation is
9 provided solely for the department's compliance with its national
10 pollution discharge elimination system permit.

11 **Sec. 305.** 2011 c 367 s 305 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**
14 (~~(Multimodal Transportation Account--State~~
15 ~~Appropriation \$1,000)~~)
16 Transportation Partnership Account--State
17 Appropriation (~~(\$1,991,547,000)~~)
18 \$1,621,875,000
19 Motor Vehicle Account--State Appropriation (~~(\$86,139,000)~~)
20 \$111,459,000
21 Motor Vehicle Account--Federal Appropriation (~~(\$450,691,000)~~)
22 \$849,944,000
23 Motor Vehicle Account--Private/Local
24 Appropriation (~~(\$50,485,000)~~)
25 \$129,115,000
26 Transportation 2003 Account (Nickel Account)--State
27 Appropriation (~~(\$436,005,000)~~)
28 \$416,125,000
29 State Route Number 520 Corridor Account--State
30 Appropriation (~~(\$1,019,460,000)~~)
31 \$1,779,000,000
32 Special Category C Account--State Appropriation \$124,000
33 Tacoma Narrows Toll Bridge Account--State
34 Appropriation \$5,791,000
35 TOTAL APPROPRIATION (~~(\$4,034,328,000)~~)
36 \$4,913,433,000

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

3 (1) Except as provided otherwise in this section, the entire
4 transportation 2003 account (nickel account) appropriation and the
5 entire transportation partnership account appropriation are provided
6 solely for the projects and activities as listed by fund, project, and
7 amount in (~~LEAP Transportation Document 2011-1 as developed April 19,~~
8 ~~2011, Program — Highway Improvement Program (I)~~) LEAP Transportation
9 Document 2012-1 as developed February 16, 2012, Program - Highway
10 Improvement Program (I). However, limited transfers of specific
11 line-item project appropriations may occur between projects for those
12 amounts listed subject to the conditions and limitations in section 603
13 of this act.

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

28 (~~3~~) Within the motor vehicle account--state appropriation and
29 motor vehicle account--federal appropriation, the department may
30 transfer funds between programs I and P, except for funds that are
31 otherwise restricted in this act.

32 (~~(4)~~) (3) The department shall apply for surface transportation
33 program enhancement funds to be expended in lieu of or in addition to
34 state funds for eligible costs of projects in programs I and P
35 including, but not limited to, the state route number 518, state route
36 number 520, Columbia river crossing, and Alaskan Way viaduct projects.

37 (~~(5)~~) (4) The department shall apply for the competitive portion
38 of federal transit administration funds for eligible transit-related

1 costs of the state route number 520 bridge replacement and HOV project
2 and the Columbia river crossing project. The federal funds described
3 in this subsection must not include those federal transit
4 administration funds distributed by formula. The department shall
5 provide a report regarding this effort to the legislature by October 1,
6 2011.

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

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

26 ~~((+9) - \$361,000))~~ (7) \$561,000 of the transportation partnership
27 account--state appropriation and ~~((+\$1,245,000))~~ \$1,176,000 of the
28 transportation 2003 account (nickel account)--state appropriation are
29 provided solely for project OBI4ENV, Environmental Mitigation Reserve -
30 Nickel/TPA project, as indicated in the LEAP transportation document
31 referenced in subsection (1) of this section. Funds may be used only
32 for environmental mitigation work that is required by permits that were
33 issued for projects funded by the transportation partnership account or
34 transportation 2003 account (nickel account). ~~((As part of the 2012
35 budget submittal, the department shall provide a list of all projects
36 and associated amounts that are being charged to project OBI4ENV during
37 the 2011-2013 fiscal biennium.~~

1 ~~(10)~~) (8) The transportation 2003 account (nickel account)--state
2 appropriation includes up to (~~(\$361,005,000)~~) \$378,105,000 in proceeds
3 from the sale of bonds authorized by RCW 47.10.861.

4 ~~((11))~~) (9) The transportation partnership account--state
5 appropriation includes up to (~~(\$1,427,696,000)~~) \$869,365,000 in
6 proceeds from the sale of bonds authorized in RCW 47.10.873.

7 ~~((12))~~) (10) The motor vehicle account--state appropriation
8 includes up to (~~(\$66,373,000)~~) \$48,354,000 in proceeds from the sale of
9 bonds authorized in RCW 47.10.843.

10 ~~((13))~~) (11) The state route number 520 corridor account--state
11 appropriation includes up to (~~(\$987,717,000)~~) \$1,779,000,000 in
12 proceeds from the sale of bonds authorized in RCW 47.10.879.

13 ~~((14) \$391,000)~~) (12) \$767,000 of the motor vehicle account--state
14 appropriation and (~~(\$4,027,000)~~) \$3,736,000 of the motor vehicle
15 account--federal appropriation are provided solely for the US 2 High
16 Priority Safety project (100224I). Expenditure of these funds is for
17 safety projects on state route number 2 between Monroe and Gold Bar,
18 which may include median rumble strips, traffic cameras, and electronic
19 message signs.

20 ~~((15) \$687,000)~~) (13) \$820,000 of the motor vehicle account--
21 federal appropriation, \$16,308,000 of the motor vehicle account--
22 private/local appropriation, and (~~(\$22,000)~~) \$48,000 of the motor
23 vehicle account--state appropriation are provided solely for the US
24 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

25 ~~((16) \$435,000)~~) (14) \$595,000 of the motor vehicle account--state
26 appropriation is provided solely for environmental work on the Belfair
27 Bypass project (300344C).

28 ~~((17) \$108,000)~~) (15) \$372,000 of the motor vehicle account--
29 federal appropriation and (~~(\$3,000)~~) \$9,000 of the motor vehicle
30 account--state appropriation are provided solely for the I-5/Vicinity
31 of Joint Base Lewis-McChord - Install Ramp Meters project (300596M).

32 ~~((18) \$253,444,000)~~) (16) \$202,863,000 of the transportation
33 partnership account--state appropriation and (~~(\$66,034,000)~~)
34 \$51,138,000 of the transportation 2003 account (nickel account)--state
35 appropriation are provided solely for the I-5/Tacoma HOV Improvements
36 (Nickel/TPA) project (300504A). The use of funds in this subsection to
37 renovate any buildings is subject to the requirements of section 604 of

1 this act. The department shall report to the legislature and the
2 office of financial management on any costs associated with building
3 renovations funded in this subsection.

4 ~~((19))~~ (17)(a) ~~((~~\$8,321,000~~))~~ \$7,423,000 of the transportation
5 partnership account--state appropriation ~~((and — \$31,380,000))~~,
6 \$62,779,000 of the motor vehicle account--federal appropriation, and
7 \$29,548,000 of the motor vehicle account--private/local appropriation
8 are provided solely for the I-5/Columbia River Crossing project
9 (400506A). Of this amount, \$200,000 of the transportation partnership
10 account--state appropriation is provided solely for the department to
11 work with the department of archaeology and historic preservation to
12 ensure that the cultural resources investigation is properly conducted
13 on the Columbia river crossing project. This project must be conducted
14 with active archaeological management and result in one report that
15 spans the single cultural area in Oregon and Washington. Additionally,
16 the department shall establish a scientific peer review of independent
17 archaeologists that are knowledgeable about the region and its cultural
18 resources. No funding from any account may be expended until written
19 confirmation has been received by the department that the state of
20 Oregon is providing an equal amount of additional funding to the
21 project.

22 (b) Consistent with the draft environmental impact statement and
23 the Columbia river crossing project's independent review panel report,
24 the Columbia river crossing project's financial plan must include
25 recognition of state transportation funding contributions from both
26 Washington and Oregon, federal transportation funding, and a funding
27 contribution from toll bond proceeds. Following the refinement of the
28 finance plan as recommended by the independent review panel, the
29 department may seek authorization from the legislature to collect tolls
30 on the existing Columbia river crossing or on a replacement crossing
31 over Interstate 5.

32 (c) Of the amounts provided in this subsection (17), \$1,800,000 of
33 the motor vehicle account--federal appropriation is provided solely for
34 the investment-grade traffic and revenue analysis described in section
35 205(5) of this act, and this is the maximum amount the department may
36 expend for this purpose. The department shall enter into an
37 interagency agreement with the transportation commission to cover the

1 costs of the investment-grade traffic and revenue analysis described in
2 section 205(5) of this act.

3 (d) The Washington state department of transportation budget
4 includes resources to continue work on solutions that advance the
5 Columbia River Crossing project to completion of the required
6 environmental impact statement. The department must report to the
7 Columbia River Crossing legislative oversight subcommittee of the joint
8 transportation committee, established in section 204(5) of this act, on
9 the progress made on the Columbia River Crossing project at each
10 meeting of the oversight subcommittee. Reporting must include updated
11 information on cost estimates, rights-of-way purchases and procurement
12 schedules, and financing plans for the Columbia River Crossing project,
13 including projected traffic volumes, fuel and gas price assumptions,
14 toll rates, costs of toll collections, as well as potential need for
15 general transportation funding. By January 1, 2013, the department
16 shall provide to the oversight subcommittee of the joint transportation
17 committee a phased master plan for the Columbia River Crossing project.

