

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5988

Chapter 43, Laws of 2015

(partial veto)

64th Legislature
2015 3rd Special Session

TRANSPORTATION BUDGET--ADDITIVE

EFFECTIVE DATE: 7/15/2015

Passed by the Senate July 1, 2015
Yeas 38 Nays 6

PAM ROACH

President of the Senate

Passed by the House July 10, 2015
Yeas 61 Nays 30

FRANK CHOPP

Speaker of the House of Representatives

Approved July 15, 2015 4:11 PM, with
the exception of Section 204, page 3
lines 31-35, and page 4 lines 1-15,
which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Pablo G. Campos, Deputy
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is **SECOND
ENGROSSED SUBSTITUTE SENATE BILL
5988** as passed by Senate and the
House of Representatives on the
dates hereon set forth.

PABLO G. CAMPOS

Deputy Secretary

FILED

July 16, 2015

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5988

Passed Legislature - 2015 3rd Special Session

State of Washington 64th Legislature 2015 Regular Session

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

READ FIRST TIME 02/24/15.

1 AN ACT Relating to additive transportation funding and
2 appropriations; amending RCW 46.68.030, 46.68.060, 46.68.280,
3 46.68.290, and 47.60.530; amending 2015 1st sp.s. c 10 s 212
4 (uncodified); creating new sections; making appropriations; and
5 declaring an emergency.

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

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

16 (2) It is the intent of the legislature that the funding levels
17 specified in LEAP Transportation Document 2015 NL-2 as developed June
18 28, 2015, represents a commitment to provide appropriations to the
19 agencies, programs, and activities at the amounts identified therein
20 through fiscal year 2031.

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

3 (a) "Fiscal year 2016" or "FY 2016" means the fiscal year ending
4 June 30, 2016.

5 (b) "Fiscal year 2017" or "FY 2017" means the fiscal year ending
6 June 30, 2017.

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

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

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

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

19 (g) "LEAP" means the legislative evaluation and accountability
20 program committee.

21 (h) "TEIS" means the transportation executive information system.

22 **2015-2017 FISCAL BIENNIUM**
23 **TRANSPORTATION AGENCIES—OPERATING**

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

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

28 (1) \$450,000 of the motor vehicle account—state appropriation is
29 for the joint transportation committee for the design-build
30 contracting review study established in chapter . . . (Second
31 Engrossed Substitute Senate Bill No. 5997), Laws of 2015 3rd sp.
32 sess. The department of transportation must provide technical
33 assistance, as necessary. If chapter . . . (Second Engrossed
34 Substitute Senate Bill No. 5997), Laws of 2015 3rd sp. sess. is not
35 enacted by July 31, 2015, the amount provided in this subsection
36 lapses.

1 (2) The joint transportation committee must study the issues
2 surrounding minority and women-owned business contracting related to
3 the transportation sector. The study should identify any best
4 practices adopted in other states that encourage participation by
5 minority and women-owned businesses. The joint transportation
6 committee, with direction from the executive committee, may form a
7 legislative task force at the conclusion of the study to help to
8 inform the legislature of any best practices identified from other
9 states that encourage minority and women-owned businesses'
10 participation in the transportation sector.

11 NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF LICENSING**
12 Motor Vehicle Account—State Appropriation. \$4,000,000

13 The appropriation in this section is subject to the following
14 conditions and limitations: \$4,000,000 of the motor vehicle account—
15 state appropriation is provided solely for implementation of
16 chapter . . . (Engrossed Substitute Senate Bill No. 5987)
17 (transportation revenue), Laws of 2015 3rd sp. sess.

18 NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF TRANSPORTATION—**
19 **ECONOMIC PARTNERSHIPS—PROGRAM K**
20 Electric Vehicle Charging Infrastructure

21 Account—State Appropriation. \$1,000,000

22 The appropriation in this section is subject to the following
23 conditions and limitations: \$1,000,000 of the electric vehicle
24 charging infrastructure account—state appropriation is provided
25 solely for the purpose of capitalizing the Washington electric
26 vehicle infrastructure bank as provided in chapter . . . (Engrossed
27 Substitute Senate Bill No. 5987), Laws of 2015 3rd sp. sess.

