

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5352

Chapter 470, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

TRANSPORTATION BUDGET

EFFECTIVE DATE: 05/13/09

Passed by the Senate April 25, 2009
YEAS 41 NAYS 8

BRAD OWEN

President of the Senate

Passed by the House April 25, 2009
YEAS 77 NAYS 19

FRANK CHOPP

Speaker of the House of Representatives

Approved May 13, 2009, 2:10 p.m., with
the exception of Sections 215(2), 215
(4), 217(9), 602 and 715 which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 5352** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 18, 2009

**Secretary of State
State of Washington**

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

3 (a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending
4 June 30, 2010.

5 (b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending
6 June 30, 2011.

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 only
11 for the specified purpose. Unless otherwise specifically authorized in
12 this act, any portion of an amount provided solely for a specified
13 purpose that is not expended subject to the specified conditions and
14 limitations to fulfill the specified purpose shall lapse.

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

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

20 **GENERAL GOVERNMENT AGENCIES--OPERATING**

21 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
22 **HISTORIC PRESERVATION**

23 Motor Vehicle Account--State Appropriation \$422,000

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

29 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
30 **COMMISSION**

31 Grade Crossing Protective Account--State Appropriation \$705,000

32 NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

33 Motor Vehicle Account--State Appropriation \$3,389,000

34 Puget Sound Ferry Operations Account--State

1 Appropriation \$100,000
2 TOTAL APPROPRIATION \$3,489,000

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

5 (1) \$1,699,000 of the motor vehicle account--state appropriation is
6 provided solely for the office of regulatory assistance integrated
7 permitting project.

8 (2) \$1,004,000 of the motor vehicle account--state appropriation is
9 provided solely for the continued maintenance and support of the
10 transportation executive information system. Of the amount provided in
11 this subsection, \$502,000 is for two existing FTEs at the department of
12 transportation to maintain and support the system.

13 NEW SECTION. Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION
14 Puget Sound Ferry Operations Account--State
15 Appropriation \$446,000

16 NEW SECTION. Sec. 105. FOR THE STATE PARKS AND RECREATION
17 COMMISSION
18 Motor Vehicle Account--State Appropriation \$986,000

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

22 NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE
23 Motor Vehicle Account--State Appropriation \$1,507,000

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

26 (1) \$351,000 of the motor vehicle account--state appropriation is
27 provided solely for costs associated with the motor fuel quality
28 program.

29 (2) \$1,004,000 of the motor vehicle account--state appropriation is
30 provided solely to test the quality of biofuel. The department must
31 test fuel quality at the biofuel manufacturer, distributor, and
32 retailer.

1 NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND**
2 **ACCOUNTABILITY PROGRAM COMMITTEE**

3 Motor Vehicle Account--State Appropriation \$502,000

4 NEW SECTION. **Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**
5 **COMMITTEE**

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

11 (a) Costs assigned to capital accounts to determine whether they
12 are capital costs that meet the statutory requirements for preservation
13 and improvement activities and whether they are within the scope of
14 legislative appropriations;

15 (b) Implementation of the life-cycle cost model required under RCW
16 47.60.345 to determine if it was developed as required and is
17 maintained and updated when asset inspections are made; and

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

23 (2) The joint legislative audit and review committee shall use
24 existing staff and resources to conduct a review of scoping and cost
25 estimates for transportation highway improvement and preservation
26 projects funded in whole, or in part, by transportation partnership
27 account--state and transportation 2003 account (nickel account)--state
28 funds, excluding mega-projects. The review will examine whether the
29 scoping and cost estimates guidelines used by the department of
30 transportation are consistent with general construction industry
31 practices and other appropriate standards. The review will include an
32 analysis of a sample of scope and cost estimates for future projects.
33 A report on the committee's findings and recommendations must be
34 submitted to the house of representatives and senate transportation
35 committees by December 2009.

36 (3) As part of its 2009-11 fiscal biennium work plan, the joint
37 legislative audit and review committee shall conduct an analysis of the

1 cost of credit card payment options at the department of
2 transportation. For programs where a credit card payment option is
3 offered, the review must include:

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

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

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

10 (d) Identification of whether there are customer service,
11 administrative, and revenue collection benefits resulting from credit
12 card usage; and

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

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

17 **TRANSPORTATION AGENCIES--OPERATING**

18 NEW SECTION. **201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

19 Highway Safety Account--State Appropriation	\$2,542,000
20 Highway Safety Account--Federal Appropriation	\$16,540,000
21 School Zone Safety Account--State Appropriation	\$3,340,000
22 Highway Safety Account--Local Appropriation	\$50,000
23 TOTAL APPROPRIATION	\$22,472,000

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

26 (1) \$2,670,000 of the highway safety account--federal appropriation
27 is provided solely for a target zero trooper pilot program, which the
28 commission shall develop and implement in collaboration with the
29 Washington state patrol. The pilot program must demonstrate the
30 effectiveness of intense, high visibility, driving under the influence
31 enforcement in Washington. The commission shall apply to the national
32 highway traffic safety administration for federal highway safety grants
33 to cover the cost of the pilot program. If the pilot program is
34 approved for funding by the national highway traffic safety
35 administration, and sufficient federal grants are received, the

1 commission shall provide grants to the Washington state patrol for the
2 purchase of twenty-one fully equipped patrol vehicles in fiscal year
3 2010, and up to twenty-four months of salaries and benefits for
4 eighteen troopers and three sergeants beginning in fiscal year 2011.
5 The legislature anticipates that an additional \$1,830,000 will be
6 appropriated from the highway safety account--federal in the 2011-13
7 fiscal biennium to conclude this pilot program.

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

14 (a) The commission shall comply with RCW 46.63.170 in administering
15 the projects.

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

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

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

24 Rural Arterial Trust Account--State Appropriation	\$920,000
25 Motor Vehicle Account--State Appropriation	\$2,129,000
26 County Arterial Preservation Account--State	
27 Appropriation	\$1,423,000
28 TOTAL APPROPRIATION	\$4,472,000

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

30 Urban Arterial Trust Account--State Appropriation	\$1,824,000
31 Transportation Improvement Account--State	
32 Appropriation	\$1,827,000
33 TOTAL APPROPRIATION	\$3,651,000

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

35 Motor Vehicle Account--State Appropriation	\$1,901,000
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1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) \$236,000 of the motor vehicle account--state appropriation is
4 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
5 analysis of mid-term and long-term transportation funding mechanisms
6 and methods. Elements of the study will include existing data and
7 trends, policy objectives, performance and evaluation criteria,
8 incremental transition strategies, and possibly, scaled testing.
9 Baseline data and methods assessment must be concluded by December 31,
10 2009. Performance criteria must be developed by June 30, 2010, and
11 recommended planning level alternative funding strategies must be
12 completed by December 31, 2010.

13 (2) \$200,000 of the motor vehicle account--state appropriation is
14 for the joint transportation committee to convene an independent expert
15 review panel to review the assumptions for toll operations costs used
16 by the department to model financial plans for tolled facilities. The
17 joint transportation committee shall work with staff from the senate
18 and the house of representatives transportation committees to identify
19 the scope of the review and to assure that the work performed meets the
20 needs of the house of representatives and the senate. The joint
21 transportation committee shall provide a report to the house of
22 representatives and senate transportation committees by September 1,
23 2009.

24 (3) \$300,000 of the motor vehicle account--state appropriation is
25 for an independent analysis of methodologies to value the reversible
26 lanes on Interstate 90 to be used for high capacity transit pursuant to
27 sound transit proposition 1 approved by voters in November 2008. The
28 independent analysis shall be conducted by sound transit and the
29 department of transportation, using consultant resources deemed
30 appropriate by the secretary of the department, the chief executive
31 officer of sound transit, and the cochairs of the joint transportation
32 committee. It shall be conducted in consultation with the federal
33 transit and federal highway administrations and account for applicable
34 federal laws, regulations, and practices. It shall also account for
35 the 1976 Interstate 90 memorandum of agreement and subsequent 2004
36 amendment and the 1978 federal secretary of transportation's
37 environmental decision on Interstate 90. The department and sound

1 transit must provide periodic reports to the joint transportation
2 committee, the sound transit board of directors, and the governor, and
3 report final recommendations by November 1, 2009.

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

5	Motor Vehicle Account--State Appropriation	\$2,237,000
6	Multimodal Transportation Account--State Appropriation	\$112,000
7	TOTAL APPROPRIATION	\$2,349,000

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

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

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

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

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

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

5 (6) If the commission considers implementing a ferry fuel
6 surcharge, it must first submit an analysis and business plan to the
7 office of financial management and either the joint transportation
8 committee or the transportation committees of the legislature.

9 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
10 **INVESTMENT BOARD**

11 Motor Vehicle Account--State Appropriation \$695,000

12 The appropriation in this section is subject to the following
13 conditions and limitations: The freight mobility strategic investment
14 board shall, on a quarterly basis, provide status reports to the office
15 of financial management and the transportation committees of the
16 legislature on the delivery of projects funded by this act.

17 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**
18 **OPERATIONS BUREAU**

19 State Patrol Highway Account--State
20 Appropriation \$228,024,000
21 State Patrol Highway Account--Federal
22 Appropriation \$10,602,000
23 State Patrol Highway Account--Private/Local
24 Appropriation \$859,000
25 TOTAL APPROPRIATION \$239,485,000

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

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

1 to fly the King Airs may pilot those aircraft for general fund purposes
2 with the general fund reimbursing the state patrol highway account an
3 hourly rate to cover the costs incurred during the flights since the
4 aviation section will no longer be part of the Washington state patrol
5 cost allocation system as of July 1, 2009.

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

12 (3) During the 2009-11 fiscal biennium, the Washington state patrol
13 shall continue to perform traffic accident investigations on Thurston
14 county roads, and shall work with the county to transition the traffic
15 accident investigations on Thurston county roads to the county by July
16 1, 2011.

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

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

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

28 (7) The Washington state patrol shall assign necessary personnel
29 and equipment to implement and operate the pilot program described
30 under section 218(2) of this act using the portion of the automated
31 traffic safety camera fines deposited into the state patrol highway
32 account, but not to exceed \$370,000. If the fines deposited into the
33 state patrol highway account from automated traffic safety camera
34 infractions do not reach \$370,000, the department of transportation
35 shall remit funds necessary to the Washington state patrol to ensure
36 the completion of the pilot program.

1 NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--**
2 **INVESTIGATIVE SERVICES BUREAU**

3 State Patrol Highway Account--State Appropriation \$1,557,000

4 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**
5 **TECHNICAL SERVICES BUREAU**

6 State Patrol Highway Account--State Appropriation \$105,680,000

7 State Patrol Highway Account--Private/Local
8 Appropriation \$2,008,000

9 TOTAL APPROPRIATION \$107,688,000

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

12 (1) The Washington state patrol shall work with the risk management
13 division in the office of financial management in compiling the
14 Washington state patrol's data for establishing the agency's risk
15 management insurance premiums to the tort claims account. The office
16 of financial management and the Washington state patrol shall submit a
17 report to the legislative transportation committees by December 31st of
18 each year on the number of claims, estimated claims to be paid, method
19 of calculation, and the adjustment in the premium.

20 (2) \$8,673,000 of the total appropriation is provided solely for
21 automobile fuel in the 2009-11 fiscal biennium.

22 (3) \$7,421,000 of the total appropriation is provided solely for
23 the purchase of pursuit vehicles.

24 (4) \$6,328,000 of the total appropriation is provided solely for
25 vehicle repair and maintenance costs of vehicles used for highway
26 purposes.

27 (5) \$384,000 of the total appropriation is provided solely for the
28 purchase of mission vehicles used for highway purposes in the
29 commercial vehicle and traffic investigation sections of the Washington
30 state patrol.

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

35 (7) \$345,000 of the state patrol highway account--state
36 appropriation is provided solely for the implementation of Engrossed
37 Substitute House Bill No. 1445 (domestic partners/Washington state

1 patrol retirement system). If Engrossed Substitute House Bill No. 1445
2 is not enacted by June 30, 2009, the amount provided in this subsection
3 shall lapse.

4 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF LICENSING**

5	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
6	Motorcycle Safety Education Account--State	
7	Appropriation	\$4,373,000
8	Wildlife Account--State Appropriation	\$837,000
9	Highway Safety Account--State Appropriation	\$145,085,000
10	Highway Safety Account--Federal Appropriation	\$8,000
11	Motor Vehicle Account--State Appropriation	\$78,805,000
12	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
13	Motor Vehicle Account--Federal Appropriation	\$242,000
14	Department of Licensing Services Account--State	
15	Appropriation	\$3,867,000
16	Washington State Patrol Highway Account--State	
17	Appropriation	\$738,000
18	Ignition Interlock Device Revolving Account--State	
19	Appropriation	\$2,490,000
20	TOTAL APPROPRIATION	\$237,849,000

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

23 (1)(a) By November 1, 2009, the department of licensing, working
24 with the department of revenue, shall analyze and plan for the transfer
25 by July 1, 2010, of the administration of fuel taxes imposed under
26 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law
27 from the department of licensing to the department of revenue. By
28 November 1, 2009, the departments shall report findings and
29 recommendations to the governor and the transportation and fiscal
30 committees of the legislature.