18 ~~((20) \$107,000))~~ (18) \$309,000 of the motor vehicle account--
19 federal appropriation and ~~((27,000))~~ \$78,000 of the motor vehicle
20 account--state appropriation are provided solely for the SR 9/SR 204
21 Intersection Improvement project (L2000040).

22 ~~((21) \$2,134,000))~~ (19) \$3,385,000 of the motor vehicle account--
23 federal appropriation and ~~((47,000))~~ \$50,000 of the motor vehicle
24 account--state appropriation are provided solely for the US 12/Nine
25 Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

26 ~~((22) \$294,000))~~ (20) \$391,000 of the motor vehicle account--
27 federal appropriation and ~~((13,000))~~ \$16,000 of the motor vehicle
28 account--state appropriation are provided solely for the SR 16/Rosedale
29 Street NW Vicinity - Frontage Road project (301639C). The frontage
30 road must be built for driving speeds of no more than thirty-five miles
31 per hour.

32 ~~((23) \$1,000,000))~~ (21) \$621,000 of the motor vehicle account--
33 federal appropriation is provided solely for the SR 20/Race Road to
34 Jacob's Road safety project (L2200042).

35 ~~((24) \$24,002,000))~~ (22) \$32,162,000 of the transportation
36 partnership account--state appropriation is provided solely for the SR
37 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

1 ~~((25) \$569,000))~~ (23) \$1,227,000 of the motor vehicle account--
2 federal appropriation and ~~((9,000))~~ \$38,000 of the motor vehicle
3 account--state appropriation are provided solely for design and right-
4 of-way work on the I-82/Red Mountain Vicinity project (508208M). The
5 department shall continue to work with the local partners in developing
6 transportation solutions necessary for the economic growth in the Red
7 Mountain American viticulture area of Benton county.

8 ~~((26))~~ (24) \$1,500,000 of the motor vehicle account--federal
9 appropriation is provided solely for the I-90 Comprehensive Tolling
10 Study and Environmental Review project (100067T). The department shall
11 undertake a comprehensive environmental review of tolling Interstate 90
12 between Interstate 5 and Interstate 405 for the purposes of both
13 managing traffic and providing funding for construction of the unfunded
14 state route number 520 from Interstate 5 to Medina project. The
15 environmental review must include significant outreach to potentially
16 affected communities. The department may consider traffic management
17 options that extend as far east as Issaquah.

18 ~~((27) \$9,422,000))~~ (25) \$12,149,000 of the motor vehicle account--
19 federal appropriation and ~~((193,000))~~ \$362,000 of the motor vehicle
20 account--state appropriation are provided solely for the I-90/Sullivan
21 Road to Barker Road - Additional Lanes project (609049N).

22 ~~((28))~~ (26) Up to \$8,000,000 in savings realized on the I-
23 90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor project
24 (509009B) may be used for design work on the next two-mile segment of
25 the corridor. Any additional savings on this project must remain on
26 the corridor. ~~((590,000 of the funds appropriated for this project~~
27 ~~may be used to purchase land currently owned by the state parks~~
28 ~~department.))~~ Project funds may not be used to build or improve
29 buildings until the plan described in section 604 of this act is
30 complete.

31 ~~((29) \$932,000))~~ (27) \$657,000 of the motor vehicle account--
32 federal appropriation is provided solely for the US 97A/North of
33 Wenatchee - Wildlife Fence project (209790B).

34 ~~((30))~~ (28) The department shall reconvene an expert review panel
35 of no more than three members as described under RCW 47.01.400 for the
36 purpose of updating the work that was previously completed by the panel
37 on the Alaskan Way viaduct replacement project and to ensure that an
38 appropriate and viable financial plan is created and regularly

1 reviewed. The expert review panel must be selected cooperatively by
2 the chairs of the senate and house of representatives transportation
3 committees, the secretary of transportation, and the governor. The
4 expert review panel must report findings and recommendations to the
5 transportation committees of the legislature, the governor's Alaskan
6 Way viaduct project oversight committee, and the transportation
7 commission by October 2011, and annually thereafter until the project
8 is operationally complete.

9 ~~((+31+))~~ (29) It is important that the public and policymakers have
10 accurate and timely access to information related to the Alaskan Way
11 viaduct replacement project as it proceeds to, and during, the
12 construction of all aspects of the project including, but not limited
13 to, information regarding costs, schedules, contracts, project status,
14 and neighborhood impacts. Therefore, it is the intent of the
15 legislature that the state, city, and county departments of
16 transportation establish a single source of accountability for
17 integration, coordination, tracking, and information of all requisite
18 components of the replacement project, which must include, at a
19 minimum:

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

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

24 ~~((+32+))~~ (30) Within the amounts provided in this section, \$20,000
25 of the motor vehicle account--state appropriation and \$980,000 of the
26 motor vehicle account--federal appropriation are provided solely for
27 the department to continue work on a comprehensive tolling study of the
28 state route number 167 corridor (project 316718S). As funding allows,
29 the department shall also continue work on a comprehensive tolling
30 study of the state route number 509 corridor.

31 ~~((+33+))~~ (31)(a) ~~(((\$131,303,000))~~ \$137,022,000 of the
32 transportation partnership account--state appropriation(~~(~~
33 ~~\$51,410,000))~~ and \$50,623,000 of the transportation 2003 account
34 (nickel account)--state appropriation(~~(, and \$10,000,000 of the motor~~
35 ~~vehicle account--federal appropriation))~~ are provided solely for the I-
36 405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This
37 project must be completed as soon as practicable as a design-build

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

3 (b) As part of the project, the department shall conduct a traffic
4 and revenue analysis and complete a financial plan to provide
5 additional information on the revenues, expenditures, and financing
6 options available for active traffic management and congestion relief
7 in the Interstate 405 and state route number 167 corridors. A report
8 must be provided to the transportation committees of the legislature
9 and the office of financial management by January 2012. However, this
10 subsection (~~((+33+))~~) (31)(b) is null and void if chapter . . .
11 (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll
12 lanes) is enacted by June 30, 2011.

13 (c) Within the amounts provided for this project, funding is
14 provided solely for tolling equipment, such as gantries, barriers, or
15 cameras, on Interstate 405, consistent with chapter 369, Laws of 2011.
16 The department shall place amounts for tolling equipment into
17 unallotted status until the traffic and revenue analysis required in
18 RCW 47.56.886 is submitted to the governor and the legislature. Once
19 the report has been submitted, the office of financial management may
20 approve the allotment of funds for tolling equipment only after
21 consultation with the joint transportation committee.

22 (32) \$40,000,000 in savings realized on the I-405/Kirkland Vicinity
23 Stage 2--Widening project (8BI1002) shall be used for preliminary
24 engineering, construction, and rights-of-way purchase on the Interstate
25 405/state route number 167 direct connector.

26 (~~((+34+))~~) (33) Funding for a signal at state route number 507 and
27 Yew Street is included in the appropriation for intersection and spot
28 improvements (0BI2002).

29 (~~((+35)-\$226,809,000)~~) (34) \$226,167,000 of the transportation
30 partnership account--state appropriation (~~(and - \$1,019,460,000)~~),
31 \$898,286,000 of the state route number 520 corridor account--state
32 appropriation, and \$63,003,000 of the motor vehicle account--federal
33 appropriation are provided solely for the state route number 520 bridge
34 replacement and HOV program (8BI1003). When developing the financial
35 plan for the program, the department shall assume that all maintenance
36 and operation costs for the new facility are to be covered by tolls
37 collected on the toll facility, and not by the motor vehicle account.

1 ~~((36)) \$650,000 of the motor vehicle account--federal appropriation~~
2 ~~is provided solely for the SR 522 Improvements/61st Avenue NE and NE~~
3 ~~181st Street project (L1000055).~~

4 ~~(37))~~ (35) \$500,000 of the motor vehicle account--state
5 appropriation is provided solely for a multimodal corridor plan on
6 state route number 520 between Interstate 405 and Avondale Road in
7 Redmond (L1000054).

8 (36) \$300,000 of the motor vehicle account--federal appropriation
9 is provided solely for the SR 523 Corridor study (L1000059).

10 ~~((38))~~ (37) The department shall consider using the city of
11 Mukilteo's off-site mitigation program in the event any projects on
12 state route number 525 or 526 require environmental mitigation.

13 ~~((39))~~ (38) Any savings on projects on the state route number 532
14 corridor must be used within the corridor to begin work on flood
15 prevention and raising portions of the highway above flood and storm
16 influences.

17 (39) \$5,791,000 of the Tacoma Narrows toll bridge account--state
18 appropriation is provided solely for deferred sales tax expenses on the
19 construction of the new Tacoma Narrows bridge (L1000054).