28 *NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF TRANSPORTATION—**
29 **HIGHWAY MAINTENANCE—PROGRAM M**

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

31 *The appropriation in this section is subject to the following*
32 *conditions and limitations: During the 2015-2017 fiscal biennium, in*
33 *instances on private property when naturally occurring beaver dams*
34 *and the water contained behind the dams pose an imminent threat to*
35 *Washington state highway infrastructure, personal property, and*

1 individual safety in the event of dam failure, the department shall:
2 (1) Notify the private property owner or owners of the threat; (2)
3 perform a risk assessment to the state highway infrastructure,
4 personal property, and public safety or loss of life; (3) coordinate
5 with the department of fish and wildlife to perform an environmental
6 risk assessment and develop a suggested beaver management plan to
7 reduce or eliminate the risk of failure; and (4) produce a joint
8 agency management plan with the department of fish and wildlife for
9 the site and involve local jurisdictions and nongovernmental
10 organizations to help execute the recommendations as devised by the
11 state agencies. Further, within that joint agency management plan,
12 the department and department of fish and wildlife shall identify and
13 prioritize potential remedies to include culvert replacement,
14 infrastructure upgrade, wildlife management tools, dam maintenance,
15 water level controls, and any other identifiable solution.

*Sec. 204 is partially vetoed. See message at end of chapter.

16 NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF TRANSPORTATION—
17 TRAFFIC OPERATIONS—PROGRAM Q

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

19 NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF TRANSPORTATION—
20 TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

21 Motor Vehicle Account—State Appropriation. \$750,000

22 The appropriation in this section is subject to the following
23 conditions and limitations: \$750,000 of the motor vehicle account—
24 state appropriation is provided solely for a grant program that makes
25 awards for the following: (1) Support for nonproject agencies,
26 churches, and other entities to help provide outreach to populations
27 underrepresented in the current apprenticeship programs; (2)
28 preapprenticeship training; and (3) child care, transportation, and
29 other supports that are needed to help women and minorities enter and
30 succeed in apprenticeship. The department must report on grants that
31 have been awarded and the amount of funds disbursed by December 1,
32 2016, and annually thereafter.

33 NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF TRANSPORTATION—
34 PUBLIC TRANSPORTATION—PROGRAM V

35 Regional Mobility Grant Program Account—State

1	Appropriation.	\$6,250,000
2	Rural Mobility Grant Program Account—State	
3	Appropriation.	\$3,438,000
4	Multimodal Transportation Account—State Appropriation. .	\$22,109,000
5	TOTAL APPROPRIATION.	\$31,797,000

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

8 (1)(a) \$13,890,000 of the multimodal transportation account—state
9 appropriation is provided solely for projects identified in LEAP
10 Transportation Document 2015 NL-3 as developed June 28, 2015. Except
11 as provided otherwise in this subsection, funds must first be used
12 for projects that are identified as priority one projects. As
13 additional funds become available or if a priority one project is
14 delayed, funding must be provided to priority two projects. If a
15 higher priority project is bypassed, it must be funded when the
16 project is ready. The department must submit a report annually with
17 its budget submittal that, at a minimum, includes information about
18 the listed transit projects that have been funded and projects that
19 have been bypassed, including an estimated time frame for when the
20 bypassed project will be funded.

21 (b) \$831,000 of the amount provided in (a) of this subsection is
22 provided solely for Skagit transit system enhancements for
23 expenditure in 2015-2017.

24 (c) \$2,300,000 of the amount provided in (a) of this subsection
25 is provided solely for Island transit's tri-county connector service
26 for expenditure in 2015-2017.

27 (2) \$5,000,000 of the multimodal transportation account—state
28 appropriation is provided solely for grants to transit agencies to
29 transport persons with special transportation needs. Grants for
30 transit agencies must be prorated based on the amount expended for
31 demand response service and route deviated service in calendar year
32 2013 as reported in the "Summary of Public Transportation - 2013"
33 published by the department of transportation. No transit agency may
34 receive more than thirty percent of these distributions.