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

33 (i) Outreach to and solicitation of comment from parties affected
34 by the fuel taxes, including taxpayers, industry associations, state
35 and federal agencies, and Indian tribes, and from the transportation
36 and fiscal committees of the legislature;

1 (ii) Identification and analysis of relevant factors including, but
2 not limited to:
3 (A) Taxpayer reporting and payment processes;
4 (B) The international fuel tax agreement;
5 (C) Proportional registration under the provisions of the
6 international registration plan and chapter 46.87 RCW;
7 (D) Computer systems;
8 (E) Best management practices and efficiencies;
9 (F) Costs; and
10 (G) Personnel matters;
11 (iii) Development of recommended actions to accomplish the
12 transfer; and
13 (iv) An implementation plan and schedule.
14 (c) The report must include draft legislation, which transfers
15 administration of fuel taxes as described under (a) of this subsection
16 to the department of revenue on July 1, 2010, and amends existing law
17 as needed.
18 (2) \$55,845,000 of the highway safety account--state appropriation
19 is provided solely for the driver examining program. In order to
20 reduce costs and make the most efficient use of existing resources, the
21 department may consolidate licensing service offices by closing the
22 vehicle services counter at the highways licensing building in Olympia
23 and up to twenty-five licensing service offices.
24 (a) When closing offices, the department may redistribute staff
25 from consolidated offices to neighboring offices and local community
26 supercenters.
27 (b) In order to mitigate the effects of office consolidations on
28 customers, the department shall, within existing resources, provide the
29 following enhanced services:
30 (i) Extended daily and weekend hours in regional supercenter
31 offices;
32 (ii) Staffed greeter stations to improve office work flow; and
33 (iii) Self-service stations for online transaction access,
34 including vehicle renewal transactions.
35 (c) In areas that are not consolidated, the department will work to
36 reduce costs by identifying opportunities to share facilities with
37 subagent offices and state, county, or local government offices and by
38 analyzing hours and days of operation to meet demand.

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

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

10 (3) \$11,688,000 of the highway safety account--state appropriation
11 is provided solely for costs associated with: Issuing enhanced
12 drivers' licenses and identicards at the enhanced licensing services
13 offices; extended hours at those licensing services offices; cross-
14 border tourism education; and other education campaigns. This is the
15 maximum amount the department may expend for this purpose.

16 (4) \$2,490,000 of the ignition interlock device revolving account--
17 state appropriation is provided solely for the department to assist
18 indigent persons with the costs of installing, removing, and leasing
19 the device, and applicable licensing pursuant to RCW 46.68.340.

20 (5) By December 31, 2009, the department shall report to the office
21 of financial management and the transportation committees of the
22 legislature a cost-benefit analysis of leasing versus purchasing field
23 office equipment.

24 (6) By December 31, 2009, the department shall submit to the office
25 of financial management and the transportation committees of the
26 legislature draft legislation that rewrites RCW 46.52.130 (driving
27 record abstracts) in plain language.

28 (7) 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 funds are received, the department shall
32 report any benefits or problems identified during the course of the
33 pilot program to the transportation committees of the legislature upon
34 the completion of the program.

35 (8) The department may submit information technology-related
36 requests for funding only if the department has coordinated with the
37 department of information services as required under section 601 of
38 this act.

1 (9) Consistent with the authority delegated to the director of
2 licensing under RCW 46.01.100, the department may adopt a new
3 organizational structure that includes the following programs: (a)
4 Driver and vehicle services, which must encompass services relating to
5 driver licensing customers, vehicle industry and fuel tax licensees,
6 and vehicle and vessel licensing and registration; and (b) driver
7 policy and programs, which must encompass policy development for all
8 driver-related programs, including driver examining, driver records,
9 commercial driver's license testing and auditing, driver training
10 schools, motorcycle safety, technical services, hearings, driver
11 special investigations, drivers' data management, central issuance
12 contract management, and state and federal initiatives.

13 (10) The legislature finds that measuring the performance of the
14 department requires the measurement of quality, timeliness, and unit
15 cost of services delivered to customers. Consequently:

16 (a) The department shall develop a set of metrics that measure that
17 performance and report to the transportation committees of the house of
18 representatives and the senate and to the office of financial
19 management on the development of these measurements along with
20 recommendations to the 2010 legislature on which measurements must
21 become a part of the next omnibus transportation appropriations act;

22 (b) The department shall study the process in place at the
23 licensing services office and present to the 2010 legislature
24 recommendations for process changes to improve efficiencies for both
25 the department and the customer; and

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

31 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

33 High Occupancy Toll Lanes Operations Account--State

34	Appropriation	\$2,867,000
35	Motor Vehicle Account--State Appropriation	\$585,000
36	Tacoma Narrows Toll Bridge Account--State	
37	Appropriation	\$27,358,000

1	INFORMATION TECHNOLOGY--PROGRAM C	
2	Transportation Partnership Account--State	
3	Appropriation	\$2,675,000
4	Motor Vehicle Account--State Appropriation	\$67,811,000
5	Motor Vehicle Account--Federal Appropriation	\$240,000
6	Multimodal Transportation Account--State	
7	Appropriation	\$363,000
8	Transportation 2003 Account (Nickel Account)--State	
9	Appropriation	\$2,676,000
10	TOTAL APPROPRIATION	\$73,765,000

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

13 (1) The department shall consult with the office of financial
14 management and the department of information services to: (a) Ensure
15 that the department's current and future system development is
16 consistent with the overall direction of other key state systems; and
17 (b) when possible, use or develop common statewide information systems
18 to encourage coordination and integration of information used by the
19 department and other state agencies and to avoid duplication.

20 (2) \$1,216,000 of the transportation partnership account--state
21 appropriation and \$1,216,000 of the transportation 2003 account (nickel
22 account)--state appropriation are provided solely for the department to
23 develop a project management and reporting system which is a collection
24 of integrated tools for capital construction project managers to use to
25 perform all the necessary tasks associated with project management.
26 The department shall integrate commercial off-the-shelf software with
27 existing department systems and enhanced approaches to data management
28 to provide web-based access for multi-level reporting and improved
29 business work flows and reporting. On a quarterly basis, the
30 department shall report to the office of financial management and the
31 transportation committees of the legislature on the status of the
32 development and integration of the system. At a minimum, the reports
33 shall indicate the status of the work as it compares to the work plan,
34 any discrepancies, and proposed adjustments necessary to bring the
35 project back on schedule or budget if necessary.

36 (3) The department may submit information technology-related
37 requests for funding only if the department has coordinated with the

1 department of information services as required under section 601 of
2 this act.

3 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
5 Motor Vehicle Account--State Appropriation \$25,501,000

6 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
7 **AVIATION--PROGRAM F**
8 Aeronautics Account--State Appropriation \$6,009,000
9 Aeronautics Account--Federal Appropriation \$2,150,000
10 TOTAL APPROPRIATION \$8,159,000

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

13 (1) \$50,000 of the aeronautics account--state appropriation is a
14 reappropriation provided solely to pay any outstanding obligations of
15 the aviation planning council, which expires July 1, 2009.

16 (2) \$150,000 of the aeronautics account--state appropriation is a
17 reappropriation provided solely to complete runway preservation
18 projects.

19 *NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**
21 Motor Vehicle Account--State Appropriation \$48,032,000
22 Motor Vehicle Account--Federal Appropriation \$500,000
23 Multimodal Transportation Account--State
24 Appropriation \$250,000
25 Water Pollution Account--State Appropriation \$2,000,000
26 TOTAL APPROPRIATION \$50,782,000

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

29 (1) The department shall develop a plan for all current and future
30 surplus property parcels based on the recommendations from the surplus
31 property legislative work group that were presented to the senate
32 transportation committee on February 26, 2009. The plan must include,
33 at a minimum, strategies for maximizing the number of parcels sold, a
34 schedule that optimizes proceeds, a recommended cash discount, a plan
35 to report to the joint transportation committee, a recommendation for

1 regional incentives, and a recommendation for equivalent value
2 exchanges. This plan must accompany the department's 2010 supplemental
3 budget request.

4 ***(2) If the department determines that all or a portion of real***
5 ***property or an interest in real property that was acquired through***
6 ***condemnation or the threat of condemnation is no longer necessary for***
7 ***a public purpose and should be sold as surplus property, the former***
8 ***owner shall have a right of repurchase. "Former owner" means the***
9 ***person or entity from whom the department acquired title and that***
10 ***person's or entity's successors or assigns to the property or property***
11 ***interest subject to the repurchase right. At least ninety days prior***
12 ***to the date on which the property is to be sold by the department, the***
13 ***department must mail notice of the planned sale to the former owner of***
14 ***the property at the former owner's last known address or to a***
15 ***forwarding address if that owner has provided the department with a***
16 ***forwarding address. If the former owner notifies the department within***
17 ***thirty days of the date of the notice that the former owner intends to***
18 ***repurchase the property, the department shall proceed with the sale of***
19 ***the property to the former owner and shall not list the property for***
20 ***sale to other owners. If the former owner does not provide timely***
21 ***written notice to the department of the intent to exercise a repurchase***
22 ***right, or if the sale to the former owner is not completed within one***
23 ***year of the date of notice that the former owner intends to repurchase***
24 ***the property, that right shall be extinguished.***

25 (3) The legislature recognizes that the Dryden pit site (WSDOT
26 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
27 property under the jurisdiction of the department of transportation,
28 and that the public would benefit significantly from the complete
29 enjoyment of the natural scenic beauty and recreational opportunities
30 available at the site. Therefore, pursuant to RCW 47.12.080, the
31 legislature declares that transferring the property to the department
32 of fish and wildlife is consistent with the public interest in order to
33 preserve the area for the use of the public. The department of
34 transportation shall, as soon as is practicable, transfer and convey
35 the Dryden pit site to the department of fish and wildlife for adequate
36 consideration in the amount of no less than \$600,000, the proceeds of
37 which must be deposited in the motor vehicle fund. By July 1, 2009,

1 the department shall submit a status report regarding the transaction
2 to the chairs of the legislative transportation committees.

3 **(4) \$2,000,000 of the water pollution account--state appropriation**
4 **is provided solely for the department's compliance with its national**
5 **pollution discharge elimination system permit, consistent with the**
6 **purposes described in Substitute House Bill No. 1614, addressing**
7 **petroleum pollution in storm water. If Substitute House Bill No. 1614**
8 **is not enacted by June 30, 2009, the amount provided in this subsection**
9 **shall lapse.**

10 (5) \$750,000 of the motor vehicle account--state appropriation is
11 provided solely for the department's compliance with its national
12 pollution discharge elimination system permit.

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

**Sec. 215 was partially vetoed. See message at end of chapter.*

21 **NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **ECONOMIC PARTNERSHIPS--PROGRAM K**

23 Motor Vehicle Account--State Appropriation \$615,000
24 Multimodal Transportation Account--State Appropriation \$200,000
25 TOTAL APPROPRIATION \$815,000

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

28 (1) \$200,000 of the multimodal transportation account--state
29 appropriation is provided solely for the department to develop and
30 implement public private partnerships at high priority terminals as
31 identified in the January 12, 2009, final report on joint development
32 opportunities at Washington state ferries terminals. The department
33 shall first consider a mutually beneficial agreement at the Edmonds
34 terminal.

35 (2) \$50,000 of the motor vehicle account--state appropriation is
36 provided solely for the department to investigate the potential to

1 generate revenue from web site sponsorships and similar ventures and,
2 if feasible, pursue partnership opportunities.

3 *NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--
4 HIGHWAY MAINTENANCE--PROGRAM M

5	Motor Vehicle Account--State Appropriation	\$347,637,000
6	Motor Vehicle Account--Federal Appropriation	\$2,000,000
7	Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
8	Water Pollution Account--State Appropriation	\$12,500,000
9	TOTAL APPROPRIATION	\$367,934,000

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

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

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

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

26 (4) \$2,000,000 of the motor vehicle account--federal appropriation
27 is for unanticipated federal funds that may be received during the
28 2009-11 fiscal biennium. Upon receipt of the funds, the department
29 shall provide a report on the use of the funds to the transportation
30 committees of the legislature and the office of financial management.

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

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

36 (b) The department is reimbursed from the narrows bridge lights
37 organization within three months from the date any maintenance work is

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

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

8 (7) \$650,000 of the motor vehicle account--state appropriation is
9 provided solely for increased asphalt costs. If Senate Bill No. 5976
10 is not enacted by June 30, 2009, the amount provided in this subsection
11 shall lapse.