20 (40) Construction of a new traffic management center may not
21 commence until the budget evaluation study in section 102(1) of this
22 act is complete and the office of financial management has determined
23 that a new traffic management center is the preferred option and has
24 approved this project.

25 (41) \$8,000,000 of the motor vehicle account--state appropriation
26 is provided solely for the design and preliminary engineering of
27 projects and for rights-of-way acquisition, as provided in LEAP
28 Transportation Document 2012-3 and referenced as project (L110040) on
29 LEAP Transportation Document 2012-2 ALL PROJECTS as developed February
30 16, 2012, except that the following interchanges are added to the JBLM
31 Corridor project: Martin Way and Marvin Road. The department shall
32 work collaboratively with the south sound military and communities
33 partnership on the JBLM Corridor project. Funds must be used to
34 promote the initial development of these projects for the purpose of
35 expediting the delivery of the associated major investments when
36 funding for such investments becomes available. Funding may be
37 reallocated between projects to maximize the accomplishment of design
38 and preliminary engineering work and rights-of-way acquisition,

1 provided that all projects are addressed. It is the intent of the
 2 legislature that, while seeking to maximize the outcomes sought in this
 3 section, the department use an approach to retain core agency
 4 competencies of its workforce while strategically utilizing private
 5 sector involvement to avoid growth in the state workforce. If chapter
 6 ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not
 7 enacted by June 30, 2012, the amount provided in this subsection
 8 lapses.

9 **Sec. 306.** 2011 c 367 s 306 (uncodified) is amended to read as
 10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

12 Transportation Partnership Account--State

13	Appropriation	((\$34,182,000))
14		<u>\$44,463,000</u>
15	Motor Vehicle Account--State Appropriation	((\$67,790,000))
16		<u>\$85,241,000</u>
17	Motor Vehicle Account--Federal Appropriation	((\$632,489,000))
18		<u>\$540,306,000</u>
19	Motor Vehicle Account--Private/Local Appropriation	((\$19,253,000))
20		<u>\$21,585,000</u>
21	<u>Tacoma Narrows Toll Bridge Account--State</u>	
22	Appropriation	\$259,000
23	<u>Transportation 2003 Account (Nickel Account)--State</u>	
24	Appropriation	\$23,000
25	<u>State Transportation Operations and Maintenance</u>	
26	Account--State Appropriation	\$43,000,000
27	<u>Highway Safety Account--State Appropriation</u>	<u>\$4,000,000</u>
28	TOTAL APPROPRIATION	((\$753,714,000))
29		<u>\$738,877,000</u>

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

32 (1) Except as provided otherwise in this section, the entire
 33 transportation 2003 account (nickel account) appropriation and the
 34 entire transportation partnership account appropriation are provided
 35 solely for the projects and activities as listed by fund, project, and
 36 amount in ((LEAP Transportation Document 2011-1 as developed April 19,
 37 2011, Program Highway Preservation Program (P)) LEAP Transportation

1 Document 2012-1 as developed February 16, 2012, Program - Highway
2 Preservation Program (P). However, limited transfers of specific
3 line-item project appropriations may occur between projects for those
4 amounts listed subject to the conditions and limitations in section 603
5 of this act.

6 ~~(2) ((The department shall, on a quarterly basis beginning July 1,~~
7 ~~2011, provide to the office of financial management and the legislature~~
8 ~~reports providing the status on each active project funded in part or~~
9 ~~whole by the transportation-2003-account-(nickel-account)-or-the~~
10 ~~transportation partnership account. Funding provided at a programmatic~~
11 ~~level for transportation partnership account projects relating to~~
12 ~~seismic bridges must be reported on a programmatic basis. Projects~~
13 ~~within this programmatic level funding must be completed on a priority~~
14 ~~basis and scoped to be completed within the current programmatic~~
15 ~~budget. The department shall work with the office of financial~~
16 ~~management and the transportation committees of the legislature to~~
17 ~~agree on report formatting and elements. Elements must include, but~~
18 ~~not be limited to, project scope, schedule, and costs. The department~~
19 ~~shall also provide the information required under this subsection on a~~
20 ~~quarterly basis.~~

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

27 ~~((5))~~ (3) Within the motor vehicle account--state appropriation
28 and motor vehicle account--federal appropriation, the department may
29 transfer funds between programs I and P, except for funds that are
30 otherwise restricted in this act.

31 ~~((6))~~ (4) The department shall apply for surface transportation
32 program enhancement funds to be expended in lieu of or in addition to
33 state funds for eligible costs of projects in programs I and P.

34 ~~((7) The motor vehicle account--state appropriation includes up to~~
35 ~~\$17,652,000 in proceeds from the sale of bonds authorized in RCW~~
36 ~~47.10.843.~~

37 ~~(8))~~ (5) The department must work with cities and counties to
38 develop a comparison of direct and indirect labor costs, overhead

1 rates, and other costs for high-cost bridge inspections charged by the
2 state, counties, and other entities. The comparison is due to the
3 transportation committees of the legislature on September 1, 2011.

4 ~~((9) \$277,000))~~ (6) \$789,000 of the motor vehicle account--federal
5 appropriation and ~~((10,000))~~ \$6,000 of the motor vehicle account--
6 state appropriation are provided solely for the environmental impact
7 statement and preliminary planning for the replacement of the state
8 route number 9 Snohomish river bridge (project L2000018).

9 ~~((10) \$9,641,000))~~ (7) \$10,843,000 of the motor vehicle account--
10 federal appropriation, ~~((2,000,000))~~ \$1,992,000 of the motor vehicle
11 account--private/local appropriation, and ~~((361,000))~~ \$390,000 of the
12 motor vehicle account--state appropriation are provided solely for the
13 SR 21/Keller Ferry - Replace Boat project (602110J).

14 ~~((11) \$3,093,000))~~ (8) \$165,000 of the motor vehicle account--
15 federal appropriation is provided solely for the I-90/Ritzville to
16 Tokio - Paving of Outside Lanes project (609041G).

17 ~~((12) \$2,733,000))~~ (9) \$5,565,000 of the motor vehicle account--
18 federal appropriation and ~~((114,000))~~ \$232,000 of the motor vehicle
19 account--state appropriation are provided solely for the SR
20 167/Puyallup River Bridge Replacement project (316725A). This project
21 must be completed as a design-build project. The department must work
22 with local jurisdictions and the community during the environmental
23 review process to develop appropriate esthetic design elements, at no
24 additional cost to the department, and traffic management plans
25 pertaining to this project. The department must report to the
26 transportation committees of the legislature on estimated cost and/or
27 time savings realized as a result of using the design-build process.

28 ~~((13) \$295,000))~~ (10) \$507,000 of the motor vehicle account--
29 federal appropriation and ~~((5,000))~~ \$13,000 of the motor vehicle
30 account--state appropriation are provided solely for the SR
31 906/Travelers Rest - Building Renovation project (090600A).

32 (11) \$43,000,000 of the state transportation operations and
33 maintenance account--state appropriation is provided solely for asphalt
34 and concrete preservation. If Substitute House Bill No. 2660
35 (petroleum product barrel fee) is not enacted by June 30, 2012, the
36 amount provided in this subsection lapses.

37 (12) \$4,000,000 of the highway safety account--state appropriation
38 is provided solely for urgent preservation needs on the state highway

1 system (L110041). If chapter ... (Engrossed Substitute Senate Bill No.
2 6150), Laws of 2012 is not enacted by June 30, 2012, the amount
3 provided in this subsection lapses.

4 **Sec. 307.** 2011 c 367 s 307 (uncodified) is amended to read as
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
7 **CAPITAL**

8 Motor Vehicle Account--State Appropriation	((\$6,439,000))
	<u>\$8,779,000</u>
10 Motor Vehicle Account--Federal Appropriation	((\$5,600,000))
	<u>\$7,283,000</u>
12 TOTAL APPROPRIATION	((\$12,039,000))
	<u>\$16,062,000</u>

14 The appropriations in this section are subject to the following
15 conditions and limitations: ((~~\$1,000,000~~)) \$835,000 of the motor
16 vehicle account--state appropriation for project 000005Q is provided
17 solely for state matching funds for federally selected competitive
18 grants or congressional earmark projects. These moneys must be placed
19 into reserve status until such time as federal funds are secured that
20 require a state match.