35 (3) \$1,250,000 of the multimodal transportation account—state
36 appropriation is provided solely for grants to nonprofit providers of
37 special needs transportation. Grants for nonprofit providers must be
38 based on need, including the availability of other providers of

1 service in the area, efforts to coordinate trips among providers and
2 riders, and the cost-effectiveness of trips provided.

3 (4) \$3,438,000 of the rural mobility grant program account—state
4 appropriation is provided solely for grants to aid small cities in
5 rural areas as prescribed in RCW 47.66.100.

6 (5) \$969,000 of the multimodal transportation account—state
7 appropriation is provided solely for a vanpool grant program for: (a)
8 Public transit agencies to add vanpools or replace vans; and (b)
9 incentives for employers to increase employee vanpool use. The grant
10 program for public transit agencies must cover capital costs only.
11 Operating costs for public transit agencies are not eligible for
12 funding under this grant program. Additional employees may not be
13 hired from the funds provided in this section for the vanpool grant
14 program, and supplanting of transit funds currently funding vanpools
15 is not allowed. The department must encourage grant applicants and
16 recipients to leverage funds other than state funds.

17 (6) \$1,000,000 of the multimodal transportation account—state
18 appropriation is provided solely for transit coordination grants.

19 (7) \$6,250,000 of the regional mobility grant program account—
20 state appropriation is provided solely for the regional mobility
21 grant program.

22 **TRANSPORTATION AGENCIES—CAPITAL**

23 NEW SECTION. **Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC**
24 **INVESTMENT BOARD**

25 Freight Mobility Investment Account—State Appropriation. . \$1,922,000
26 Freight Mobility Multimodal Account—State Appropriation. . \$1,922,000
27 TOTAL APPROPRIATION. \$3,844,000

28 NEW SECTION. **Sec. 302. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

29 Transportation Improvement Account—State
30 Appropriation. \$2,188,000
31 Multimodal Transportation Account—State
32 Appropriation. \$3,313,000
33 TOTAL APPROPRIATION. \$5,501,000

34 The appropriations in this section are subject to the following
35 conditions and limitations: \$3,313,000 of the multimodal

1 transportation account—state appropriation is provided solely for the
2 complete streets program.

3 NEW SECTION. **Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

4 Rural Arterial Trust Account—State Appropriation.	\$1,094,000
5 County Arterial Preservation Account—State Appropriation.	\$1,094,000
6 TOTAL APPROPRIATION.	\$2,188,000

7 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—**
8 **FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)**

9 Connecting Washington Account—State Appropriation. . . . \$20,000,000

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

12 (1) Except as provided otherwise in this section, the entire
13 connecting Washington account appropriation is provided solely for
14 the projects and activities as listed by fund, project, and amount in
15 LEAP Transportation Document 2015 NL-1 as developed June 28, 2015,
16 Program - Highway Management and Facilities Program (D).

17 (2) \$10,000,000 of the connecting Washington account—state
18 appropriation is provided solely for a new Olympic region maintenance
19 and administration facility to be located on the department-owned
20 site at the intersection of Marvin Road and 32nd Avenue. The property
21 purchase was approved by the 2005 legislature for the site of the new
22 Olympic region and the land was acquired by the department in August
23 2005. The department must work with the office of financial
24 management's facilities oversight program to develop a revised
25 predesign for a new Olympic region facility, with an estimated total
26 cost of no more than forty million dollars. Priority must be given to
27 accommodating the maintenance and operations functions of the Olympic
28 region. The department must provide a copy of the revised predesign
29 to the transportation committees of the legislature by December 2015.

30 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—**
31 **IMPROVEMENTS—PROGRAM I**

32 Connecting Washington Account—State Appropriation. . . . \$229,025,000

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

1 (1) Except as provided otherwise in this section, the entire
2 connecting Washington account appropriation is provided solely for
3 the projects and activities as listed by fund, project, and amount in
4 LEAP Transportation Document 2015 NL-1 as developed June 28, 2015,
5 Program - Highway Improvements Program (I).