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

16 (9) *\$12,500,000 of the water pollution account--state appropriation*
17 *is provided solely for the department's compliance with its national*
18 *pollution discharge elimination system permit, consistent with the*
19 *purposes described in Substitute House Bill No. 1614, addressing*
20 *petroleum pollution in storm water. If Substitute House Bill No. 1614*
21 *is not enacted by June 30, 2009, the amount provided in this subsection*
22 *shall lapse.*

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

**Sec. 217 was partially vetoed. See message at end of chapter.*

26 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

28	Motor Vehicle Account--State Appropriation	\$51,526,000
29	Motor Vehicle Account--Federal Appropriation	\$2,050,000
30	Motor Vehicle Account--Private/Local Appropriation	\$127,000
31	TOTAL APPROPRIATION	\$53,703,000

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

34 (1) \$2,400,000 of the motor vehicle account--state appropriation is
35 provided solely for low-cost enhancements. The department shall give
36 priority to low-cost enhancement projects that improve safety or
37 provide congestion relief. The department shall prioritize low-cost

1 enhancement projects on a statewide rather than regional basis. By
2 September 1st of each even-numbered year, the department shall provide
3 a report to the legislature listing all low-cost enhancement projects
4 prioritized on a statewide rather than regional basis completed in the
5 prior year.

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

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

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

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

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

34 (e) For purposes of the 2009-11 fiscal biennium pilot program,
35 infractions detected through the use of automated traffic safety
36 cameras are not part of the registered owner's driving record under RCW
37 46.52.101 and 46.52.120. Additionally, infractions generated by the
38 use of automated traffic safety cameras must be processed in the same

1 manner as parking infractions for the purposes of RCW 3.50.100,
2 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
3 fine issued under this subsection (2) for an infraction generated
4 through the use of an automated traffic safety camera is one hundred
5 thirty-seven dollars. The court shall remit thirty-two dollars of the
6 fine to the state treasurer for deposit into the state patrol highway
7 account; and

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

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

30 (4) \$173,000 of the motor vehicle account--state appropriation is
31 provided solely for the department to continue a pilot tow truck
32 incentive program and to expand the program to other areas of the
33 state. The department may provide incentive payments to towing
34 companies that meet clearance goals on accidents that involve heavy
35 trucks. The department shall report to the office of financial
36 management and the transportation committees of the legislature on the
37 effectiveness of the clearance goals and submit recommendations to

1 improve the pilot program with the department's 2010 supplemental
2 omnibus transportation appropriations act submittal.

3 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

5	Motor Vehicle Account--State Appropriation	\$29,153,000
6	Motor Vehicle Account--Federal Appropriation	\$30,000
7	Multimodal Transportation Account--State	
8	Appropriation	\$973,000
9	State Route Number 520 Corridor Account--State	
10	Appropriation	\$264,000
11	TOTAL APPROPRIATION	\$30,420,000

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

26 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

28	Motor Vehicle Account--State Appropriation	\$24,724,000
29	Motor Vehicle Account--Federal Appropriation	\$19,116,000
30	Multimodal Transportation Account--State	
31	Appropriation	\$696,000
32	Multimodal Transportation Account--Federal	
33	Appropriation	\$2,809,000
34	Multimodal Transportation Account--Private/Local	
35	Appropriation	\$100,000
36	TOTAL APPROPRIATION	\$47,445,000

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

3 (1) \$150,000 of the motor vehicle account--federal appropriation is
4 provided solely for the costs to develop an electronic map-based
5 computer application that will enable law enforcement officers and
6 others to more easily locate collisions and other incidents in the
7 field.

8 (2) \$400,000 of the motor vehicle account--state appropriation is
9 provided solely for a diesel multiple unit feasibility and initial
10 planning study. The study must evaluate potential service on the
11 Stampede Pass line from Maple Valley to Auburn via Covington. The
12 study must evaluate the potential demand for service, the business
13 model and capital needs for launching and running the line, and the
14 need for improvements in switching, signaling, and tracking. A report
15 on the study must be submitted to the legislature by June 30, 2010.

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

25 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
26 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

27	Motor Vehicle Account--State Appropriation	\$87,331,000
28	Motor Vehicle Account--Federal Appropriation	\$400,000
29	Multimodal Transportation Account--State Appropriation	\$561,000
30	TOTAL APPROPRIATION	\$88,292,000

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

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

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

3	(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT	
4	DIVISION OF RISK MANAGEMENT FEES	\$1,639,000
5	(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE	
6	AUDITOR	\$937,000
7	(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL	
8	ADMINISTRATION	\$6,060,000
9	(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF	
10	PERSONNEL	\$6,347,000
11	(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY	
12	PREMIUMS AND ADMINISTRATION	\$44,418,000
13	(f) FOR ARCHIVES AND RECORDS MANAGEMENT	\$623,000
14	(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS	
15	ENTERPRISES	\$1,008,000
16	(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS	
17	PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT	\$1,143,000
18	(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE	
19	DEPARTMENT OF INFORMATION SERVICES	\$1,980,000
20	(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
21	GENERAL'S OFFICE	\$8,526,000
22	(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
23	GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT	
24	LITIGATION	\$672,000

25 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
26 **PUBLIC TRANSPORTATION--PROGRAM V**

27	Regional Mobility Grant Program Account--State	
28	Appropriation	\$54,677,000
29	Multimodal Transportation Account--State	
30	Appropriation	\$65,795,000
31	Multimodal Transportation Account--Federal	
32	Appropriation	\$2,582,000
33	Multimodal Transportation Account--Private/Local	
34	Appropriation	\$1,027,000
35	TOTAL APPROPRIATION	\$124,081,000

36 The appropriations in this section are subject to the following
37 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 shall 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 shall be prorated based on the amount expended for demand response
18 service and route deviated service in calendar year 2007 as reported in
19 the "Summary of Public Transportation - 2007" published by the
20 department of transportation. No transit agency may receive more than
21 thirty percent of these distributions.

22 (2) Funds are provided for the rural mobility grant program as
23 follows:

24 (a) \$8,500,000 of the multimodal transportation account--state
25 appropriation is provided solely for grants for those transit systems
26 serving small cities and rural areas as identified in the "Summary of
27 Public Transportation - 2007" published by the department of
28 transportation. Noncompetitive grants must be distributed to the
29 transit systems serving small cities and rural areas in a manner
30 similar to past disparity equalization programs.

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

35 (3) \$7,000,000 of the multimodal transportation account--state
36 appropriation is provided solely for a vanpool grant program for: (a)
37 Public transit agencies to add vanpools or replace vans; and (b)
38 incentives for employers to increase employee vanpool use. The grant

1 program for public transit agencies will cover capital costs only;
2 operating costs for public transit agencies are not eligible for
3 funding under this grant program. Additional employees may not be
4 hired from the funds provided in this section for the vanpool grant
5 program, and supplanting of transit funds currently funding vanpools is
6 not allowed. The department shall encourage grant applicants and
7 recipients to leverage funds other than state funds. At least
8 \$1,600,000 of this amount must be used for vanpool grants in congested
9 corridors.

10 (4) \$400,000 of the multimodal transportation account--state
11 appropriation is provided solely for a grant for a flexible carpooling
12 pilot project program to be administered and monitored by the
13 department. Funds are appropriated for one time only. The pilot
14 project program must: Test and implement at least one flexible
15 carpooling system in a high-volume commuter area that enables
16 carpooling without prearrangement; utilize technologies that, among
17 other things, allow for transfer of ride credits between participants;
18 and be a membership system that involves prescreening to ensure safety
19 of the participants. The program must include a pilot project that
20 targets commuter traffic on the state route number 520 bridge. The
21 department shall submit to the legislature by December 2010 a report on
22 the program results and any recommendations for additional flexible
23 carpooling programs.

24 (5) \$3,318,000 of the multimodal transportation account--state
25 appropriation and \$21,248,000 of the regional mobility grant program
26 account--state appropriation are reappropriated and provided solely for
27 the regional mobility grant projects identified on the LEAP
28 Transportation Document 2007-B, as developed April 20, 2007, or the
29 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
30 department shall continue to review all projects receiving grant awards
31 under this program at least semiannually to determine whether the
32 projects are making satisfactory progress. The department shall
33 promptly close out grants when projects have been completed, and any
34 remaining funds available to the office of transit mobility must be
35 used only to fund projects on the LEAP Transportation Document 2006-D,
36 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
37 developed April 20, 2007; or the LEAP Transportation Document 2009-B,

1 as developed April 24, 2009. It is the intent of the legislature to
2 appropriate funds through the regional mobility grant program only for
3 projects that will be completed on schedule.

4 (6) \$33,429,000 of the regional mobility grant program account--
5 state appropriation is provided solely for the regional mobility grant
6 projects identified in LEAP Transportation Document 2009-B, as
7 developed April 24, 2009. The department shall review all projects
8 receiving grant awards under this program at least semiannually to
9 determine whether the projects are making satisfactory progress. Any
10 project that has been awarded funds, but does not report activity on
11 the project within one year of the grant award, must be reviewed by the
12 department to determine whether the grant should be terminated. The
13 department shall promptly close out grants when projects have been
14 completed, and any remaining funds available to the office of transit
15 mobility must be used only to fund projects identified in LEAP
16 Transportation Document 2009-B, as developed April 24, 2009. The
17 department shall provide annual status reports on December 15, 2009,
18 and December 15, 2010, to the office of financial management and the
19 transportation committees of the legislature regarding the projects
20 receiving the grants. It is the intent of the legislature to
21 appropriate funds through the regional mobility grant program only for
22 projects that will be completed on schedule.

23 (7) \$300,000 of the multimodal transportation account--state
24 appropriation is provided solely for a transportation demand management
25 program, developed by the Whatcom council of governments, to further
26 reduce drive-alone trips and maximize the use of sustainable
27 transportation choices. The community-based program must focus on all
28 trips, not only commute trips, by providing education, assistance, and
29 incentives to four target audiences: (a) Large work sites; (b)
30 employees of businesses in downtown areas; (c) school children; and (d)
31 residents of Bellingham.

32 (8) \$130,000 of the multimodal transportation account--state
33 appropriation is provided solely to the department to distribute to
34 support Engrossed Substitute House Bill No. 2072 (special needs
35 transportation).

36 (a) \$80,000 of the amount provided in this subsection is provided
37 solely for implementation of the work group related to federal

1 requirements in section 1, chapter . . . (Engrossed Substitute House
2 Bill No. 2072), Laws of 2009.

3 (b) \$50,000 of the amount provided in this subsection is provided
4 solely to support the pilot project to be developed or implemented by
5 the local coordinating coalition comprised of a single county,
6 described in sections 9, 10, and 11, chapter . . . (Engrossed
7 Substitute House Bill No. 2072), Laws of 2009. The department shall
8 assist the local coordinating coalition to seek funding sufficient to
9 fully fund the pilot project from a variety of sources including, but
10 not limited to, the regional transit authority serving the county, the
11 regional transportation planning organization serving the county, and
12 other appropriate state and federal agencies and grants. Development
13 or implementation of the pilot project is contingent on securing
14 funding sufficient to fully fund the pilot project.

15 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
16 June 30, 2009, the amount provided in this subsection (8) lapses. If
17 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
18 but a commitment from other sources to fully fund the pilot project
19 described in (b) of this subsection has not been obtained by September
20 30, 2009, the amount provided in (b) of this subsection lapses.

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

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

28 (11) \$2,309,000 of the multimodal transportation account--state
29 appropriation is provided solely for the tri-county connection service
30 for Island, Skagit, and Whatcom transit agencies.

31 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **MARINE--PROGRAM X**

33 Puget Sound Ferry Operations Account--State
34 Appropriation \$400,592,000

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

1 (1) \$53,110,560 of the Puget Sound ferry operations account--state
2 appropriation is provided solely for auto ferry vessel operating fuel
3 in the 2009-11 fiscal biennium. This appropriation is contingent upon
4 the enactment of section 716 of this act.

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

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

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

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

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

29 (7) The office of financial management budget instructions require
30 agencies to recast enacted budgets into activities. The Washington
31 state ferries shall include a greater level of detail in its 2011-13
32 omnibus transportation appropriations act request, as determined
33 jointly by the office of financial management, the Washington state
34 ferries, and the legislative transportation committees.

35 (8) \$3,000,000 of the Puget Sound ferry operations account--state
36 appropriation is provided solely for commercial insurance for ferry
37 assets. The office of financial management, after consultation with
38 the transportation committees of the legislature, must present a

1 business plan for the Washington state ferry system's insurance
2 coverage to the 2010 legislature. The business plan must include a
3 cost-benefit analysis of Washington state ferries' current commercial
4 insurance purchased for ferry assets and a review of self-insurance for
5 noncatastrophic events.

6 (9) \$1,100,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for a marketing program. The
8 department shall present a marketing program proposal to the
9 transportation committees of the legislature during the 2010
10 legislative session before implementing this program. Of this amount,
11 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
12 Coupeville for mitigation expenses related to only one vessel operating
13 on the Port Townsend/Keystone ferry route. The moneys provided to the
14 city of Port Townsend and town of Coupeville are not contingent upon
15 the required marketing proposal.

16 (10) \$350,000 of the Puget Sound ferry operations account--state
17 appropriation is provided solely for two extra trips per day during the
18 summer of 2009 season, beyond the current schedule, on the Port
19 Townsend/Keystone route.