21 **Sec. 308.** 2011 c 367 s 308 (uncodified) is amended to read as
22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
24 **CONSTRUCTION--PROGRAM W**

25 Puget Sound Capital Construction Account--State	
26 Appropriation	((\$68,013,000))
	<u>\$70,381,000</u>
28 Puget Sound Capital Construction Account--Federal	
29 Appropriation	((\$41,500,000))
	<u>\$53,802,000</u>
31 <u>Puget Sound Capital Construction Account--Private/Local</u>	
32 <u>Appropriation</u>	<u>\$200,000</u>
33 Transportation 2003 Account (Nickel Account)--State	
34 Appropriation	((\$118,027,000))
	<u>\$158,376,000</u>
36 Transportation Partnership Account--State	

1	Appropriation	((\$12,536,000))
2		<u>\$12,838,000</u>
3	Multimodal Transportation Account--State	
4	Appropriation	((\$43,265,000))
5		<u>\$35,054,000</u>
6	TOTAL APPROPRIATION	((\$283,341,000))
7		<u>\$330,651,000</u>

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

10 (1) (~~(\$68,013,000)~~) \$70,381,000 of the Puget Sound capital
11 construction account--state appropriation, (~~(\$41,500,000)~~) \$53,802,000
12 of the Puget Sound capital construction account--federal appropriation,
13 (~~(\$12,536,000)~~) \$12,838,000 of the transportation partnership account--
14 state appropriation, (~~(\$118,027,000)~~) \$158,376,000 of the
15 transportation 2003 account (nickel account)--state appropriation,
16 (~~and \$43,265,000~~) \$35,054,000 of the multimodal transportation
17 account--state appropriation, and \$200,000 of the Puget Sound capital
18 construction account--private/local appropriation are provided solely
19 for ferry projects, as listed in LEAP Transportation Document ((~~2011~~))
20 2012-2 ALL PROJECTS as developed ((~~April 19, 2011~~)) February 16, 2012,
21 Program - Washington State Ferries Capital Program (W).

22 (2) The department shall work with the department of archaeology
23 and historic preservation to ensure that the cultural resources
24 investigation is properly conducted on all large ferry terminal
25 projects. These projects must be conducted with active archaeological
26 management.

27 (3) The multimodal transportation account--state appropriation
28 includes up to (~~(\$43,265,000)~~) \$35,054,000 in proceeds from the sale of
29 bonds authorized in RCW 47.10.867.

30 (4) The transportation 2003 account (nickel account)--state
31 appropriation includes up to (~~(\$82,143,000)~~) \$43,447,000 in proceeds
32 from the sale of bonds authorized in RCW 47.10.861.

33 (5) The Puget Sound capital construction account--state
34 appropriation includes up to (~~(\$52,516,000)~~) \$48,615,000 in proceeds
35 from the sale of bonds authorized in RCW 47.10.843.

36 (~~(7) \$20,906,000~~) (6) \$17,970,000 of the transportation 2003
37 account (nickel account)--state appropriation(~~(, \$9,711,000 of the~~
38 ~~multimodal transportation account--state appropriation, and \$1,537,000~~

1 ~~of the Puget Sound capital construction account--state appropriation~~
2 ~~are))~~ is provided solely for the acquisition of new Kwa-di-tabil class
3 ferry vessels subject to the conditions of RCW 47.56.780 (944470A).

4 ~~((8) -- \$33,404,000))~~ (7) -- \$30,404,000 of the multimodal
5 transportation account--state appropriation, ~~((2,000,000))~~ \$1,000,000
6 of the Puget Sound capital construction account--~~(state))~~ federal
7 appropriation, \$11,500,000 of the transportation partnership account--
8 state appropriation, and ~~((81,085,000))~~ \$80,924,057 of the
9 transportation 2003 account (nickel account)--state appropriation are
10 provided solely for the acquisition of ~~((two))~~ one 144-car vessel(~~s~~
11 ~~contingent upon new and sufficient resources. Of these amounts,~~
12 ~~\$123,828,000 is provided solely for the first 144-car vessel))~~
13 L2200038. The department shall use as much already procured equipment
14 as practicable on the 144-car vessel. The vendor must present to the
15 joint transportation committee and the office of financial management,
16 by August 15, 2011, a list of options that will result in significant
17 cost savings changes in terms of construction or the long-term
18 maintenance and operations of the vessel. The vendor must allow for
19 exercising the options without a penalty. If neither chapter ...
20 (Engrossed Substitute Senate Bill No. 5742), Laws of 2011 nor chapter
21 ... (House Bill No. 2083), Laws of 2011 is enacted by June 30, 2011,
22 \$75,000,000 of the transportation 2003 account (nickel account)--state
23 appropriation in this subsection lapses.

24 ~~((9))~~ (7) \$43,447,000 of the transportation 2003 account (nickel
25 account)--state appropriation and \$2,500,000 of the Puget Sound capital
26 construction account--federal appropriation are provided solely for a
27 second 144-car diesel vessel. If chapter ... (Engrossed Substitute
28 House Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the
29 amount provided in this subsection lapses.

30 (8) The department shall provide to the office of financial
31 management and the legislature quarterly reports providing the status
32 on each project listed in this section and in the project lists
33 submitted pursuant to this act and on any additional projects for which
34 the department has expended funds during the 2011-2013 fiscal biennium.
35 Elements must include, but not be limited to, project scope, schedule,
36 and costs. The department shall also provide the information required
37 under this subsection via the transportation executive information
38 system. ~~((The quarterly report regarding the status of projects~~

1 ~~identified on the list referenced in subsection (1) of this section~~
2 ~~must be developed according to an earned value method of project~~
3 ~~monitoring.))~~ The earned value method of project monitoring must be
4 used for the following projects while in the design phase: Seattle
5 Terminal Building Replacement project; Seattle Slip 3 Transfer Span and
6 OHL Replacement project; Mukilteo Multimodal project; Vashon Trestle
7 Replacement project; and Southworth Trestle Replacement project.

8 ~~((11) \$3,932,000))~~ (9) \$7,048,000 of the total appropriation is
9 provided solely for continued permitting work on the Mukilteo ferry
10 terminal (project 952515P). The department shall seek additional
11 federal funding for this project. Prior to beginning terminal
12 improvements, the department shall report to the legislature on the
13 final environmental impact statement by December 31, 2012. The report
14 must include an overview of the costs and benefits of each of the
15 alternatives considered, as well as an identification of costs and a
16 funding plan for the preferred alternative.

17 (10) The state shall take the necessary steps to expedite the
18 environmental review and design processes to replace the Mukilteo ferry
19 terminal with an alternative that relocates the terminal to the
20 Mukilteo tank farm as part of an integrated multimodal center.

21 ~~((13))~~ (11) The department shall review all terminal project cost
22 estimates to identify projects where similar design requirements could
23 result in reduced preliminary engineering or miscellaneous items costs.
24 The department shall report to the legislature by September 1, 2011.
25 The report must use programmatic design and include estimated cost
26 savings by reducing repetitive design costs or miscellaneous costs, or
27 both, applied to projects.

28 ~~((14) \$2,000,000))~~ (12) \$3,000,000 of the Puget Sound capital
29 construction account--state appropriation is provided solely for
30 emergency capital repair costs (999901K). Funds may be spent only
31 after approval from the office of financial management.

32 ~~((15) \$7,167,000))~~ (13) \$4,851,000 of the Puget Sound capital
33 construction account--state appropriation is provided solely for the
34 reservation (L2000041) and communications (L2000042) system project.

35 (14) Consistent with RCW 47.60.662, which requires the Washington
36 state ferry system to collaborate with passenger-only ferry and transit
37 providers to provide service at existing terminals, the department

1 shall ensure that multimodal access, including for passenger-only
2 ferries and transit service providers, is maintained at the Seattle
3 terminal and included in any future modifications at the terminal.

4 (15) \$641,500 of the Puget Sound capital construction account--
5 state appropriation is provided solely for the department to work with
6 the United States coast guard and other relevant agencies to conduct
7 security and operational planning, and public outreach, in order to
8 provide additional information for decision-making regarding the use of
9 liquefied natural gas-powered vessels in the Washington state ferry
10 fleet. The department shall invite representatives of Alaska and
11 Canada to participate in this process.

12 (16) For any projects for which state ferry vessels are to be
13 retrofitted for liquefied natural gas use, the department shall use an
14 alternative procurement procedure, such as design-build or design-
15 build-operate. The department may not use full-time equivalent staff
16 for aspects of such projects other than for conceptual design or
17 performance specification definition.

18 **Sec. 309.** 2011 c 367 s 309 (uncodified) is amended to read as
19 follows:

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

21 Essential Rail Assistance Account--State	
22 Appropriation	((\$1,000,000))
23	<u>\$1,064,000</u>
24 Transportation Infrastructure Account--State	
25 Appropriation	((\$5,838,000))
26	<u>\$5,693,000</u>
27 Multimodal Transportation Account--State	
28 Appropriation	((\$52,000,000))
29	<u>\$58,779,000</u>
30 Multimodal Transportation Account--Federal	
31 Appropriation	((\$366,314,000))
32	<u>\$236,597,000</u>
33 Multimodal Transportation Account--Private/Local	
34 Appropriation	((\$1,292,000))
35	<u>\$1,010,000</u>
36 TOTAL APPROPRIATION	((\$426,444,000))
37	<u>\$303,143,000</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)) 2012-2 ALL PROJECTS as developed ((April 19, 2011))
7 February 16, 2012, Program-Rail Capital Program (Y).