6 (2) It is the intent of the legislature that for the I-5 JBLM
7 Corridor Improvements project (M00100R), the department shall
8 actively pursue \$50,000,000 in federal funds to pay for this project
9 to supplant state funds in the future. \$50,000,000 in connecting
10 Washington account funding must be held in unallotted status during
11 the 2021-2023 fiscal biennium. These funds may only be used after the
12 department has provided notice to the office of financial management
13 that it has exhausted all efforts to secure federal funds from the
14 federal highway administration and the department of defense.

15 (3) Of the amounts allocated to the Puget Sound Gateway project
16 (M00600R) in LEAP Transportation Document 2015 NL-1 as developed June
17 28, 2015, \$4,000,000 must be used to complete the bridge connection
18 at 28th/24th Street over state route number 509 in the city of
19 SeaTac. The bridge connection must be completed prior to other
20 construction on the state route number 509 segment of the project.

21 (4) In making budget allocations to the Puget Sound Gateway
22 project, the department shall implement the project's construction as
23 a single corridor investment. The department shall develop a
24 coordinated corridor construction and implementation plan for state
25 route number 167 and state route number 509 in collaboration with
26 affected stakeholders. Specific funding allocations must be based on
27 where and when specific project segments are ready for construction
28 to move forward and investments can be best optimized for timely
29 project completion. Emphasis must be placed on avoiding gaps in fund
30 expenditures for either project.

31 (5) It is the intent of the legislature that, for the I-5/North
32 Lewis County Interchange project (L2000204), the department develop
33 and design the project with the objective of significantly improving
34 access to the industrially zoned properties in north Lewis
35 county. The design must consider the county's process of
36 investigating alternatives to improve such access from Interstate 5
37 that began in March 2015.

38 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—**
39 **PRESERVATION—PROGRAM P**

1 Connecting Washington Account—State Appropriation. . . . \$79,263,000

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

4 (1) Except as provided otherwise in this section, the entire
5 connecting Washington account appropriation in this section is
6 provided solely for the projects and activities as listed in LEAP
7 Transportation Document 2015 NL-1 as developed June 28, 2015, Program
8 - Highway Preservation Program (P).

9 (2) It is the intent of the legislature that, with respect to the
10 amounts provided for highway preservation from the connecting
11 Washington account, the department consider the preservation and
12 rehabilitation of concrete roadway on Interstate 5 from the Canadian
13 border to the Oregon border to be a priority within the preservation
14 program.

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

17 Connecting Washington Account—State Appropriation. . . . \$41,805,000

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

20 (1) Except as provided otherwise in this section, the entire
21 connecting Washington account appropriation in this section is
22 provided solely for the projects and activities as listed in LEAP
23 Transportation Document 2015 NL-1 as developed June 28, 2015, Program
24 - Washington State Ferries Capital Program (W).

25 (2) Within existing resources, the department must evaluate the
26 feasibility of utilizing the federal EB-5 immigrant investor program
27 for financing the construction of a safety of life at sea (SOLAS)
28 certificated vessel for the Anacortes-Sidney ferry route. The
29 department must establish a group that includes, but is not limited
30 to, the department of commerce and entities or individuals
31 experienced with vessel engineering and EB-5 financing for assistance
32 in evaluating the applicability of the EB-5 immigrant investor
33 program. The department must deliver a report containing the results
34 of the evaluation to the transportation committees of the legislature
35 and the office of financial management by December 1, 2015.

36 (3) It is the intent of the legislature, over the sixteen-year
37 new investment program, to provide \$96,052,000 in state funds to
38 complete the Seattle Terminal Replacement project (900010L),

1 including: (a) Design work and selection of a preferred plan, (b)
2 replacing timber pilings with pilings sufficient to support a
3 selected terminal design, (c) replacing the timber portion of the
4 dock with a new and reconfigured steel and concrete dock, and (d)
5 other staging and construction work as the amount allows. These funds
6 are identified in the LEAP transportation document referenced in
7 subsection (1) of this section.

8 (4) It is the intent of the legislature, over the sixteen-year
9 new investment program, to provide \$122,000,000 in state funds to
10 complete the acquisition of a fourth 144-car vessel (L2000109). These
11 funds are identified in the LEAP transportation document referenced
12 in subsection (1) of this section.