20 (11) When purchasing uniforms that are required by collective
21 bargaining agreements, the department shall contract with the lowest
22 cost provider.

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

32 (13) As a priority task, the department is directed to propose a
33 comprehensive incident and accident investigation policy and
34 appropriate procedures, and to provide the proposal to the legislature
35 by November 1, 2009, using existing resources and staff expertise. In
36 addition to consulting with ferry system unions and the United States
37 coast guard, the Washington state ferries is encouraged to solicit
38 independent outside expertise on incident and accident investigation

1 best practices as they may be found in other organizations with a
2 similar concern for marine safety. It is the intent of the legislature
3 to enact the policies into law and to publish that law and procedures
4 as a manual for Washington state ferries' accident/incident
5 investigations. Until that time, the Washington state ferry system
6 must exercise particular diligence to assure that any incident or
7 accident investigations are conducted within the spirit of the
8 guidelines of this act. The proposed policy must contain, at a
9 minimum:

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

12 (b) The process for appointing an investigating officer or officers
13 and a description of the authorities and responsibilities of the
14 investigating officer or officers. The investigating officer or
15 officers must:

16 (i) Have the appropriate training and experience as determined by
17 the policy;

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

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

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

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

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

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

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

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

6 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**
7 **RAIL--PROGRAM Y--OPERATING**

8 Multimodal Transportation Account--State
9 Appropriation \$34,933,000

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

12 (1) \$29,091,000 of the multimodal transportation account--state
13 appropriation is provided solely for the Amtrak service contract and
14 Talgo maintenance contract associated with providing and maintaining
15 the state-supported passenger rail service. Upon completion of the
16 rail platform project in the city of Stanwood, the department shall
17 provide daily Amtrak Cascades service to the city.

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

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

21 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

23 Motor Vehicle Account--State Appropriation \$8,739,000
24 Motor Vehicle Account--Federal Appropriation \$2,567,000
25 TOTAL APPROPRIATION \$11,306,000

26 NEW SECTION. **Sec. 226.** The legislature recognizes that the
27 department of transportation operates a seventh administrative region,
28 including the urban corridors office. Therefore, the legislature
29 intends that the secretary of the department of transportation identify
30 and implement operational efficiencies. This may result in a decrease
31 in the number of total regions and the amount of regional staff. The
32 secretary shall report to the office of financial management and the
33 joint transportation committee by January 2010 with a report regarding
34 how the operational efficiencies were achieved.

1 **TRANSPORTATION AGENCIES--CAPITAL**

2 **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

3 State Patrol Highway Account--State Appropriation \$3,126,000

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

6 (1) \$1,626,000 of the state patrol highway account--state
7 appropriation is provided solely for the following minor works
8 projects: \$450,000 for Shelton training academy roofs; \$150,000 for
9 HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for
10 Bellevue electrical equipment upgrades; \$90,000 for South King
11 detachment window replacement; \$200,000 for the replacement of the
12 Naselle radio tower, generator shelter, and fence; \$200,000 for
13 unforeseen emergency repairs; and \$318,000 for the Shelton training
14 academy drive course/skid pan repair.

15 (2) \$1,500,000 of the state patrol highway account--state
16 appropriation is provided solely for the Shelton academy of the
17 Washington state patrol and is contingent upon a signed agreement
18 between the city of Shelton, the department of corrections, and the
19 Washington state patrol that provides for an on-going payment to these
20 three entities, based on their percentage of the total investment in
21 the project, from all hookup fees, late comer fees, LIDS, and all other
22 initial fees collected for the new waste water treatment lines, waste
23 water plants, water lines, and water systems.

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

25 Rural Arterial Trust Account--State Appropriation \$51,000,000

26 Motor Vehicle Account--State Appropriation \$1,048,000

27 County Arterial Preservation Account--State
28 Appropriation \$31,400,000

29 TOTAL APPROPRIATION \$83,448,000

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

32 (1) \$1,048,000 of the motor vehicle account--state appropriation
33 may be used for county ferry projects as developed pursuant to RCW
34 47.56.725(4).

35 (2) The appropriations in this section include funding to counties
36 to assist them in efforts to recover from federally declared
37 emergencies, by providing capitalization advances and local match for

1 federal emergency funding as determined by the county road
2 administration board. The county road administration board shall
3 specifically identify any such selected projects and shall include
4 information concerning such selected projects in its next annual report
5 to the legislature.

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

7 Small City Pavement and Sidewalk Account--State

8 Appropriation \$5,779,000

9 Urban Arterial Trust Account--State Appropriation \$122,400,000

10 Transportation Improvement Account--State

11 Appropriation \$85,643,000

12 TOTAL APPROPRIATION \$213,822,000

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

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

18 (2) The urban arterial trust account--state appropriation includes
19 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
20 47.26.420.

21 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION.** As

22 part of its budget submittal for the 2011-13 fiscal biennium, the
23 department shall provide an update to the report provided to the
24 legislature in 2008 that:

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

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

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

33 (4) Identifies highway projects that have lost significant local or
34 regional contributions that were essential to completing the project;
35 and

36 (5) Identifies contingency amounts allocated to projects.

1 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
2 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

3 Motor Vehicle Account--State Appropriation \$4,810,000

4 (1) \$1,198,000 of the motor vehicle account--state appropriation is
5 provided solely for the Olympic region site acquisition debt service
6 payments and administrative costs associated with capital improvement
7 and preservation project and financial management.

8 (2) \$3,612,000 of the motor vehicle account--state appropriation is
9 provided solely for high priority safety projects that are directly
10 linked to employee safety, environmental risk, or minor works that
11 prevent facility deterioration. This includes the administrative costs
12 associated with those projects and the reconstruction of the Wandermere
13 facility that was destroyed in the 2008-09 winter storms.

14 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **IMPROVEMENTS--PROGRAM I**

16 Multimodal Transportation Account--State
17 Appropriation \$1,000

18 Transportation Partnership Account--State
19 Appropriation \$1,723,834,000

20 Motor Vehicle Account--State Appropriation \$80,735,000

21 Motor Vehicle Account--Federal Appropriation \$410,341,000

22 Motor Vehicle Account--Private/Local
23 Appropriation \$65,494,000

24 Special Category C Account--State Appropriation \$24,549,000

25 Transportation 2003 Account (Nickel Account)--State
26 Appropriation \$703,708,000

27 Freight Mobility Multimodal Account--State
28 Appropriation \$4,422,000

29 Tacoma Narrows Toll Bridge Account--State Appropriation . . . \$788,000

30 State Route Number 520 Corridor Account--State
31 Appropriation \$106,000,000

32 TOTAL APPROPRIATION \$3,119,872,000

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

35 (1) Except as provided otherwise in this section, the entire
36 transportation 2003 account (nickel account) appropriation and the
37 entire transportation partnership account appropriation are provided

1 solely for the projects and activities as listed by fund, project, and
2 amount in LEAP Transportation Document 2009-1 as developed April 24,
3 2009, Program - Highway Improvement Program (I). However, limited
4 transfers of specific line-item project appropriations may occur
5 between projects for those amounts listed subject to the conditions and
6 limitations in section 603 of this act.

7 (2) As a result of economic changes since the initial development
8 of the improvement program budget for the 2009-11 fiscal biennium, the
9 department has received bids on construction contracts over the last
10 several months that are favorable with respect to current estimates of
11 project costs. National economic forecasts indicate that inflationary
12 pressures are likely to remain lower than previously expected for the
13 next several years. As a result, the nominal project cost totals shown
14 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
15 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
16 the likely amount necessary to deliver the projects listed within those
17 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000
18 in the 2011-13 fiscal biennium. The appropriations provided in this
19 section for the projects in those biennia are therefore \$63,500,000
20 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
21 fiscal biennium than the aggregate total of project costs listed. It
22 is the intent of the legislature that the department shall deliver the
23 projects listed in LEAP Transportation Document 2009-1 within the time,
24 scope, and budgets identified in that document, provided that the
25 prices of commodities used in transportation projects do not differ
26 significantly from those assumed for the 2009-11 and 2011-13 fiscal
27 biennia in the March 2009 forecast of the economic and revenue forecast
28 council.

29 (3) \$162,900,000 of the transportation partnership account--state
30 appropriation and \$106,000,000 of the state route number 520 corridor
31 account--state appropriation are provided solely for the state route
32 number 520 bridge replacement and HOV project. The department shall
33 submit an application for the eastside transit and HOV project to the
34 supplemental discretionary grant program for regionally significant
35 projects as provided in the American Recovery and Reinvestment Act of
36 2009. Eastside state route number 520 improvements shall be designed
37 and constructed to accommodate a future full interchange at 124th
38 Avenue Northeast. Concurrent with the eastside transit and HOV

1 project, the department shall conduct engineering design of a full
2 interchange at 124th Avenue Northeast. The amount provided in this
3 subsection from the state route number 520 corridor account--state
4 appropriation is contingent on the enactment of (a) Engrossed
5 Substitute House Bill No. 2211 and (b) either Engrossed Substitute
6 House Bill No. 2326 or other legislation authorizing bonds for the
7 state route number 520 corridor projects. If the conditions of this
8 subsection are not satisfied, the state route number 520 corridor
9 account--state appropriation shall lapse.

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

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

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

23 (7) The department shall, on a quarterly basis beginning July 1,
24 2009, provide to the office of financial management and the legislature
25 reports providing the status on each active project funded in part or
26 whole by the transportation 2003 account (nickel account) or the
27 transportation partnership account. Funding provided at a programmatic
28 level for transportation partnership account and transportation 2003
29 account (nickel account) projects relating to bridge rail, guard rail,
30 fish passage barrier removal, and roadside safety projects should be
31 reported on a programmatic basis. Projects within this programmatic
32 level funding should be completed on a priority basis and scoped to be
33 completed within the current programmatic budget. The department shall
34 work with the office of financial management and the transportation
35 committees of the legislature to agree on report formatting and
36 elements. Elements must include, but not be limited to, project scope,
37 schedule, and costs. For new construction contracts valued at fifteen
38 million dollars or more, the department must also use an earned value

1 method of project monitoring. The department shall also provide the
2 information required under this subsection on a quarterly basis via the
3 transportation executive information systems (TEIS).

4 (8) The transportation 2003 account (nickel account)--state
5 appropriation includes up to \$628,000,000 in proceeds from the sale of
6 bonds authorized by RCW 47.10.861.

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

10 (10) The special category C account--state appropriation includes
11 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW
12 47.10.812.

13 (11) The motor vehicle account--state appropriation includes up to
14 \$31,500,000 in proceeds from the sale of bonds authorized in RCW
15 47.10.843.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (14) \$9,199,985 of the motor vehicle account--state appropriation
35 is provided solely for project 100224I, as identified in the LEAP
36 transportation document in subsection (1) of this section: US 2 high
37 priority safety project. Expenditure of these funds is for safety

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

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

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

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

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

28 (19) \$846,700 of the motor vehicle account--federal appropriation
29 and \$17,280 of the motor vehicle account--state appropriation are
30 provided solely for the Westview school noise wall.

31 (20) \$1,360 of the motor vehicle account--state appropriation and
32 \$35,786 of the motor vehicle account--federal appropriation are
33 provided solely for interchange design and planning work on US 12 at A
34 Street and Tank Farm Road.

35 (21) \$20,011,125 of the transportation partnership account--state
36 appropriation, \$2,550 of the motor vehicle account--state
37 appropriation, \$30,003,473 of the motor vehicle account--private/local
38 appropriation, and \$1,482,066 of the motor vehicle account--federal

1 appropriation are provided solely for the I-5/Columbia river
2 crossing/Vancouver project. The funding described in this subsection
3 includes a \$30,003,473 contribution from the state of Oregon.

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

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

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

18 (23) The state route number 520 corridor account--state
19 appropriation includes up to \$106,000,000 in proceeds from the sale of
20 bonds authorized in Engrossed Substitute House Bill No. 2326 or in
21 legislation authorizing bonds for the state route number 520 corridor
22 projects. If Engrossed Substitute House Bill No. 2326, or legislation
23 authorizing bonds for the state route number 520 corridor projects, is
24 not enacted by June 30, 2009, the amount provided in this subsection
25 shall lapse.

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

33 (25) Project number 330215A in the LEAP transportation document
34 described in subsection (1) of this section is expanded to include
35 safety and congestion improvements from the Key Peninsula Highway to
36 the vicinity of Purdy. The department shall consult with the
37 Washington traffic safety commission to ensure that this project

1 includes improvements at intersections and along the roadway to reduce
2 the frequency and severity of collisions related to roadway conditions
3 and traffic congestion.

4 (26) \$10,600,000 of the transportation partnership account--state
5 appropriation is provided solely for project 109040Q, the Interstate 90
6 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as
7 indicated in the LEAP transportation document referenced in subsection
8 (1) of this section. Funds shall be used solely for preliminary
9 engineering on stages 2 and 3 of this project.

10 (27) The department shall continue to work with the local partners
11 in developing transportation solutions necessary for the economic
12 growth in the Red Mountain American Viticulture Area of Benton county.