8 (b) Within the amounts provided in this section, ((\$2,903,000))
9 \$3,180,000 of the transportation infrastructure account--state
10 appropriation is for low-interest loans through the freight rail
11 investment bank program for specific projects listed as recipients of
12 these loans in the LEAP transportation document identified in (a) of
13 this subsection. The department shall issue freight rail investment
14 bank program loans with a repayment period of no more than ten years,
15 and only so much interest as is necessary to recoup the department's
16 costs to administer the loans.

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

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

35 (b) When the department identifies a prospective rail project that
36 may have strategic significance for the state, or at the request of a
37 proponent of a prospective rail project or a member of the legislature,
38 the department shall evaluate the prospective project according to the

1 cost-benefit methodology developed during the 2008 interim using the
2 legislative priorities specified in (c) of this subsection. The
3 department shall report its cost-benefit evaluation of the prospective
4 rail project, as well as the department's best estimate of an
5 appropriate construction schedule and total project costs, to the
6 office of financial management and the transportation committees of the
7 legislature.

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

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

12 (ii) Self-sustaining economic development that creates family-wage
13 jobs;

14 (iii) Preservation of transportation corridors that would otherwise
15 be lost;

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

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

20 (vi) Mitigation of impacts of increased rail traffic on
21 communities.

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

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

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

35 (6) The multimodal transportation account--state appropriation
36 includes up to (~~(\$19,684,000)~~) \$2,946,000 in proceeds from the sale of
37 bonds authorized in RCW 47.10.867.

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

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

10 ~~(9))~~ Revenues from the grain train railcar program must be used to
11 support grain train railcar maintenance and program costs accrued by
12 ports. Upon legislative approval, excess grain train railcar revenues
13 may be used for maintenance of state-owned railroads and future
14 purchases of grain train railcars.

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

22 ~~((10) - \$339,139,000))~~ (9) \$155,572,000 of the multimodal
23 transportation account--federal appropriation and ~~(((\$5,099,000))~~
24 \$2,697,000 of the multimodal transportation account--state
25 appropriation are provided solely for expenditures related to passenger
26 high-speed rail grants. At one and one-half percent of the total
27 project funds, the multimodal transportation account--state funds are
28 provided solely for expenditures that are not federally reimbursable.
29 Funding in this subsection is the initial portion of multiyear
30 high-speed rail program grants awarded to Washington state for
31 high-speed intercity passenger rail investments. Funding will allow
32 for two additional round trips between Seattle and Portland and other
33 rail improvements.

34 ~~((11))~~ (10) \$750,000 of the multimodal transportation account--
35 state appropriation is provided solely for the Port of Royal Slope
36 rehabilitation project (L1000053). Funding is contingent upon the
37 project completing the rail cost-benefit methodology process developed

1 during the 2008 interim using the legislative priorities outlined in
2 subsection (2)(c) of this section.

3 **Sec. 310.** 2011 c 367 s 310 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
6 **CAPITAL**

7	Highway Infrastructure Account--State Appropriation	\$207,000
8	Highway Infrastructure Account--Federal	
9	Appropriation	\$1,602,000
10	Motor Vehicle Account--State Appropriation	(\$3,754,000)
11		<u>\$4,179,000</u>
12	Motor Vehicle Account--Federal Appropriation	(\$31,856,000)
13		<u>\$30,430,000</u>
14	Freight Mobility Investment Account--State	
15	Appropriation	\$11,278,000
16	Transportation Partnership Account--State	
17	Appropriation	(\$6,035,000)
18		<u>\$7,181,000</u>
19	Freight Mobility Multimodal Account--State	
20	Appropriation	(\$15,117,000)
21		<u>\$15,668,000</u>
22	Freight Mobility Multimodal Account--Local	
23	Appropriation	(\$4,752,000)
24		<u>\$2,834,000</u>
25	Multimodal Transportation Account--State	
26	Appropriation	(\$18,453,000)
27		<u>\$22,475,000</u>
28	Passenger Ferry Account--State Appropriation	\$1,115,000
29	<u>Highway Safety Account--State Appropriation</u>	<u>\$3,500,000</u>
30	TOTAL APPROPRIATION	(\$94,169,000)
31		<u>\$100,469,000</u>

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

34 (1) ~~((The department shall, on a quarterly basis beginning July 1,~~
35 ~~2011, provide to the office of financial management and the legislature~~
36 ~~reports providing the status on each active project funded in part or~~
37 ~~whole by the transportation 2003 account (nickel account) or the~~

~~1 transportation partnership account. Report formatting and elements~~
~~2 must be consistent with the October 2009 quarterly project report. The~~
~~3 department shall also provide the information required under this~~
~~4 subsection on a quarterly basis via the transportation executive~~
~~5 information system.~~

6 (2)) \$1,115,000 of the passenger ferry account--state
7 appropriation is provided solely for near and long-term costs of
8 capital improvements and operating expenses that are consistent with
9 the business plan approved by the governor for passenger ferry service.

10 ((3)) (2) The department shall apply for surface transportation
11 program enhancement funds to be expended in lieu of or in addition to
12 state funds for eligible costs of projects in local programs, program
13 Z--capital.

14 ((4) Federal funds may be transferred from program Z to programs
15 I and P and state funds must be transferred from programs I and P to
16 program Z to replace those federal funds in a dollar for dollar match.
17 Fund transfers authorized under this subsection shall not affect
18 project prioritization status. Appropriations must initially be
19 allotted as appropriated in this act. The department may not transfer
20 funds as authorized under this subsection without approval of the
21 office of financial management. The department shall submit a report
22 on those projects receiving fund transfers to the office of financial
23 management and the transportation committees of the legislature by
24 December 1, 2011, and December 1, 2012.

25 (5)) (3) The city of Winthrop may utilize a design-build process
26 for the Winthrop bike path project.

27 ((6) — \$11,557,000) (4) \$14,813,000 of the multimodal
28 transportation account--state appropriation, ((\$12,136,000))
29 \$12,804,000 of the motor vehicle account--federal appropriation, and
30 ((\$5,195,000)) \$6,241,000 of the transportation partnership account--
31 state appropriation are provided solely for the pedestrian and bicycle
32 safety program projects and safe routes to schools program projects
33 identified in: LEAP Transportation Document 2011-A, pedestrian and
34 bicycle safety program projects and safe routes to schools program
35 projects, as developed April 19, 2011; LEAP Transportation Document
36 2009-A, pedestrian and bicycle safety program projects and safe routes
37 to schools program projects, as developed March 30, 2009; LEAP
38 Transportation Document 2007-A, pedestrian and bicycle safety program

1 projects and safe routes to schools program projects, as developed
2 April 20, 2007; and LEAP Transportation Document 2006-B, pedestrian and
3 bicycle safety program projects and safe routes to schools program
4 projects, as developed March 8, 2006. Projects must be allocated
5 funding based on order of priority. The department shall review all
6 projects receiving grant awards under this program at least
7 semiannually to determine whether the projects are making satisfactory
8 progress. Any project that has been awarded funds, but does not report
9 activity on the project within one year of the grant award must be
10 reviewed by the department to determine whether the grant should be
11 terminated. The department shall promptly close out grants when
12 projects have been completed, and identify where unused grant funds
13 remain because actual project costs were lower than estimated in the
14 grant award.

15 ~~((+7))~~ (5) Except as provided otherwise in this section, the
16 entire appropriations in this section are provided solely for the
17 projects and activities as listed by project and amount in ~~((LEAP
18 Transportation Document 2011-2 ALL PROJECTS as developed April 19,
19 2011, Program Local Program (Z))~~ LEAP Transportation Document 2012-2
20 ALL PROJECTS as developed February 16, 2012.

21 ~~((+8))~~ (6) For the 2011-2013 project appropriations, unless
22 otherwise provided in this act, the director of the office of financial
23 management may authorize a transfer of appropriation authority between
24 projects managed by the freight mobility strategic investment board and
25 may also advance projects in future biennia, as identified in LEAP
26 Transportation Document 2012-2 ALL PROJECTS as developed February 16,
27 2012, into the current biennium in order for the board to manage
28 project spending and efficiently deliver all projects in the respective
29 program.

30 ~~((+9))~~ (7) With each department budget submittal, the department
31 shall provide an update on the status of the repayment of the twenty
32 million dollars of unobligated federal funds authority advanced by the
33 department in September 2010 to the city of Tacoma for the Murray
34 Morgan/11th Street bridge project.

35 ~~((+10))~~ (8) The department shall prepare a list of main street
36 projects, consistent with chapter ... (Engrossed Substitute House Bill
37 No. 1071), Laws of 2011, for approval in the 2013-2015 fiscal biennium.
38 In order to ensure that any proposed list of projects is consistent

1 with legislative intent, the department shall provide a report to the
2 joint transportation committee by December 1, 2011. The report must
3 identify the eligible segments of main streets highways, the
4 department's proposed project selection and ranking method, criteria to
5 be considered, and a plan for soliciting project proposals. The call
6 for projects for the main streets highways program must be suspended
7 until funding for the program is identified.