13 (5) It is the intent of the legislature, over the sixteen-year
14 new investment program, to provide \$68,600,000 in state funds to
15 complete the Mukilteo Terminal Replacement project (952515P). These
16 funds are identified in the LEAP transportation document referenced
17 in subsection (1) of this section. To the greatest extent practicable
18 and within available resources, the department shall design the new
19 terminal to be a net zero energy building. To achieve this goal, the
20 department shall evaluate using highly energy efficient equipment and
21 systems, and the most appropriate renewable energy systems for the
22 needs and location of the terminal.

23 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—**
24 **RAIL—PROGRAM Y**

25 Multimodal Transportation Account—State
26 Appropriation. \$11,651,000

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

29 (1) Except as provided otherwise in this section, the entire
30 appropriation in this section is provided solely for the projects and
31 activities as listed in LEAP Transportation Document 2015 NL-1 as
32 developed June 28, 2015, Program - Rail Program (Y).

33 (2) \$970,000 of the multimodal transportation account—state
34 appropriation is provided solely for freight rail assistance program
35 grants (L1000143). The department shall issue a call for projects for
36 the program, and shall evaluate the applications in a manner
37 consistent with past practices as specified in section 309, chapter
38 367, Laws of 2011. By December 1, 2015, the department shall submit a

1 prioritized list of recommended projects to the office of financial
2 management and the transportation committees of the legislature.

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

5 Motor Vehicle Account—Federal Appropriation. \$5,300,000
6 Multimodal Transportation Account—State Appropriation. . . \$13,494,000
7 Connecting Washington Account—State Appropriation. . . . \$49,054,000
8 TOTAL APPROPRIATION. \$67,848,000

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

11 (1) Except as provided otherwise in this section, the entire
12 connecting Washington account appropriation is provided solely for
13 the projects and activities as listed by fund, project, and amount in
14 LEAP Transportation Document 2015 NL-1 as developed June 28, 2015,
15 Program - Local Programs (Z).

16 (2) \$2,344,000 of the multimodal transportation account—state
17 appropriation is provided solely for the pedestrian and bicycle
18 safety grant program (L2000188).

19 (3) \$1,750,000 of the multimodal transportation account—state
20 appropriation and \$5,300,000 of the motor vehicle account—federal
21 appropriation are provided solely for newly selected safe routes to
22 schools projects (L2000189). The department may consider the special
23 situations facing high-need areas, as defined by schools or project
24 areas in which the percentage of the children eligible to receive
25 free and reduced-price meals under the national school lunch program
26 is equal to, or greater than, the state average as determined by the
27 department, when evaluating project proposals against established
28 funding criteria while ensuring continued compliance with federal
29 eligibility requirements.

30 (4) \$9,400,000 of the multimodal transportation account—state
31 appropriation is provided solely for bicycle and pedestrian projects
32 listed in LEAP Transportation Document 2015 NL-4 as developed June
33 28, 2015. Funds must first be used for projects that are identified
34 as priority one projects. As additional funds become available or if
35 a priority one project is delayed, funding must be provided to
36 priority two projects and then to priority three projects. If a
37 higher priority project is bypassed, it must be funded in the first
38 round after the project is ready. If funds become available as a

1 result of projects being removed from this list or completed under
2 budget, the department may submit additional bicycle and pedestrian
3 safety projects for consideration by the legislature. The department
4 must submit a report annually with its budget submittal that, at a
5 minimum, includes information about the listed bicycle and pedestrian
6 projects that have been funded and projects that have been bypassed,
7 including an estimated time frame for when the project will be
8 funded.