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

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

28 (30) Within the amounts provided in this section, \$200,000 of the
29 transportation partnership account--state appropriation is provided
30 solely for the department to prepare a comprehensive tolling study of
31 the state route number 167 corridor to determine the feasibility of
32 administering tolls within the corridor, identified as project number
33 316718A in the LEAP transportation document described in subsection (1)
34 of this section. The department shall report to the joint
35 transportation committee by September 30, 2010. The department shall
36 regularly report to the Washington transportation commission regarding
37 the progress of the study for the purpose of guiding the commission's

1 potential toll setting on the facility. The elements of the study must
2 include, at a minimum:

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

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

6 (c) Economic considerations for future system investments.

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

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

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

22 (c) Economic considerations for future system investments.

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

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

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

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

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

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

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

35 (39) The department shall conduct a public outreach process to
36 identify and respond to community concerns regarding the portion of
37 John's Creek Road that connects state route number 3 and state route
38 number 101. The process must include representatives from Mason

1 county, the legislature, area businesses, and community members. The
2 department shall use this process to consider, develop, and design a
3 project scope so that the community's needs are met for the lowest
4 cost. The department shall provide a report on the process and
5 outcomes to the legislature by June 30, 2010.

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

13 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
14 **PRESERVATION--PROGRAM P**

15	Transportation Partnership Account--State	
16	Appropriation	\$103,077,000
17	Motor Vehicle Account--State Appropriation	\$88,142,000
18	Motor Vehicle Account--Federal Appropriation	\$524,954,000
19	Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
20	Transportation 2003 Account (Nickel Account)--State	
21	Appropriation	\$7,237,000
22	Puyallup Tribal Settlement Account--State	
23	Appropriation	\$6,500,000
24	TOTAL APPROPRIATION	\$736,327,000

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

27 (1) Except as provided otherwise in this section, the entire
28 transportation 2003 account (nickel account) appropriation and the
29 entire transportation partnership account appropriation are provided
30 solely for the projects and activities as listed by fund, project, and
31 amount in LEAP Transportation Document 2009-1 as developed April 24,
32 2009, Program - Highway Preservation Program (P). However, limited
33 transfers of specific line-item project appropriations may occur
34 between projects for those amounts listed subject to the conditions and
35 limitations in section 603 of this act.

36 (2) \$544,639 of the motor vehicle account--federal appropriation
37 and \$455,361 of the motor vehicle account--state appropriation are

1 provided solely for project 602110F, as identified in the LEAP
2 transportation document in subsection (1) of this section: SR
3 21/Keller ferry boat - Preservation. Funds are provided solely for
4 preservation work on the existing vessel, the Martha S.

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

8 (4) \$6,500,000 of the Puyallup tribal settlement account--state
9 appropriation is provided solely for mitigation costs associated with
10 the Murray Morgan/11th Street bridge demolition. The department may
11 negotiate with the city of Tacoma for the purpose of transferring
12 ownership of the Murray Morgan/11th Street bridge to the city. If the
13 city agrees to accept ownership of the bridge, the department may use
14 the Puyallup tribal settlement account appropriation and other
15 appropriated funds for bridge rehabilitation, bridge replacement,
16 bridge demolition, and related mitigation. The department's
17 participation, including prior expenditures, may not exceed
18 \$39,953,000. Funds may not be expended unless the city of Tacoma
19 agrees to take ownership of the bridge in its entirety and provides
20 that the payment of these funds extinguishes any real or implied
21 agreements regarding future bridge expenditures.

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

27 (6) The department shall, on a quarterly basis beginning July 1,
28 2009, provide to the office of financial management and the legislature
29 reports providing the status on each active project funded in part or
30 whole by the transportation 2003 account (nickel account) or the
31 transportation partnership account. Funding provided at a programmatic
32 level for transportation partnership account projects relating to
33 seismic bridges should be reported on a programmatic basis. Projects
34 within this programmatic level funding should be completed on a
35 priority basis and scoped to be completed within the current
36 programmatic budget. The department shall work with the office of
37 financial management and the transportation committees of the
38 legislature to agree on report formatting and elements. Elements must

1 include, but not be limited to, project scope, schedule, and costs.
2 For new construction contracts valued at fifteen million dollars or
3 more, the department must also use an earned value method of project
4 monitoring. The department shall also provide the information required
5 under this subsection on a quarterly basis via the transportation
6 executive information systems (TEIS).

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

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

16 (i) The current backlog of asphalt and concrete pavement
17 preservation projects;

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

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

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

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

27 (b) Additionally, the department shall work with the department of
28 ecology, the county road administration board, and the transportation
29 improvement board to explore and explain the potential use of permeable
30 asphalt and concrete pavement in state highway construction as an
31 alternative method of storm water mitigation and the potential effects
32 on highway pavement replacement needs.

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

37 (9) \$1,722 of the motor vehicle account--state appropriation,
38 \$9,608,115 of the motor vehicle account--federal appropriation, and

1 \$272,141 of the transportation partnership account--state appropriation
2 are provided solely for the SR 104/Hood Canal bridge - replace east
3 half project, identified as project 310407B in the LEAP transportation
4 document described in subsection (1) of this section.

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

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

12 (12) \$1,500,000 of the motor vehicle account--federal appropriation
13 is provided solely for the environmental impact statement and
14 preliminary planning for the replacement of the state route number 9
15 Snohomish river bridge.

16 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

18	Motor Vehicle Account--State Appropriation	\$6,394,000
19	Motor Vehicle Account--Federal Appropriation	\$9,262,000
20	TOTAL APPROPRIATION	\$15,656,000

21 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

23	Puget Sound Capital Construction Account--State	
24	Appropriation	\$118,752,000
25	Puget Sound Capital Construction Account--Federal	
26	Appropriation	\$38,306,000
27	Puget Sound Capital Construction Account--Local	
28	Appropriation	\$8,492,000
29	Transportation 2003 Account (Nickel Account)--State	
30	Appropriation	\$51,734,000
31	Transportation Partnership Account--State	
32	Appropriation	\$67,234,000
33	Multimodal Transportation Account--State Appropriation	\$170,000
34	TOTAL APPROPRIATION	\$284,688,000

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

1 (1) \$118,752,000 of the Puget Sound capital construction account--
2 state appropriation, \$38,306,000 of the Puget Sound capital
3 construction account--federal appropriation, \$8,492,000 of the Puget
4 Sound capital construction account--local appropriation, \$67,234,000 of
5 the transportation partnership account--state appropriation,
6 \$51,734,000 of the transportation 2003 account (nickel account)--state
7 appropriation, and \$170,000 of the multimodal transportation account--
8 state appropriation are provided solely for ferry capital projects,
9 project support, and administration as listed in LEAP Transportation
10 Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program -
11 Ferries Construction Program (W). Of the total appropriation, a
12 maximum of \$10,627,000 may be used for administrative support, a
13 maximum of \$8,184,000 may be used for terminal project support, and a
14 maximum of \$4,497,000 may be used for vessel project support.

15 (2) \$51,734,000 of the transportation 2003 account (nickel
16 account)--state appropriation and \$63,100,000 of the transportation
17 partnership account--state appropriation are provided solely for the
18 acquisition of three new Island Home class ferry vessels subject to the
19 conditions of RCW 47.56.780. The department shall pursue a contract
20 for the second and third Island Home class ferry vessels with an option
21 to purchase a fourth Island Home class ferry vessel. However, if
22 sufficient resources are available to build one 144-auto vessel prior
23 to exercising the option to build the fourth Island Home class ferry
24 vessel, procurement of the fourth Island Home class ferry vessel will
25 be postponed and the department shall pursue procurement of a 144-auto
26 vessel.

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

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

33 (c) Cost savings from the following initiatives will be included in
34 the funding of these vessels: The department's review and update of
35 the vessel life-cycle cost model as required under this section; and
36 the implementation of technology efficiencies as required under section
37 602 of this act.

1 (3) \$2,450,000 of the Puget Sound capital construction account--
2 state appropriation is provided solely for contingencies associated
3 with closing out the existing contract for the technical design of the
4 144-auto vessel and the storage and maintenance of vessel owner-
5 furnished equipment already procured. The department shall use as much
6 of the already procured equipment as is practicable on the Island Home
7 class ferry vessel if it is likely to be obsolete before it is used in
8 procured 144-auto vessels.

9 (4) \$6,300,000 of the Puget Sound capital construction account--
10 state appropriation is provided solely for emergency capital costs.

11 (5) The Anacortes terminal may be replaced if additional federal
12 funds are sought and received by the department. If federal funds
13 received are not sufficient to replace the terminal, only usable,
14 discrete phases of the project, up to the amount of federal funds
15 received, may be constructed with the funds.

16 (6) \$3,965,000 of the Puget Sound capital construction account--
17 state appropriation is provided solely for the following vessel
18 projects: Waste heat recovery pilot project; steering gear ventilation
19 pilot project; and a new propulsion system for the MV Yakima. Before
20 beginning these projects, the Washington state ferries must ensure the
21 vessels' out-of-service time does not negatively impact service to the
22 system.

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

26 (8) The department shall provide to the office of financial
27 management and the legislature quarterly reports providing the status
28 on each project listed in this section and in the project lists
29 submitted pursuant to this act and on any additional projects for which
30 the department has expended funds during the 2009-11 fiscal biennium.
31 Elements must include, but not be limited to, project scope, schedule,
32 and costs. The department shall also provide the information required
33 under this subsection via the transportation executive information
34 systems (TEIS). The quarterly report regarding the status of projects
35 identified on the list referenced in subsection (1) of this section
36 must be developed according to an earned value method of project
37 monitoring.

1 (9) The department shall review and adjust its capital program
2 staffing levels to ensure staffing is at the most efficient level
3 necessary to implement the capital program in the omnibus
4 transportation appropriations act. The Washington state ferries shall
5 report this review and adjustment to the office of financial management
6 and the house and senate transportation committees of the legislature
7 by July 2009.

8 (10) \$3,763,000 of the total appropriation is provided solely for
9 the Washington state ferries to develop a reservation system. The
10 department shall complete a predesign study and present the study to
11 the joint transportation committee by November 1, 2009. This analysis
12 must include an evaluation of the compatibility of the Washington state
13 ferries' electronic fare system, proposed reservation system, and the
14 implementation of smart card. The department may not implement a
15 statewide reservation system until the department is authorized to do
16 so in the 2010 supplemental omnibus transportation appropriations act.

17 (11) \$1,200,000 of the total appropriation is provided solely for
18 improving the toll booth configuration at the Port Townsend and
19 Keystone ferry terminals.

20 (12) \$3,249,915 of the total appropriation is provided solely for
21 continued permitting and archaeological work in order to determine the
22 feasibility of relocating the Mukilteo ferry terminal. In order to
23 ensure that the cultural resources investigation is properly conducted
24 in a coordinated fashion, the department shall work with the department
25 of archaeology and historic preservation and shall conduct work with
26 active archaeological management. The department shall seek additional
27 federal funding for this project.

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

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

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

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

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

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

9 (iv) A review of the department's vessel maintenance, preservation,
10 and improvement program contracting process and contractual
11 requirements;

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

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

17 (vii) Coordination with required United States coast guard dry
18 dockings;

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

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

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

26 (14) \$247,000 of the Puget Sound capital construction account--
27 state appropriation is provided solely for the Washington state ferries
28 to review and update its vessel life-cycle cost model and report the
29 results to the house of representatives and senate transportation
30 committees of the legislature by December 1, 2009. This review will
31 evaluate the impact of the planned out-of-service periods scheduled for
32 each vessel on the ability of the overall system to deliver
33 uninterrupted service and will assess the risk of service disruption
34 from unscheduled maintenance or longer than planned maintenance
35 periods.

36 (15) The department shall work with the department of archaeology
37 and historic preservation to ensure that the cultural resources
38 investigation is properly conducted on all large ferry terminal

1 projects. These projects must be conducted with active archaeological
2 management. Additionally, the department shall establish a scientific
3 peer review of independent archaeologists that are knowledgeable about
4 the region and its cultural resources.

5 (16) The Puget Sound capital construction account--state
6 appropriation includes up to \$118,000,000 in proceeds from the sale of
7 bonds authorized in RCW 47.10.843.

8 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**
9 **RAIL--PROGRAM Y--CAPITAL**

10	Essential Rail Assistance Account--State Appropriation	\$675,000
11	Transportation Infrastructure Account--State	
12	Appropriation	\$13,100,000
13	Multimodal Transportation Account--State	
14	Appropriation	\$68,530,000
15	Multimodal Transportation Account--Federal	
16	Appropriation	\$16,054,000
17	Multimodal Transportation Account--Private/Local	
18	Appropriation	\$81,000
19	TOTAL APPROPRIATION	\$98,440,000

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

22 (1)(a) Except as provided otherwise in this section, the entire
23 appropriations in this section are provided solely for the projects and
24 activities as listed by fund, project, and amount in LEAP
25 Transportation Document ALL PROJECTS 2009-2 as developed April 24,
26 2009, Program - Rail Capital Program (Y). However, limited transfers
27 of specific line-item project appropriations may occur between projects
28 for those amounts listed subject to the conditions and limitations in
29 section 603 of this act.