8 ((+11+)) (9) \$267,000 of the motor vehicle account--state
9 appropriation and \$2,859,000 of the motor vehicle account--federal
10 appropriation are provided solely for completion of the US 101
11 northeast peninsula safety rest area and associated roadway
12 improvements east of Port Angeles at the Deer Park scenic view point
13 (3LP187A). The department must surplus any right-of-way previously
14 purchased for this project near Sequim. Approval to proceed with
15 construction is contingent on surplus of previously purchased right-of-
16 way.

17 ((+12+)) (10) Up to ((\$3,650,000)) \$3,702,000 of the motor vehicle
18 account--federal appropriation and ((\$23,000)) \$75,000 of the motor
19 vehicle account--state appropriation are provided solely to reimburse
20 the cities of Kirkland and Redmond for pavement and bridge deck
21 rehabilitation on state route number 908 (1LP611A). These funds may
22 not be expended unless the cities sign an agreement stating that the
23 cities agree to take ownership of state route number 908 in its
24 entirety and agree that the payment of these funds represents the
25 entire state commitment to the cities for state route number 908
26 expenditures.

27 ((+13+)) (11) \$225,000 of the multimodal transportation account--
28 state appropriation is provided solely for the Shell Valley emergency
29 road and bicycle/pedestrian path (L1000036).

30 ((+14-\$150,000)) (12) \$188,000 of the motor vehicle account--state
31 appropriation is provided solely for flood reduction solutions on state
32 route number 522 caused by the lower McAleer and Lyon creek basins
33 (L1000041).

34 ((+15+)) (13) \$896,000 of the multimodal transportation account--
35 state appropriation is provided solely for realignment of Parker Road
36 and construction of secondary access off of state route number 20
37 (L2200040).

1 ~~((16))~~ (14) An additional ~~(\$2,500,000)~~ \$2,623,000 of the motor
2 vehicle account--federal appropriation is provided solely for the
3 Strander Blvd/SW 27th St Connection project (1LP902F), which amount is
4 reflected in the LEAP transportation document identified in subsection
5 ~~((7))~~ (5) of this section. These funds may only be committed if
6 needed, may not be used to supplant any other committed project
7 partnership funding, and must be the last funds expended.

8 ~~((17))~~ (15) \$500,000 of the motor vehicle account--federal
9 appropriation is provided solely for safety improvements at the
10 intersection of South Wapato and McDonald Road (L1000052).

11 ~~((18))~~ (16) \$2,000,000 of the multimodal transportation account--
12 state appropriation is provided solely for the state route number 432
13 rail realignment and highway improvements project (L1000056).

14 ~~((19) \$500,000 of the multimodal transportation account--state
15 appropriation is provided solely for a multimodal corridor plan on
16 state route number 520 between Interstate 405 and Avondale Road in
17 Redmond (L1000054)).~~

18 ~~(20))~~ (17) \$100,000 of the motor vehicle account--federal
19 appropriation is provided solely for state route number 164 and Auburn
20 Way South pedestrian improvements (L1000057).

21 ~~((21))~~ (18) \$115,000 of the motor vehicle account--federal
22 appropriation is provided solely for median street lighting on state
23 route number 410 (L1000058).

24 ~~((22))~~ (19) \$60,000 of the multimodal transportation account--
25 state appropriation is provided solely for a cross docking study for
26 the port of Douglas county (L1000060).

27 ~~((23))~~ (20) \$100,000 of the motor vehicle account--federal
28 appropriation is provided solely for city of Auburn - 8th and R Street
29 NE intersection improvements (L2200043).

30 ~~((24))~~ (21) \$65,000 of the multimodal transportation account--
31 state appropriation is provided solely for the Puget Sound regional
32 council to further the implementation of multimodal concurrency
33 practice through a transit service overlay zone implemented at the
34 local level (L1000061). This approach will improve the linkage of land
35 use and transportation investment decisions, improve the efficiency of
36 transit service by encouraging transit-supportive development, provide
37 incentives for developers, and support integrated regional growth,
38 economic development, and transportation plans. In carrying out this

1 work, the council shall involve representatives from cities and
2 counties, developers, transit agencies, and other interested
3 stakeholders, and shall consult with other regional transportation
4 planning organizations across the state. The council shall report the
5 results of their work and recommendations to the joint transportation
6 committee by December 2011, with a final report to the transportation
7 committees of the legislature by January 31, 2012.

8 (22) \$650,000 of the motor vehicle account--federal appropriation
9 is provided solely for the SR 522 Improvements/61st Avenue NE and NE
10 181st Street project (L1000055).

11 (23) The department shall implement an invitational call for
12 projects eligible for the bicycle and pedestrian grant program similar
13 to the call for projects conducted in 2010, although the department may
14 adjust the criteria to include mobility and connectivity. The
15 department shall include a list of prioritized bicycle and pedestrian
16 grant projects for approval in the 2013-2015 biennial transportation
17 budget.

18 (24)(a) \$3,500,000 of the highway safety account--state
19 appropriation is provided solely for the following purposes:

20 (i) \$1,000,000 of the amount provided in this subsection is
21 provided solely for the freight mobility strategic investment board for
22 grants to meet urgent freight corridor improvement and preservation
23 needs (L1100042).

24 (ii) \$2,500,000 of the amount provided in this subsection is
25 provided solely for safe routes to schools program projects, in rank
26 order, and identified as contingency projects in the LEAP
27 Transportation Document 2011-A, pedestrian and bicycle safety program
28 projects and safe routes to school program projects, referenced in
29 chapter 367, Laws of 2011 (the omnibus transportation appropriations
30 act).

31 (b) If chapter ... (Engrossed Substitute Senate Bill No. 6150),
32 Laws of 2012 is not enacted by June 30, 2012, the amount provided in
33 this subsection lapses.

34 NEW SECTION. Sec. 311. A new section is added to 2011 c 367
35 (uncodified) to read as follows:

36 **REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

1 (1) On a monthly basis, the department of transportation shall
2 provide to the office of financial management and the legislative
3 transportation committees:

4 (a) A TEIS version containing actual capital expenditures
5 consistent with the structure of the most recently enacted budget; and

6 (b) An update on awarded highway construction projects and
7 associated savings or increases.

8 (2) On a quarterly basis, the department of transportation shall
9 provide to the office of financial management and the legislative
10 transportation committees a status report on each active project funded
11 in part or in whole by the transportation 2003 account (nickel account)
12 or the transportation partnership act revenue packages. The department
13 of transportation shall also provide updated information for projects
14 funded with preexisting funds and agreed to by the legislature, office
15 of financial management, and the department. Funding provided at a
16 programmatic level for projects relating to bridge rail, guard rail,
17 fish passage barrier removal, roadside safety projects, and seismic
18 bridges must be reported on a programmatic basis; detail that shows
19 which projects comprise each project reported on a programmatic basis
20 must be provided separately. Projects within this programmatic level
21 funding must be completed on a priority basis and scoped to be
22 completed within the current programmatic budget. The quarterly report
23 must:

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

28 (b) Identify highway projects that may be reduced in scope and
29 still achieve a functional benefit;

30 (c) Identify highway projects that have experienced scope increases
31 and that can be reduced in scope;

32 (d) Identify highway projects that have lost significant local or
33 regional contributions that were essential to completing the project;

34 (e) Identify contingency amounts allocated to projects; and

35 (f) Identify updated information on the six major project
36 milestones.

37 (3) On an annual basis, the department of transportation shall

1 provide to the office of financial management and the legislative
2 transportation committees reports that:

3 (a) Identify, for all capital projects, the amount of cost savings
4 or increases in funding that have been identified as compared to the
5 most recently enacted transportation budget;

6 (b) Identify the financial status and schedule for mega-projects,
7 which are defined as individual or groups of related projects that cost
8 one billion dollars or more. These projects include, but are not
9 limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane
10 corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the Columbia river
11 crossing; and

12 (c) List all projects and associated amounts that are being charged
13 to project OBI4ENV during the current fiscal biennium.