9 **TRANSFERS AND DISTRIBUTIONS**

10 NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—ADMINISTRATIVE**
11 **TRANSFERS**

- 12 (1) State Patrol Highway Account—State Appropriation:
13 For transfer to the Connecting Washington Account—State. . . \$9,690,000
- 14 (2) Transportation Partnership Account—State
15 Appropriation: For transfer to the Connecting Washington
16 Account—State. \$4,998,000
- 17 (3) Motor Vehicle Account—State Appropriation:
18 For transfer to the Connecting Washington Account—
19 State. \$25,781,000
- 20 (4) Puget Sound Ferry Operations Account—State
21 Appropriation: For transfer to the Connecting Washington
22 Account—State. \$596,000
- 23 (5) Transportation 2003 Account (Nickel Account)—State
24 Appropriation: For transfer to the Connecting Washington
25 Account—State. \$2,270,000
- 26 (6) Highway Safety Account—State Appropriation:
27 For transfer to the Multimodal Transportation
28 Account—State. \$5,000,000
- 29 (7) Motor Vehicle Account—State Appropriation:
30 For transfer to the Freight Mobility Investment
31 Account—State. \$1,922,000
- 32 (8) Motor Vehicle Account—State Appropriation:
33 For transfer to the Transportation Improvement
34 Account—State. \$2,188,000
- 35 (9) Motor Vehicle Account—State Appropriation:
36 For transfer to the Rural Arterial Trust Account—State. . . \$1,094,000
- 37 (10) Motor Vehicle Account—State Appropriation:

1 For transfer to the County Arterial Preservation
 2 Account—State. \$1,094,000
 3 (11) Multimodal Transportation Account—State
 4 Appropriation: For transfer to the Freight Mobility
 5 Multimodal Account—State. \$1,922,000
 6 (12) Multimodal Transportation Account—State
 7 Appropriation: For transfer to the Regional Mobility
 8 Grant Program Account—State. \$6,250,000
 9 (13) Multimodal Transportation Account—State
 10 Appropriation: For transfer to the Rural Mobility
 11 Grant Program Account—State. \$3,438,000
 12 (14) Multimodal Transportation Account—State
 13 Appropriation: For transfer to the Electric Vehicle
 14 Charging Infrastructure Account—State. \$1,000,000
 15 (15) Capital Vessel Replacement Account—State
 16 Appropriation: For transfer to the Connecting
 17 Washington Account—State. \$61,000,000
 18 (16) Multimodal Transportation Account—State
 19 Appropriation: For transfer to the Connecting
 20 Washington Account—State. \$8,000,000

21 **IMPLEMENTING PROVISIONS**

22 **NEW SECTION. Sec. 501. STAFFING LEVELS**

23 (1) As the department of transportation prepares to deliver the
 24 projects funded by the 2015 transportation revenue package, the
 25 department shall quickly develop and implement the construction
 26 program business plan so that future staffing levels are sustainable
 27 and meet necessary skill sets. This can be done effectively and
 28 efficiently in close partnership with the private sector.

29 (2) To this end, the department of transportation shall maintain
 30 the size of its engineering and technical workforce at levels that
 31 approximate the staffing levels currently in place, realizing that
 32 minor adjustments will be needed to meet project delivery goals.

33 (3) To successfully deliver the highway construction program as
 34 funded, the department of transportation may continue to utilize
 35 private consulting firms for engineering and technical service
 36 delivery.

1 (4) The department shall provide a report regarding engineering
2 employee recruitment and retention issues affecting program oversight
3 and delivery. In addition to salary survey market data, the report
4 must consider employee compensation issues for engineering and
5 technical positions that may hinder the recruitment and retention of
6 a quality core workforce in preliminary engineering, design, and
7 construction programs. The report must provide recommendations to the
8 legislature and governor by June 30, 2016.

9 NEW SECTION. **Sec. 502.** (1) By November 15, 2015, and annually
10 thereafter, the department of transportation must report on amounts
11 expended to benefit transit, bicycle, or pedestrian elements within
12 all connecting Washington projects in programs I, P, and Z identified
13 in LEAP Transportation Document 2015 NL-1 as developed June 28, 2015.
14 The report must address each modal category separately and identify
15 if eighteenth amendment protected funds have been used and, if not,
16 the source of funding.

17 (2) To facilitate the report in subsection (1) of this section,
18 the department of transportation must require that all bids on
19 connecting Washington projects include an estimate on the cost to
20 implement any transit, bicycle, or pedestrian project elements.