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

34 (ii) Within the amounts provided in this section, \$1,200,000 of the
35 transportation infrastructure account--state appropriation is for a
36 low-interest loan through the freight rail investment bank program to

1 the Port of Everett for a new rail track to connect a cement loading
2 facility to the mainline.

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

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

11 (c)(i) Within the amounts provided in this section, \$1,712,022 of
12 the multimodal transportation account--state appropriation and \$175,000
13 of the essential rail assistance account--state appropriation are for
14 statewide - emergent freight rail assistance projects as follows: Port
15 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
16 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
17 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
18 700610A) \$370,650; Clark County owned railroad/Vancouver - track
19 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved
20 locomotive facility (BIN 711010B) \$366,813.

21 (ii) Within the amounts provided in this section, \$500,000 of the
22 essential rail assistance account--state appropriation and \$25,000 of
23 the multimodal transportation account--state appropriation are for a
24 statewide - emergent freight rail assistance project grant for the
25 Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A)
26 project, provided that the grantee first executes a written instrument
27 that imposes on the grantee the obligation to repay the grant within
28 thirty days in the event that the grantee discontinues or significantly
29 diminishes service along the line within a period of five years from
30 the date that the grant is awarded.

31 (iii) Within the amounts provided in this section, \$337,978 of the
32 multimodal transportation account--state appropriation is for a
33 statewide - emergent freight rail assistance project grant for the
34 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
35 provided that the grantee first documents to the satisfaction of the
36 department sufficient commitments from the new shipper or shippers to
37 locate in the publicly owned industrial park west of Creston to ensure

1 that the net present value of the public benefits of the project is
2 greater than the grant amount.

3 (d) Within the amounts provided in this section, \$8,100,000 of the
4 transportation infrastructure account--state appropriation is for
5 grants to any intergovernmental entity or local rail district to which
6 the department of transportation assigns the management and oversight
7 responsibility for the business and economic development elements of
8 existing operating leases on the Palouse River and Coulee City (PCC)
9 rail lines. The PCC rail line system is made up of the CW, P&L, and PV
10 Hooper rail lines. Business and economic development elements include
11 such items as levels of service and business operating plans, but must
12 not include the state's oversight of railroad regulatory compliance,
13 rail infrastructure condition, or real property management issues. The
14 PCC rail system must be managed in a self-sustaining manner and best
15 efforts must be used to ensure that it does not require state capital
16 or operating subsidy beyond the level of state funding expended on it
17 to date. The assignment of the stated responsibilities to an
18 intergovernmental entity or rail district must be on terms and
19 conditions as the department of transportation and the
20 intergovernmental entity or rail district mutually agree. The grant
21 funds may be used only to refurbish the rail lines. It is the intent
22 of the legislature to make the funds appropriated in this section
23 available as grants to an intergovernmental entity or local rail
24 district for the purposes stated in this section at least until June
25 30, 2012, and to reappropriate as necessary any portion of the
26 appropriation in this section that is not used by June 30, 2011.

27 (2)(a) The department shall issue a call for projects for the
28 freight rail investment bank program and the emergent freight rail
29 assistance program, and shall evaluate the applications according to
30 the cost benefit methodology developed during the 2008 interim using
31 the legislative priorities specified in (c) of this subsection. By
32 November 1, 2010, the department shall submit a prioritized list of
33 recommended projects to the office of financial management and the
34 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 seek the use of unprogrammed
23 federal rail crossing funds to be expended in lieu of or in addition to
24 state funds for eligible costs of projects in program Y.

25 (4) At the earliest possible date, the department shall apply, and
26 assist ports and local jurisdictions in applying, for any federal
27 funding that may be available for any projects that may qualify for
28 such federal funding. State projects must be (a) currently identified
29 on the project list referenced in subsection (1)(a) of this section or
30 (b) projects for which no state match is required to complete the
31 project. Local or port projects must not require additional state
32 funding in order to complete the project, with the exception of (c)
33 state funds currently appropriated for such project if currently
34 identified on the project list referenced in subsection (1)(a) of this
35 section or (d) potential grants awarded in the competitive grant
36 process for the essential rail assistance program. If the department
37 receives any federal funding, the department is authorized to obligate
38 and spend the federal funds in accordance with federal law. To the

1 extent permissible by federal law, federal funds may be used (e) in
 2 addition to state funds appropriated for projects currently identified
 3 on the project list referenced in subsection (1)(a) of this section in
 4 order to advance funding from future biennia for such project(s) or (f)
 5 in lieu of state funds; however, the state funds must be redirected
 6 within the rail capital program to advance funding for other projects
 7 currently identified on the project list referenced in subsection
 8 (1)(a) of this section. State funds may be redirected only upon
 9 consultation with the transportation committees of the legislature and
 10 the office of financial management, and approval by the director of the
 11 office of financial management. The department shall spend the federal
 12 funds before the state funds, and shall consult the office of financial
 13 management and the transportation committees of the legislature
 14 regarding project scope changes.

15 (5) The department shall provide quarterly reports to the office of
 16 financial management and the transportation committees of the
 17 legislature regarding applications that the department submits for
 18 federal funds, the status of such applications, and the status of
 19 projects identified on the list referenced in subsection (1)(a) of this
 20 section. The quarterly report regarding the status of projects
 21 identified on the list referenced in subsection (1)(a) of this section
 22 must be developed according to an earned value method of project
 23 monitoring.

24 (6) The multimodal transportation account--state appropriation
 25 includes up to \$20,000,000 in proceeds from the sale of bonds
 26 authorized in RCW 47.10.867.

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

31 NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--**
 32 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

33	Highway Infrastructure Account--State Appropriation	\$207,000
34	Highway Infrastructure Account--Federal	
35	Appropriation	\$1,602,000
36	Freight Mobility Investment Account--State	
37	Appropriation	\$13,548,000

1	Transportation Partnership Account--State	
2	Appropriation	\$8,863,000
3	Motor Vehicle Account--State Appropriation	\$12,954,000
4	Motor Vehicle Account--Federal Appropriation	\$39,572,000
5	Freight Mobility Multimodal Account--State	
6	Appropriation	\$14,920,000
7	Freight Mobility Multimodal Account--Local	
8	Appropriation	\$3,135,000
9	Multimodal Transportation Account--Federal	
10	Appropriation	\$2,098,000
11	Multimodal Transportation Account--State	
12	Appropriation	\$28,262,000
13	Transportation 2003 Account (Nickel Account)--State	
14	Appropriation	\$709,000
15	Passenger Ferry Account--State Appropriation	\$2,879,000
16	TOTAL APPROPRIATION	\$128,749,000

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

19 (1) The department shall, on a quarterly basis, provide status
20 reports to the legislature on the delivery of projects as outlined in
21 the project lists incorporated in this section. For projects funded by
22 new revenue in the 2003 and 2005 transportation packages, reporting
23 elements shall include, but not be limited to, project scope, schedule,
24 and costs. Other projects may be reported on a programmatic basis.
25 The department shall also provide the information required under this
26 subsection on a quarterly basis via the transportation executive
27 information system (TEIS).

28 (2) \$2,729,000 of the passenger ferry account--state appropriation
29 is provided solely for near and long-term costs of capital improvements
30 in a business plan approved by the governor for passenger ferry
31 service.

32 (3) \$150,000 of the passenger ferry account--state appropriation is
33 provided solely for the Port of Kingston for a one-time operating
34 subsidy needed to retain a federal grant.

35 (4) \$3,000,000 of the motor vehicle account--federal appropriation
36 is provided solely for the Coal Creek parkway project (L1000025).

37 (5) The department shall seek the use of unprogrammed federal rail

1 crossing funds to be expended in lieu of or in addition to state funds
2 for eligible costs of projects in local programs, program Z capital.

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

7 (7) Federal funds may be transferred from program Z to programs I
8 and P and state funds shall be transferred from programs I and P to
9 program Z to replace those federal funds in a dollar-for-dollar match.
10 Fund transfers authorized under this subsection shall not affect
11 project prioritization status. Appropriations shall initially be
12 allotted as appropriated in this act. The department may not transfer
13 funds as authorized under this subsection without approval of the
14 office of financial management. The department shall submit a report
15 on those projects receiving fund transfers to the office of financial
16 management and the transportation committees of the legislature by
17 December 1, 2009, and December 1, 2010.

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

24 (9) \$18,182,113 of the multimodal transportation account--state
25 appropriation, \$8,753,895 of the motor vehicle account--federal
26 appropriation, and \$4,000,000 of the transportation partnership
27 account--state appropriation are provided solely for the pedestrian and
28 bicycle safety program projects and safe routes to schools program
29 projects identified in LEAP Transportation Document 2009-A, pedestrian
30 and bicycle safety program projects and safe routes to schools program
31 projects, as developed March 30, 2009, LEAP Transportation Document
32 2007-A, pedestrian and bicycle safety program projects and safe routes
33 to schools program projects, as developed April 20, 2007, and LEAP
34 Transportation Document 2006-B, pedestrian and bicycle safety program
35 projects and safe routes to schools program projects, as developed
36 March 8, 2006. Projects must be allocated funding based on order of
37 priority. The department shall review all projects receiving grant
38 awards under this program at least semiannually to determine whether

1 the projects are making satisfactory progress. Any project that has
2 been awarded funds, but does not report activity on the project within
3 one year of the grant award must be reviewed by the department to
4 determine whether the grant should be terminated. The department shall
5 promptly close out grants when projects have been completed, and
6 identify where unused grant funds remain because actual project costs
7 were lower than estimated in the grant award.

8 (10) Except as provided otherwise in this section, the entire
9 appropriations in this section are provided solely for the projects and
10 activities as listed by fund, project, and amount in LEAP
11 Transportation Document ALL PROJECTS 2009-2 as developed April 24,
12 2009, Programs - Local Program (Z).

13 (11) For the 2009-11 project appropriations, unless otherwise
14 provided in this act, the director of financial management may
15 authorize a transfer of appropriation authority between projects
16 managed by the freight mobility strategic investment board in order for
17 the board to manage project spending and efficiently deliver all
18 projects in the respective program.

19 (12) \$913,386 of the motor vehicle account--state appropriation and
20 \$2,858,216 of the motor vehicle account--federal appropriation are
21 provided solely for completion of the US 101 northeast peninsula safety
22 rest area and associated roadway improvements east of Port Angeles at
23 the Deer Park scenic view point. The department must surplus any
24 right-of-way previously purchased for this project near Sequim.
25 Approval to proceed with construction is contingent on surplus of
26 previously purchased right-of-way. \$865,000 of the motor vehicle
27 account--state appropriation is to be placed into unallotted status
28 until such time as the right-of-way sale is completed.

29 **TRANSFERS AND DISTRIBUTIONS**

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

34 Highway Bond Retirement Account Appropriation \$742,400,000
35 Ferry Bond Retirement Account Appropriation \$33,771,000

1 Appropriation: For transfer to the Motor Vehicle
 2 Account--State \$2,000,000
 3 (8) Advanced Right-of-Way Account: For transfer
 4 to the Motor Vehicle Account--State \$14,000,000
 5 (9) Motor Vehicle Account--State Appropriation:
 6 For transfer to the Transportation Partnership
 7 Account--State \$8,000,000

8 The transfers identified in this section are subject to the
 9 following conditions and limitations: The amount transferred in
 10 subsection (1) of this section represents repayment of operating loans
 11 and reserve payments provided to the Tacoma Narrows toll bridge account
 12 from the motor vehicle account in the 2005-07 fiscal biennium.

13 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS.** In addition to
 14 the amounts appropriated in this act for revenue for distribution,
 15 state contributions to the law enforcement officers' and firefighters'
 16 retirement system, and bond retirement and interest including ongoing
 17 bond registration and transfer charges, transfers, interest on
 18 registered warrants, and certificates of indebtedness, there is also
 19 appropriated such further amounts as may be required or available for
 20 these purposes under any statutory formula or under any proper bond
 21 covenant made under law.

22 NEW SECTION. **Sec. 409.** The department of transportation is
 23 authorized to undertake federal advance construction projects under the
 24 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
 25 meeting approved highway construction and preservation objectives. The
 26 legislature recognizes that the use of state funds may be required to
 27 temporarily fund expenditures of the federal appropriations for the
 28 highway construction and preservation programs for federal advance
 29 construction projects prior to conversion to federal funding.