14 **TRANSFERS AND DISTRIBUTIONS**

15 **Sec. 401.** 2011 c 367 s 401 (uncodified) is amended to read as
16 follows:

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

21	Highway Bond Retirement Account--State	
22	Appropriation	((\$920,560,000))
23		<u>\$797,062,000</u>
24	Ferry Bond Retirement Account--State Appropriation	\$31,801,000
25	State Route Number 520 Corridor Account--State	
26	Appropriation	\$1,075,000
27	Transportation Improvement Board Bond Retirement	
28	Account--State Appropriation	((\$16,544,000))
29		<u>\$16,504,000</u>
30	Nondebt-Limit Reimbursable Account Appropriation	((\$25,200,000))
31		<u>\$19,843,000</u>
32	Transportation Partnership Account--State	
33	Appropriation	((\$3,142,000))
34		<u>\$2,807,000</u>
35	Motor Vehicle Account--State Appropriation	((\$333,000))

1		<u>\$331,000</u>
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	((\$1,140,000))
4		<u>\$1,240,000</u>
5	Transportation Improvement Account--State	
6	Appropriation	\$29,000
7	Multimodal Transportation Account--State	
8	Appropriation	((\$138,000))
9		<u>\$125,000</u>
10	Toll Facility Bond Retirement Account--State	
11	Appropriation	((\$33,792,000))
12		<u>\$48,807,000</u>
13	Toll Facility Bond Retirement Account--Federal	
14	Appropriation	((\$14,649,000))
15		<u>\$7,500,000</u>
16	TOTAL APPROPRIATION	((\$1,048,403,000))
17		<u>\$927,124,000</u>

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

20 ~~(1) \$4,610,000 of the highway bond retirement account state~~
21 ~~appropriation is provided solely for debt service on bonds issued to~~
22 ~~construct a ferry boat vessel with a carrying capacity of one hundred~~
23 ~~forty four cars. If neither chapter . . . (House Bill No. 2083), Laws of~~
24 ~~2011 nor chapter . . . (Engrossed Substitute Senate Bill No. 5742) is~~
25 ~~enacted by June 30, 2011, the amount provided in this subsection~~
26 ~~lapses.~~

27 ~~(2) \$165,000 of the transportation 2003 account (nickel account)~~
28 ~~state appropriation is provided solely for discounts on bonds sold to~~
29 ~~construct a ferry boat vessel with a carrying capacity of one hundred~~
30 ~~forty four cars. If neither chapter . . . (House Bill No. 2083), Laws of~~
31 ~~2011 nor chapter . . . (Engrossed Substitute Senate Bill No. 5742) is~~
32 ~~enacted by June 30, 2011, the amount provided in this subsection~~
33 ~~lapses.))~~

34 **Sec. 402.** 2011 c 367 s 402 (uncodified) is amended to read as
35 follows:

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

1 materials acquisition for the Washington state ferries. ((Of the
2 authorized amounts, \$14,500,000 is provided solely for expenditures
3 made during the fiscal biennium ending June 30, 2011.))

4 **Sec. 404.** 2011 c 367 s 404 (uncodified) is amended to read as
5 follows:

6 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

7 Motor Vehicle Account--State Appropriation for motor
8 vehicle fuel tax distributions to cities and
9 counties ((\$478,155,000))
10 \$470,701,000

11 **Sec. 405.** 2011 c 367 s 405 (uncodified) is amended to read as
12 follows:

13 **FOR THE STATE TREASURER--TRANSFERS**

14 Motor Vehicle Account--State Appropriation: For
15 motor vehicle fuel tax refunds and statutory
16 transfers ((\$1,246,357,000))
17 \$1,242,659,000

18 **Sec. 406.** 2011 c 367 s 406 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

21 Motor Vehicle Account--State Appropriation: For
22 motor vehicle fuel tax refunds and transfers . . . ((\$127,984,000))
23 \$151,890,000

24 **Sec. 407.** 2011 c 367 s 407 (uncodified) is amended to read as
25 follows:

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

27 (1) Tacoma Narrows Toll Bridge Account--State
28 Appropriation: For transfer to the Motor Vehicle
29 Account--State \$543,000

30 (2) Motor Vehicle Account--State Appropriation:
31 For transfer to the Puget Sound Ferry Operations
32 Account--State ((\$46,500,000))
33 \$54,500,000

34 (3) Recreational Vehicle Account--State

1 Appropriation: For transfer to the Motor Vehicle
2 Account--State ((~~\$1,450,000~~))
3 \$1,150,000
4 (4) License Plate Technology Account--State
5 Appropriation: For transfer to the Highway Safety
6 Account--State ((~~\$3,200,000~~))
7 \$1,200,000
8 (5) Multimodal Transportation Account--State
9 Appropriation: For transfer to the Puget Sound
10 Ferry Operations Account--State ((~~\$43,000,000~~))
11 \$38,000,000
12 (6) Highway Safety Account--State Appropriation:
13 For transfer to the Motor Vehicle Account--State ((~~\$23,000,000~~))
14 \$31,000,000
15 (~~(7) ((Department of Licensing Services Account~~
16 ~~--State Appropriation: For transfer to the Motor Vehicle~~
17 ~~Account--State \$400,000~~
18 (+8)) Advanced Right-of-Way Revolving Fund: For
19 transfer to the Motor Vehicle Account--State \$5,000,000
20 (~~((9) State Route Number 520 Civil Penalties~~
21 ~~Account--State Appropriation: For transfer to the~~
22 ~~State Route Number 520 Corridor Account--State \$754,000~~
23 (+10)) (8) Rural Mobility Grant Program Account--State
24 Appropriation: For transfer to the Multimodal
25 Transportation Account--State \$3,000,000
26 (~~((11)) (9) Motor Vehicle Account--State~~
27 ~~Appropriation: For transfer to the State Patrol~~
28 ~~Highway Account--State \$14,000,000~~
29 ~~((12) State Route Number 520 Corridor~~
30 ~~Account--State Appropriation: For transfer to the~~
31 ~~Motor Vehicle Account--State, in an amount equal to~~
32 ~~funds dispersed during the 2009-2011 fiscal biennium~~
33 ~~authorized under section 805(7) of this act.~~
34 (+13)) (10) Motor Vehicle Account--State
35 Appropriation: For transfer to the Special Category C
36 Account--State ((~~\$1,500,000~~))
37 \$2,500,000
38 (~~((14)) (11) Regional Mobility Grant Program~~

1 Account--State Appropriation: For transfer to the
 2 Multimodal Transportation Account--State \$1,000,000
 3 ((+15)) (12) State Patrol Highway Account--State
 4 Appropriation: For transfer to the Vehicle
 5 Licensing Fraud Account \$100,000
 6 ((+16)) (13) State Route Number 520 Corridor Account--State
 7 Appropriation: For transfer to the Motor Vehicle
 8 Account ((\$2,435,000))
 9 \$58,000

10 (14) Capital Vessel Replacement Account--State
 11 Appropriation: For transfer to the Transportation 2003
 12 Account (Nickel Account)--State \$6,362,000

13 ((+17)) (15) The transfers identified in this section are subject
 14 to the following conditions and limitations:

15 (a) The amount transferred in subsection (1) of this section shall
 16 not exceed the amount put forth in RCW 46.63.160 and represents a
 17 partial repayment of the operating loan((s)) and reserve payment((s))
 18 provided to the Tacoma Narrows toll bridge account ((~~from the motor~~
 19 ~~vehicle account in the 2005-2007 fiscal biennium~~)) in the 2005-2007
 20 fiscal biennium. The remaining operating loan and reserve payment
 21 shall be paid in future biennia.

22 (b) ((~~The transfer in subsection (9) of this section represents~~
 23 ~~toll revenue collected from toll violations~~)) The amount transferred in
 24 subsection (3) of this section shall not exceed the expenditures
 25 incurred from the motor vehicle account--state for the recreational
 26 vehicle sanitary disposal systems program.

27 (c) The amount transferred in subsection (14) of this section may
 28 not exceed the funds available in the capital vessel replacement
 29 account--state.

30 **COMPENSATION**

31 **Sec. 501.** 2011 c 367 s 502 (uncodified) is amended to read as
 32 follows:

33 **COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION**

34 (1) No agreement has been reached between the governor and the
 35 Washington state patrol trooper's association under chapter 41.56 RCW

1 for (~~the 2011-2013 fiscal biennium~~) fiscal year 2012. Appropriations
2 for the Washington state patrol in this act are sufficient to fund the
3 provisions of the 2009-2011 agreement.

4 (2) An agreement has been reached between the governor and the
5 Washington state patrol troopers association under chapter 41.56 RCW
6 for fiscal year 2013. Appropriations for the Washington state patrol
7 in this act provide funding to implement the fiscal year 2013
8 agreement. The fiscal year 2013 agreement contains no change in
9 compensation from the 2009-2011 agreement; therefore, no additional
10 funding is appropriated.

11 **Sec. 502.** 2011 c 367 s 503 (uncodified) is amended to read as
12 follows:

13 **COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION**

14 (1) No agreement has been reached between the governor and the
15 Washington state patrol lieutenant's association under chapter 41.56
16 RCW for (~~the 2011-2013 fiscal biennium~~) fiscal year 2012.
17 Appropriations for the Washington state patrol in this act are
18 sufficient to fund the provisions of the 2009-2011 agreement.

19 (2) An agreement has been reached between the governor and the
20 Washington state patrol lieutenants association under chapter 41.56 RCW
21 for fiscal year 2013. Appropriations for the Washington state patrol
22 in this act provide funding to implement the fiscal year 2013
23 agreement. The fiscal year 2013 agreement contains no change in
24 compensation from the 2009-2011 agreement; therefore, no additional
25 funding is appropriated.