21 MISCELLANEOUS

22 **Sec. 601.** RCW 46.68.030 and 2011 c 171 s 85 are each amended to
23 read as follows:

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

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

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

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

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

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

11 **Sec. 602.** RCW 46.68.060 and 2013 c 306 s 717 are each amended to
12 read as follows:

13 There is hereby created in the state treasury a fund to be known
14 as the highway safety fund to the credit of which must be deposited
15 all moneys directed by law to be deposited therein. This fund must be
16 used for carrying out the provisions of law relating to driver
17 licensing, driver improvement, financial responsibility, cost of
18 furnishing abstracts of driving records and maintaining such case
19 records, and to carry out the purposes set forth in RCW 43.59.010,
20 and chapters 46.72 and 46.72A RCW. During the ~~((2011-2013 and))~~
21 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer
22 from the highway safety fund to the Puget Sound ferry operations
23 account, the motor vehicle fund, and the multimodal transportation
24 account such amounts as reflect the excess fund balance of the
25 highway safety fund.

26 **Sec. 603.** RCW 46.68.280 and 2003 c 361 s 601 are each amended to
27 read as follows:

28 (1) The transportation 2003 account (nickel account) is hereby
29 created in the motor vehicle fund. Money in the account may be spent
30 only after appropriation. Expenditures from the account must be used
31 only for projects or improvements identified as transportation 2003
32 projects or improvements in the omnibus transportation budget and to
33 pay the principal and interest on the bonds authorized for
34 transportation 2003 projects or improvements. Upon completion of the
35 projects or improvements identified as transportation 2003 projects
36 or improvements, moneys deposited in this account must only be used
37 to pay the principal and interest on the bonds authorized for
38 transportation 2003 projects or improvements, and any funds in the

1 account in excess of the amount necessary to make the principal and
2 interest payments may be used for maintenance on the completed
3 projects or improvements.

4 (2) During the 2015-2017 fiscal biennium, the legislature may
5 transfer from the transportation 2003 account (nickel account) to the
6 connecting Washington account such amounts as reflect the excess fund
7 balance of the transportation 2003 account (nickel account).

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

9 **Sec. 604.** RCW 46.68.290 and 2006 c 337 s 5 are each amended to
10 read as follows:

11 (1) The transportation partnership account is hereby created in
12 the state treasury. All distributions to the account from RCW
13 46.68.090 must be deposited into the account. Money in the account
14 may be spent only after appropriation. Expenditures from the account
15 must be used only for projects or improvements identified as 2005
16 transportation partnership projects or improvements in the omnibus
17 transportation appropriations act, including any principal and
18 interest on bonds authorized for the projects or improvements.

19 (2) The legislature finds that:

20 (a) Citizens demand and deserve accountability of transportation-
21 related programs and expenditures. Transportation-related programs
22 must continuously improve in quality, efficiency, and effectiveness
23 in order to increase public trust;

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

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

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

32 (a) "Performance audit" means an objective and systematic
33 assessment of a state agency or agencies or any of their programs,
34 functions, or activities by the state auditor or designee in order to
35 help improve agency efficiency, effectiveness, and accountability.
36 Performance audits include economy and efficiency audits and program
37 audits.

38 (b) "Transportation-related agency" means any state agency,
39 board, or commission that receives funding primarily for

1 transportation-related purposes. At a minimum, the department of
2 transportation, the transportation improvement board or its successor
3 entity, the county road administration board or its successor entity,
4 and the traffic safety commission are considered transportation-
5 related agencies. The Washington state patrol and the department of
6 licensing shall not be considered transportation-related agencies
7 under chapter 314, Laws of 2005.

8 (4) Within the authorities and duties under chapter 43.09 RCW,
9 the state auditor shall establish criteria and protocols for
10 performance audits. Transportation-related agencies shall be audited
11 using criteria that include generally accepted government auditing
12 standards as well as legislative mandates and performance objectives
13 established by state agencies. Mandates include, but are not limited
14 to, agency strategies, timelines, program objectives, and mission and
15 goals as required in RCW 43.88.090.