30 **COMPENSATION**

31 NEW SECTION. **Sec. 501. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**
 32 **REVISED PENSION CONTRIBUTION RATES**
 33 Aeronautics Account--State (\$40,000)

1	Grade Crossing Protective Account--State	(\$2,000)
2	State Patrol Highway Account--State	(\$5,593,000)
3	Motorcycle Safety Education Account--State	(\$18,000)
4	High Occupancy Toll Lanes Operations Account--State	(\$20,000)
5	Rural Arterial Trust Account--State	(\$20,000)
6	Wildlife Account--State	(\$16,000)
7	Highway Safety Account--State	(\$1,869,000)
8	Highway Safety Account--Federal	(\$56,000)
9	Motor Vehicle Account--State	(\$11,348,000)
10	Puget Sound Ferry Operations Account--State	(\$5,019,000)
11	Urban Arterial Trust Account--State	(\$26,000)
12	Transportation Improvement Account--State	(\$26,000)
13	County Arterial Preservation Account--State	(\$22,000)
14	Department of Licensing Services Account--State	(\$36,000)
15	Multimodal Transportation Account--State	(\$220,000)
16	Tacoma Narrows Toll Bridge Account--State	(\$28,000)
17	Puget Sound Capital Construction Account--State	(\$459,000)
18	Motor Vehicle Account--Federal	(\$8,791,000)

19 Appropriations are adjusted to reflect changes to appropriations to
20 reflect savings resulting from pension funding. The office of
21 financial management shall update agency appropriations schedules to
22 reflect the changes to funding levels in this section as identified by
23 agency and fund in LEAP transportation document Z9R-2009. From the
24 applicable accounts, the office of financial management shall adjust
25 allotments to the respective agencies by an amount that conforms with
26 funding adjustments enacted in the 2009-11 omnibus operating
27 appropriations act. Any allotment reductions under this section shall
28 be placed in reserve status and remain unexpended.

29 NEW SECTION. **Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**
30 **REVISED EMPLOYER HEALTH BENEFIT RATES**

31	Aeronautics Account--State	\$9,000
32	State Patrol Highway Account--State	\$1,537,000
33	Motorcycle Safety Education Account--State	\$6,000
34	Puget Sound Capital Construction--State	\$85,000
35	High Occupancy Toll Lanes Operations Account--State	\$5,000
36	Rural Arterial Trust Account--State	\$3,000
37	Wildlife Account--State	\$4,000

1	Highway Safety Account--State	\$644,000
2	Highway Safety Account--Federal	\$14,000
3	Motor Vehicle Account--State	\$2,886,000
4	Puget Sound Ferry Operations Account--State	\$1,311,000
5	Urban Arterial Trust Account--State	\$5,000
6	Transportation Improvement Account--State	\$5,000
7	County Arterial Preservation Account--State	\$4,000
8	Department of Licensing Services Account--State	\$6,000
9	Multimodal Transportation Account--State	\$43,000
10	Tacoma Narrows Toll Bridge Account--State	\$7,000
11	Motor Vehicle Account--Federal	\$2,108,000

12 Appropriations are adjusted to reflect changes to appropriations to
13 reflect changes in the employer cost of providing health benefit
14 coverage. The office of financial management shall update agency
15 appropriations schedules to reflect the changes to funding levels in
16 this section as identified by agency and fund in LEAP transportation
17 document 6M-2009. From the applicable accounts, the office of
18 financial management shall adjust allotments to the respective agencies
19 by an amount that conforms with funding adjustments enacted in the
20 2009-11 omnibus operating appropriations act. Any allotment reductions
21 under this section shall be placed in reserve status and remain
22 unexpended.

23 NEW SECTION. **Sec. 503. COMPENSATION--INSURANCE BENEFITS.**

24 Appropriations for state agencies in this act are sufficient for
25 nonrepresented and represented state employee health benefits for state
26 agencies, and are subject to the following conditions and limitations:

27 (1)(a) The monthly employer funding rate for insurance benefit
28 premiums, public employees' benefits board administration, and the
29 uniform medical plan, shall not exceed \$745 per eligible employee for
30 fiscal year 2010. For fiscal year 2011, the monthly employer funding
31 rate shall not exceed \$768 per eligible employee.

32 (b) In order to achieve the level of funding provided for health
33 benefits, the public employees' benefits board shall require any or all
34 of the following: Employee premium copayments; increases in point-of-
35 service cost sharing; the implementation of managed competition; or
36 make other changes to benefits consistent with RCW 41.05.065. During
37 the 2009-11 fiscal biennium, the board may only authorize benefit plans

1 and premium contributions for an employee and the employee's dependents
2 that are the same, regardless of an employee's status as represented or
3 nonrepresented under the personnel system reform act of 2002.

4 (c) The health care authority shall deposit any moneys received on
5 behalf of the uniform medical plan as a result of rebates on
6 prescription drugs, audits of hospitals, subrogation payments, or any
7 other moneys recovered as a result of prior uniform medical plan claims
8 payments into the public employees' and retirees' insurance account to
9 be used for insurance benefits. Such receipts shall not be used for
10 administrative expenditures.

11 (d) The conditions in this section apply to benefits for
12 nonrepresented employees, employees represented by the super coalition,
13 and represented employees outside of the super coalition, including
14 employees represented under chapter 47.64 RCW.

15 (2) The health care authority, subject to the approval of the
16 public employees' benefits board, shall provide subsidies for health
17 benefit premiums to eligible retired or disabled public employees and
18 school district employees who are eligible for medicare, pursuant to
19 RCW 41.05.085. From January 1, 2010, through December 31, 2010, the
20 subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall
21 be \$182.89 per month.

22 **IMPLEMENTING PROVISIONS**

23 NEW SECTION. **Sec. 601. INFORMATION SYSTEMS PROJECTS.** Agencies
24 shall comply with the following requirements regarding information
25 systems projects when specifically directed to do so by this act.

26 (1) Agency planning and decisions concerning information technology
27 shall be made in the context of its information technology portfolio.
28 "Information technology portfolio" means a strategic management
29 approach in which the relationships between agency missions and
30 information technology investments can be seen and understood, such
31 that: Technology efforts are linked to agency objectives and business
32 plans; the impact of new investments on existing infrastructure and
33 business functions are assessed and understood before implementation;
34 and agency activities are consistent with the development of an
35 integrated, nonduplicative statewide infrastructure.

1 (2) Agencies shall use their information technology portfolios in
2 making decisions on matters related to the following:

3 (a) System refurbishment, acquisitions, and development efforts;

4 (b) Setting goals and objectives for using information technology
5 in meeting legislatively-mandated missions and business needs;

6 (c) Assessment of overall information processing performance,
7 resources, and capabilities;

8 (d) Ensuring appropriate transfer of technological expertise for
9 the operation of any new systems developed using external resources;
10 and

11 (e) Progress toward enabling electronic access to public
12 information.

13 (3) Each project will be planned and designed to take optimal
14 advantage of Internet technologies and protocols. Agencies shall
15 ensure that the project is in compliance with the architecture,
16 infrastructure, principles, policies, and standards of digital
17 government as maintained by the information services board.

18 (4) The agency shall produce a feasibility study for information
19 technology projects at the direction of the information services board
20 and in accordance with published department of information services
21 policies and guidelines. At a minimum, such studies shall include a
22 statement of: (a) The purpose or impetus for change; (b) the business
23 value to the agency, including an examination and evaluation of
24 benefits, advantages, and cost; (c) a comprehensive risk assessment
25 based on the proposed project's impact on both citizens and state
26 operations, its visibility, and the consequences of doing nothing; (d)
27 the impact on agency and statewide information infrastructure; and (e)
28 the impact of the proposed enhancements to an agency's information
29 technology capabilities on meeting service delivery demands.

30 (5) The agency shall produce a comprehensive management plan for
31 each project. The plan or plans shall address all factors critical to
32 successful completion of each project. The plan(s) shall include, but
33 is not limited to, the following elements: A description of the
34 problem or opportunity that the information technology project is
35 intended to address; a statement of project objectives and assumptions;
36 a definition and schedule of phases, tasks, and activities to be
37 accomplished; and the estimated cost of each phase. The planning for
38 the phased approach shall be such that the business case justification

1 for a project needs to demonstrate how the project recovers cost or
2 adds measurable value or positive cost benefit to the agency's business
3 functions within each development cycle.

4 (6) The agency shall produce quality assurance plans for
5 information technology projects. Consistent with the direction of the
6 information services board and the published policies and guidelines of
7 the department of information services, the quality assurance plan
8 shall address all factors critical to successful completion of the
9 project and successful integration with the agency and state
10 information technology infrastructure. At a minimum, quality assurance
11 plans shall provide time and budget benchmarks against which project
12 progress can be measured, a specification of quality assurance
13 responsibilities, and a statement of reporting requirements. The
14 quality assurance plans shall set out the functionality requirements
15 for each phase of a project.

16 (7) A copy of each feasibility study, project management plan, and
17 quality assurance plan shall be provided to the department of
18 information services, the office of financial management, and
19 legislative fiscal committees. The plans and studies shall demonstrate
20 a sound business case that justifies the investment of taxpayer funds
21 on any new project, an assessment of the impact of the proposed system
22 on the existing information technology infrastructure, the disciplined
23 use of preventative measures to mitigate risk, and the leveraging of
24 private-sector expertise as needed. Authority to expend any funds for
25 individual information systems projects is conditioned on the approval
26 of the relevant feasibility study, project management plan, and quality
27 assurance plan by the department of information services and the office
28 of financial management.

29 (8) Quality assurance status reports shall be submitted to the
30 department of information services, the office of financial management,
31 and legislative fiscal committees at intervals specified in the
32 project's quality assurance plan.

33 ***NEW SECTION. Sec. 602. Transportation agencies shall consider**
34 **some or all of the following strategies to achieve savings on**
35 **information technology expenditures: (a) Holistic virtualization**
36 **strategies; (b) wide-area network optimization strategies; (c)**
37 **replacement of traditional telephone communications systems with**

1 *alternatives; and (d) migration of external voice mail systems to*
2 *internal voice mail systems. Agencies shall select an experienced firm*
3 *from the prequalified contractors on the department of information*
4 *services ITPS master agreement to develop a consolidated strategy and*
5 *plan to achieve these strategies. By December 1, 2009, agencies shall*
6 *report findings, including anticipated savings for the 2010*
7 *supplemental omnibus transportation appropriations act, to the office*
8 *of financial management and the transportation committees of the*
9 *legislature.*

**Sec. 602 was vetoed. See message at end of chapter.*

10 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation
11 2003 projects or improvements and the 2005 transportation partnership
12 projects or improvements are listed in LEAP Transportation Document
13 2009-1 as developed April 24, 2009, which consists of a list of
14 specific projects by fund source and amount over a sixteen year period.
15 Current fiscal biennium funding for each project is a line item
16 appropriation, while the outer year funding allocations represent a
17 sixteen year plan. The department is expected to use the flexibility
18 provided in this section to assist in the delivery and completion of
19 all transportation partnership account and transportation 2003 (nickel)
20 account projects on the LEAP lists referenced in this act. For the
21 2009-11 project appropriations, unless otherwise provided in this act,
22 the director of financial management may authorize a transfer of
23 appropriation authority between projects funded with transportation
24 2003 account (nickel account) appropriations, transportation
25 partnership account appropriations, or multimodal transportation
26 account appropriations, in order to manage project spending and
27 efficiently deliver all projects in the respective program under the
28 following conditions and limitations:

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

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

34 (c) Each transfer between projects may only occur if the director
35 of financial management finds that any resulting change will not hinder
36 the completion of the projects as approved by the legislature. Until
37 the legislature reconvenes to consider the 2010 supplemental budget,

1 any unexpended 2007-09 appropriation balance as approved by the office
2 of financial management, in consultation with the legislative staff of
3 the house of representatives and senate transportation committees, may
4 be considered when transferring funds between projects;

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

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

11 (f) Transfers may not be made while the legislature is in session.

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

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

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

25 NEW SECTION. **Sec. 604.** Executive Order number 05-05,
26 archaeological and cultural resources, was issued effective November
27 10, 2005. Agencies and higher education institutions that issue grants
28 or loans for capital projects shall comply with the requirements set
29 forth in this executive order.

30 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

31 **Sec. 701.** RCW 46.68.170 and 2007 c 518 s 701 are each amended to
32 read as follows:

33 There is hereby created in the motor vehicle fund the RV account.
34 All moneys hereafter deposited in said account shall be used by the

1 department of transportation for the construction, maintenance, and
2 operation of recreational vehicle sanitary disposal systems at safety
3 rest areas in accordance with the department's highway system plan as
4 prescribed in chapter 47.06 RCW. During the ((2005-2007 and)) 2007-
5 2009 and 2009-2011 fiscal biennia, the legislature may transfer from
6 the RV account to the motor vehicle fund such amounts as reflect the
7 excess fund balance of the RV account to accomplish the purposes
8 identified in this section.

9 **Sec. 702.** RCW 47.29.170 and 2007 c 518 s 702 are each amended to
10 read as follows:

11 Before accepting any unsolicited project proposals, the commission
12 must adopt rules to facilitate the acceptance, review, evaluation, and
13 selection of unsolicited project proposals. These rules must include
14 the following:

15 (1) Provisions that specify unsolicited proposals must meet
16 predetermined criteria;

17 (2) Provisions governing procedures for the cessation of
18 negotiations and consideration;

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

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

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

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

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

36 (c) Procedures for what will happen if there are insufficient

1 proposals submitted or if there are no letters of interest submitted in
2 the appropriate time frame.