26 **Sec. 503.** 2011 c 367 s 505 (uncodified) is amended to read as
27 follows:

28 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
29 **AGREEMENTS--TERMS AND CONDITIONS**

30 No agreement has been reached between the governor and the masters,
31 mates, and pilots marine operations watch supervisors under chapter
32 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this
33 act reflect funding to maintain the provisions or terms and conditions
34 of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013
35 appropriations are reduced to reflect: A 6.0 percent temporary salary
36 reduction effective July 1, 2012, through June 29, 2013; a reduction to

1 overtime calculations; a reduction to vacation leave accruals; and
2 other management priorities in collective bargaining. Effective June
3 30, 2013, the salary schedules effective July 1, 2009, through June 30,
4 2011, will be reinstated.

5 NEW SECTION. Sec. 504. TRANSPORTATION EMPLOYEES--COMPENSATION

6 The following acts or parts of acts are each repealed:

7 (1) 2011 1st sp.s. c 50 s 718 (uncodified) (FOR THE OFFICE OF
8 FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM
9 CONTRIBUTIONS);

10 (2) 2011 1st sp.s. c 50 s 719 (uncodified) (FOR THE OFFICE OF
11 FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM
12 CONTRIBUTIONS);

13 (3) 2011 1st sp.s. c 50 s 720 (uncodified) (FOR THE OFFICE OF
14 FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEE SALARY REDUCTIONS); and

15 (4) 2011 1st sp.s. c 50 s 721 (uncodified) (FOR THE OFFICE OF
16 FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES RETIREMENT SYSTEM
17 CONTRIBUTIONS).

18 **IMPLEMENTING PROVISIONS**

19 **Sec. 601.** 2011 c 367 s 601 (uncodified) is amended to read as
20 follows:

21 **ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

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

1 contract and any certificates of participation therein to the extent
2 provided in the agency's financing plan approved by the state finance
3 committee.

4 (2) State agencies may enter into agreements with the department of
5 general administration and the state treasurer's office to develop
6 requests to the legislature for the acquisition of properties and
7 facilities through financial contracts. The agreements may include
8 charges for services rendered.

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

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

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

21 (ii) Enter into a financing contract for up to \$40,100,000 plus
22 financing expenses and required reserves pursuant to chapter 39.94 RCW
23 to purchase equipment and engineering services to convert to a
24 narrowband digital system, which is contingent upon the completion of
25 an independent financial, technical, and compliance review that must
26 include the review of the utilization of the United States department
27 of justice's integrated wireless network, which includes a risk
28 mitigation strategy and plans, age and platform of the communication
29 equipment's technology, and contractual services and obligations, to be
30 completed and approved by the office of financial management by July
31 31, 2012, before any financial contracts using certificates of
32 participation can be executed. The office of financial management must
33 request from the federal communications commission an extension of
34 ninety days for meeting the January 1, 2013, narrowbanding mandate to
35 allow the time required to perform the review.

36 **Sec. 602.** 2011 c 367 s 603 (uncodified) is amended to read as
37 follows:

1 **FUND TRANSFERS**

2 (1) The transportation 2003 projects or improvements and the 2005
3 transportation partnership projects or improvements are listed in LEAP
4 Transportation Document ((2011)) 2012-1 as developed ((~~April 19, 2011~~)
5 February 16, 2012, which consists of a list of specific projects by
6 fund source and amount over a sixteen-year period. Current fiscal
7 biennium funding for each project is a line-item appropriation, while
8 the outer year funding allocations represent a sixteen-year plan. The
9 department is expected to use the flexibility provided in this section
10 to assist in the delivery and completion of all transportation
11 partnership account and transportation 2003 account (nickel account)
12 projects on the LEAP transportation documents referenced in this act.
13 For the 2009-2011 and 2011-2013 project appropriations, unless
14 otherwise provided in this act, the director of financial management
15 may authorize a transfer of appropriation authority between projects
16 funded with transportation 2003 account (nickel account)
17 appropriations, or transportation partnership account appropriations,
18 in order to manage project spending and efficiently deliver all
19 projects in the respective program under the following conditions and
20 limitations:

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

23 (b) Transfers from a project may not be made as a result of the
24 reduction of the scope of a project or be made to support increases in
25 the scope of a project;

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

35 (d) Transfers from a project may be made if the funds appropriated
36 to the project are in excess of the amount needed to complete the
37 project;

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

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

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

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

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

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

24 NEW SECTION. **Sec. 603.** A new section is added to 2011 c 367
25 (uncodified) to read as follows:

26 The department of transportation is given the authority to provide
27 up to \$163,000 in toll credits to the Port of Kingston for its role in
28 the new passenger-only ferry service and ferry corridor-related
29 projects. The number of toll credits provided to the Port of Kingston
30 must be equal to, but no more than, the number sufficient to meet
31 federal match requirements for grant funding for passenger-only ferry
32 service, but shall not exceed the amount authorized in this section.

33 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

1 **Sec. 701.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to
2 read as follows:

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

11 (2) Except as provided in subsection (5) of this section, effective
12 June 1, 2009, state agencies are required to use a minimum of twenty
13 percent biodiesel as compared to total volume of all diesel purchases
14 made by the agencies for the operation of the agencies' diesel-powered
15 vessels, vehicles, and construction equipment.

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

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

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

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

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

37 (5) During the 2011-2013 fiscal biennium, the Washington state
38 ferries is required to use a minimum of five percent biodiesel as

1 compared to total volume of all diesel purchased made by the Washington
2 state ferries for the operation of the Washington state ferries diesel-
3 powered vessels, as long as the price of a B5 biodiesel blend does not
4 exceed the price of conventional diesel fuel by five percent or more.

5 **Sec. 702.** RCW 46.44.0915 and 2011 c 115 s 1 are each amended to
6 read as follows:

7 (1)(a) Except as provided in (b) of this subsection, the department
8 of transportation, with respect to state highways maintained within
9 port district property, may, at the request of a port commission, make
10 and enter into agreements with port districts and adjacent
11 jurisdictions or agencies of the districts, for the purpose of
12 identifying, managing, and maintaining short heavy haul industrial
13 corridors within port district property for the movement of overweight
14 sealed containers used in international trade.

15 (b) The department of transportation shall designate that portion
16 of state route number 97 from the Canadian border to milepost 331.12 as
17 a heavy haul industrial corridor for the movement of overweight
18 vehicles to and from the Oroville railhead. The department may issue
19 special permits to vehicles operating in the heavy haul industrial
20 corridor to carry weight in excess of weight limits established in RCW
21 46.44.041, but not to exceed a gross vehicle weight of 139,994 pounds.

22 (2) Except as provided in subsection (1)(b) of this section, the
23 department may issue special permits to vehicles operating in a heavy
24 haul industrial corridor to carry weight in excess of weight limits
25 established in RCW 46.44.041. However, the excess weight on a single
26 axle, tandem axle, or any axle group must not exceed that allowed by
27 RCW 46.44.091 (1) and (2), weight per tire must not exceed six hundred
28 pounds per inch width of tire, and gross vehicle weight must not exceed
29 one hundred five thousand five hundred pounds.

30 (3) The entity operating or hiring vehicles under subsection (1)(b)
31 of this section or moving overweight sealed containers used in
32 international trade must pay a fee for each special permit of one
33 hundred dollars per month or one thousand dollars annually, beginning
34 from the date of issue, for all movements under the special permit made
35 on state highways within a heavy haul industrial corridor. Within a
36 port district property, under no circumstances are the for hire
37 carriers or rail customers responsible for the purchase or cost of the

1 permits. All funds collected, except the amount retained by authorized
2 agents of the department under RCW 46.44.096, must be forwarded to the
3 state treasurer and deposited in the motor vehicle fund.

4 (4) For purposes of this section, an overweight sealed container
5 used in international trade, including its contents, is considered
6 nondivisible when transported within a heavy haul industrial corridor
7 defined by the department.

8 (5) Any agreement entered into by the department as authorized
9 under this section with a port district adjacent to Puget Sound and
10 located within a county that has a population of more than seven
11 hundred thousand, but less than one million, must limit the
12 applicability of any established heavy haul corridor to that portion of
13 state route no. 509 beginning at milepost 0.25 in the vicinity of East
14 'D' Street and ending at milepost 3.88 in the vicinity of Taylor Way.
15 For the 2011-2013 fiscal biennium, the limit for any established heavy
16 haul corridor established pursuant to this subsection (5) must be
17 within that portion of state route number 509 beginning at milepost
18 0.25 in the vicinity of East 'D' Street and ending at milepost 5.7 in
19 the vicinity of Norpoint Way Northeast.

20 (6) The department of transportation may adopt reasonable rules to
21 implement this section.

22 MISCELLANEOUS

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

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

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