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

20 (6) The audits may include:

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

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

26 (c) Analysis of gaps and overlaps in programs and services and
27 recommendations for improving, dropping, blending, or separating
28 functions to correct gaps or overlaps;

29 (d) Analysis and recommendations for pooling information
30 technology systems used within the transportation-related agency, and
31 evaluation of information processing and telecommunications policy,
32 organization, and management;

33 (e) Analysis of the roles and functions of the transportation-
34 related agency, its programs, and its services and their compliance
35 with statutory authority and recommendations for eliminating or
36 changing those roles and functions and ensuring compliance with
37 statutory authority;

38 (f) Recommendations for eliminating or changing statutes, rules,
39 and policy directives as may be necessary to ensure that the

1 transportation-related agency carry out reasonably and properly those
2 functions vested in the agency by statute;

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

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

8 (i) Identification and recognition of best practices;

9 (j) Evaluation of planning, budgeting, and program evaluation
10 policies and practices;

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

12 (l) Evaluation of purchasing operations and management policies
13 and practices;

14 (m) Evaluation of organizational structure and staffing levels,
15 particularly in terms of the ratio of managers and supervisors to
16 nonmanagement personnel; and

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

20 (7) Within the authorities and duties under chapter 43.09 RCW,
21 the state auditor must provide the preliminary performance audit
22 reports to the audited state agency for comment. The auditor also may
23 seek input on the preliminary report from other appropriate
24 officials. Comments must be received within thirty days after receipt
25 of the preliminary performance audit report unless a different time
26 period is approved by the state auditor. The final performance audit
27 report shall include the objectives, scope, and methodology; the
28 audit results, including findings and recommendations; the agency's
29 response and conclusions; and identification of best practices.

30 (8) The state auditor shall provide final performance audit
31 reports to the citizens of Washington, the governor, the joint
32 legislative audit and review committee, the appropriate legislative
33 committees, and other appropriate officials. Final performance audit
34 reports shall be posted on the internet.

35 (9) The audited transportation-related agency is responsible for
36 follow-up and corrective action on all performance audit findings and
37 recommendations. The audited agency's plan for addressing each audit
38 finding and recommendation shall be included in the final audit
39 report. The plan shall provide the name of the contact person
40 responsible for each action, the action planned, and the anticipated

1 completion date. If the audited agency does not agree with the audit
2 findings and recommendations or believes action is not required, then
3 the action plan shall include an explanation and specific reasons.

4 The office of financial management shall require periodic
5 progress reports from the audited agency until all resolution has
6 occurred. The office of financial management is responsible for
7 achieving audit resolution. The office of financial management shall
8 annually report by December 31st the status of performance audit
9 resolution to the appropriate legislative committees and the state
10 auditor. The legislature shall consider the performance audit results
11 in connection with the state budget process.

12 The auditor may request status reports on specific audits or
13 findings.

14 (10) For the period from July 1, 2005, until June 30, 2007, the
15 amount of \$4,000,000 is appropriated from the transportation
16 partnership account to the state auditors office for the purposes of
17 subsections (2) through (9) of this section.

18 (11) During the 2015-2017 fiscal biennium, the legislature may
19 transfer from the transportation partnership account to the
20 connecting Washington account such amounts as reflect the excess fund
21 balance of the transportation partnership account.

22 **Sec. 605.** RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each
23 amended to read as follows:

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

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

27 (a) All moneys directed by law;

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

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

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

32 (4) Expenditures from the account may be used only for the
33 maintenance, administration, and operation of the Washington state
34 ferry system.

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

Section 204, page 3, lines 31-35, and page 4, lines 1-15, Department of Transportation, Beaver Dams

This proviso creates a complicated process for managing beaver dams on private property that pose a threat to Washington state highways, individual personal property, and public safety. The proposed process would require the Washington State Department of Transportation to notify private property owners of impending threats from beaver dam failure, to produce wildlife management plans, and to provide potential remedies that could create liability for the state. Therefore, I have vetoed Section 204, page 3, lines 31-35, and page 4, lines 1-15.

For these reasons I have vetoed Section 204, page 3, lines 31-35, and page 4, lines 1-15 of Second Engrossed Substitute Senate Bill No. 5988.

With the exception of Section 204, page 3, lines 31-35, and page 4, lines 1-15, Second Engrossed Substitute Senate Bill No. 5988 is approved."

(End of Bill)

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