3 The commission may adopt other rules as necessary to avoid
4 conflicts with existing laws, statutes, or contractual obligations of
5 the state.

6 The commission may not accept or consider any unsolicited proposals
7 before July 1, ((2009)) 2011.

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

22 **Sec. 704.** RCW 46.16.685 and 2007 c 518 s 704 are each amended to
23 read as follows:

24 The license plate technology account is created in the state
25 treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be
26 deposited into this account. Expenditures from this account must
27 support current and future license plate technology and systems
28 integration upgrades for both the department and correctional
29 industries. Moneys in the account may be spent only after
30 appropriation. Additionally, the moneys in this account may be used to
31 reimburse the motor vehicle account for any appropriation made to
32 implement the digital license plate system. During the 2007-2009 and
33 2009-2011 fiscal ((~~biennium~~)) biennia, the legislature may transfer
34 from the license plate technology account to the ((~~multimodal~~
35 ~~transportation~~)) highway safety account such amounts as reflect the
36 excess fund balance of the license plate technology account.

1 **Sec. 705.** RCW 47.01.380 and 2006 c 311 s 26 are each amended to
2 read as follows:

3 The department shall not commence construction on any part of the
4 state route number 520 bridge replacement and HOV project until a
5 record of decision has been reached providing reasonable assurance that
6 project impacts will be avoided, minimized, or mitigated as much as
7 practicable to protect against further adverse impacts on neighborhood
8 environmental quality as a result of repairs and improvements made to
9 the state route number 520 bridge and its connecting roadways, and that
10 any such impacts will be addressed through engineering design choices,
11 mitigation measures, or a combination of both. The requirements of
12 this section shall not apply to off-site pontoon construction
13 supporting the state route number 520 bridge replacement and HOV
14 project. The requirements of this section shall not apply during the
15 2009-2011 fiscal biennium.

16 **Sec. 706.** RCW 47.01.390 and 2007 c 518 s 705 are each amended to
17 read as follows:

18 (1) Prior to commencing construction on either project, the
19 department of transportation must complete all of the following
20 requirements for both the Alaskan Way viaduct and Seattle Seawall
21 replacement project, and the state route number 520 bridge replacement
22 and HOV project: (a) In accordance with the national environmental
23 policy act, the department must designate the preferred alternative,
24 prepare a substantial project mitigation plan, and complete a
25 comprehensive cost estimate review using the department's cost estimate
26 validation process, for each project; (b) in accordance with all
27 applicable federal highway administration planning and project
28 management requirements, the department must prepare a project finance
29 plan for each project that clearly identifies secured and anticipated
30 fund sources, cash flow timing requirements, and project staging and
31 phasing plans if applicable; and (c) the department must report these
32 results for each project to the joint transportation committee.

33 (2) The requirements of this section shall not apply to (a) utility
34 relocation work, and related activities, on the Alaskan Way viaduct and
35 Seattle Seawall replacement project and (b) off-site pontoon
36 construction supporting the state route number 520 bridge replacement
37 and HOV project.

1 (3) The requirements of subsection (1) of this section shall not
2 apply during the 2007-2009 fiscal biennium.

3 (4) The requirements of subsection (1) of this section shall not
4 apply during the 2009-2011 fiscal biennium.

5 **Sec. 707.** RCW 47.60.395 and 2007 c 512 s 15 are each amended to
6 read as follows:

7 (1) The joint legislative audit and review committee shall assess
8 and report as follows:

9 (a) Audit the implementation of the cost allocation methodology
10 evaluated under [section 205,] chapter 518, Laws of 2007, as it exists
11 on July 22, 2007, assessing whether actual costs are allocated
12 consistently with the methodology, whether there are sufficient
13 internal controls to ensure proper allocation, and the adequacy of
14 staff training; and

15 (b) Review the assignment of preservation costs and improvement
16 costs for fiscal year 2009 to determine whether:

17 (i) The costs are capital costs;

18 (ii) The costs meet the statutory requirements for preservation
19 activities and for improvement activities; and

20 (iii) Improvement costs are within the scope of legislative
21 appropriations.

22 (2) The report on the evaluations in this section is due by January
23 31, 2010.

24 (3) This section expires December 31, 2010.

25 (4) The requirements of this section shall not apply during the
26 2009-11 fiscal biennium.

27 **Sec. 708.** RCW 88.16.090 and 2008 c 128 s 4 are each amended to
28 read as follows:

29 (1) A person may pilot any vessel subject to this chapter on waters
30 covered by this chapter only if licensed to pilot such vessels on such
31 waters under this chapter.

32 (2)(a) A person is eligible to be licensed as a pilot or a pilot
33 trainee if the person:

34 (i) Is a citizen of the United States;

35 (ii) Is over the age of twenty-five years and under the age of
36 seventy years;

1 (iii)(A) Holds at the time of application, as a minimum, a United
2 States government license as master of steam or motor vessels of not
3 more than one thousand six hundred gross register tons (three thousand
4 international tonnage convention tons) upon oceans, near coastal
5 waters, or inland waters; or the then most equivalent federal license
6 as determined by the board; any such license to have been held by the
7 applicant for a period of at least two years before application;

8 (B) Holds at the time of licensure as a pilot, after successful
9 completion of the board-required training program, a first class United
10 States endorsement without restrictions on the United States government
11 license for the pilotage district in which the pilot applicant desires
12 to be licensed; however, all applicants for a pilot examination
13 scheduled to be given before July 1, 2008, must have the United States
14 pilotage endorsement at the time of application; and

15 (C) The board may require that applicants and pilots have federal
16 licenses and endorsements as it deems appropriate; and

17 (iv) Successfully completes a board-specified training program.

18 (b) In addition to the requirements of (a) of this subsection, a
19 pilot applicant must meet such other qualifications as may be required
20 by the board.

21 (c) A person applying for a license under this section shall not
22 have been convicted of an offense involving drugs or the personal
23 consumption of alcohol in the twelve months prior to the date of
24 application. This restriction does not apply to license renewals under
25 this section.

26 (3) The board may establish such other training license and pilot
27 license requirements as it deems appropriate.

28 (4) Pilot applicants shall be evaluated and may be ranked for entry
29 into a board-specified training program in a manner specified by the
30 board based on their performance on a written examination or
31 examinations established by the board, performance on other evaluation
32 exercises as may be required by the board, and other criteria or
33 qualifications as may be set by the board.

34 When the board determines that the demand for pilots requires entry
35 of an applicant into the training program it shall issue a training
36 license to that applicant, but under no circumstances may an applicant
37 be issued a training license more than four years after taking the

1 written entry examination. The training license authorizes the trainee
2 to do such actions as are specified in the training program.

3 After the completion of the training program the board shall
4 evaluate the trainee's performance and knowledge. The board, as it
5 deems appropriate, may then issue a pilot license, delay the issuance
6 of the pilot license, deny the issuance of the pilot license, or
7 require further training and evaluation.

8 (5) The board may (a) appoint a special independent committee or
9 (b) contract with private or governmental entities knowledgeable and
10 experienced in the development, administration, and grading of
11 licensing examinations or simulator evaluations for marine pilots, or
12 (c) do both. Active, licensed pilots designated by the board may
13 participate in the development, administration, and grading of
14 examinations and other evaluation exercises. If the board does appoint
15 a special examination or evaluation development committee, it is
16 authorized to pay the members of the committee the same compensation
17 and travel expenses as received by members of the board. Any person
18 who willfully gives advance knowledge of information contained on a
19 pilot examination or other evaluation exercise is guilty of a gross
20 misdemeanor.

21 (6) This subsection applies to the review of a pilot applicant's
22 written examinations and evaluation exercises to qualify to be placed
23 on a waiting list to become a pilot trainee. Failure to comply with
24 the process set forth in this subsection renders the results of the
25 pilot applicant's written examinations and evaluation exercises final.
26 A pilot applicant may seek board review, administrative review, and
27 judicial review of the results of the written examinations and
28 evaluation exercises in the following manner:

29 (a) A pilot applicant who seeks a review of the results of his or
30 her written examinations or evaluation exercises must request from the
31 board-appointed or board-designated examination committee an
32 administrative review of the results of his or her written examinations
33 or evaluation exercises as set forth by board rule.

34 (b) The determination of the examination committee's review of a
35 pilot applicant's examination results becomes final after thirty days
36 from the date of service of written notification of the committee's
37 determination unless a full adjudicative hearing before an

1 administrative law judge has been requested by the pilot applicant
2 before the thirty-day period has expired, as set forth by board rule.

3 (c) When a full adjudicative hearing has been requested by the
4 pilot applicant, the board shall request the appointment of an
5 administrative law judge under chapter 34.12 RCW who has sufficient
6 experience and familiarity with pilotage matters to be able to conduct
7 a fair and impartial hearing. The hearing shall be governed by chapter
8 34.05 RCW. The administrative law judge shall issue an initial order.

9 (d) The initial order of the administrative law judge is final
10 unless within thirty days of the date of service of the initial order
11 the board or pilot applicant requests review of the initial order under
12 chapter 34.05 RCW.

13 (e) The board may appoint a person to review the initial order and
14 to prepare and enter a final order as governed by chapter 34.05 RCW and
15 as set forth by board rule. The person appointed by the board under
16 this subsection (6)(e) is called the board reviewing officer.

17 (7) Pilots are licensed under this section for a term of five years
18 from and after the date of the issuance of their respective state
19 licenses. Licenses must thereafter be renewed as a matter of course,
20 unless the board withholds the license for good cause. Each pilot
21 shall pay to the state treasurer an annual license fee in an amount set
22 by the board by rule. Pursuant to RCW 43.135.055, the fees established
23 under this subsection may be increased (~~((in excess of the fiscal growth~~
24 ~~factor as provided in RCW 43.135.055))~~) through the fiscal year ending
25 June 30, ~~((2009))~~ 2011. The fees must be deposited in the pilotage
26 account. The board may assess partially active or inactive pilots a
27 reduced fee.

28 (8) All pilots and pilot trainees are subject to an annual physical
29 examination by a physician chosen by the board. The physician shall
30 examine the pilot's or pilot trainee's heart, blood pressure,
31 circulatory system, lungs and respiratory system, eyesight, hearing,
32 and such other items as may be prescribed by the board. After
33 consultation with a physician and the United States coast guard, the
34 board shall establish minimum health standards to ensure that pilots
35 and pilot trainees licensed by the state are able to perform their
36 duties. Within ninety days of the date of each annual physical
37 examination, and after review of the physician's report, the board
38 shall make a determination of whether the pilot or pilot trainee is

1 fully able to carry out the duties of a pilot or pilot trainee under
2 this chapter. The board may in its discretion check with the
3 appropriate authority for any convictions of or information regarding
4 offenses by a licensed pilot or pilot trainee involving drugs or the
5 personal consumption of alcohol in the prior twelve months.

6 (9) The board may require vessel simulator training for a pilot
7 trainee and shall require vessel simulator training for a licensed
8 pilot subject to RCW 88.16.105. The board shall also require vessel
9 simulator training in the first year of active duty for a new pilot and
10 at least once every five years for all active pilots.

11 (10) The board shall prescribe, pursuant to chapter 34.05 RCW, such
12 reporting requirements and review procedures as may be necessary to
13 assure the accuracy and validity of license and service claims.
14 Willful misrepresentation of such required information by a pilot
15 applicant shall result in disqualification of the pilot applicant.

16 **Sec. 709.** RCW 47.12.244 and 2007 c 518 s 707 are each amended to
17 read as follows:

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

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

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

28 (3) Any federal moneys available for acquisition of right-of-way
29 for future construction under the provisions of section 108 of Title
30 23, United States Code.

31 (~~((4))~~) During the (~~((2007-09))~~) 2007-2009 and 2009-2011 fiscal
32 (~~((biennium))~~) biennia, the legislature may transfer from the advance
33 right-of-way revolving fund to the motor vehicle account amounts as
34 reflect the excess fund balance of the advance right-of-way revolving
35 fund.

1 **Sec. 710.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read
2 as follows:

3 (1) The creation of the board does not in any way preclude the
4 authority of the legislature to independently propose and enact special
5 license plate legislation.

6 (2) The board must review and either approve or reject special
7 license plate applications submitted by sponsoring organizations.

8 (3) Duties of the board include but are not limited to the
9 following:

10 (a) Review and approve the annual financial reports submitted by
11 sponsoring organizations with active special license plate series and
12 present those annual financial reports to the senate and house
13 transportation committees;

14 (b) Report annually to the senate and house transportation
15 committees on the special license plate applications that were
16 considered by the board;

17 (c) Issue approval and rejection notification letters to sponsoring
18 organizations, the department, the chairs of the senate and house of
19 representatives transportation committees, and the legislative sponsors
20 identified in each application. The letters must be issued within
21 seven days of making a determination on the status of an application;

22 (d) Review annually the number of plates sold for each special
23 license plate series created after January 1, 2003. The board may
24 submit a recommendation to discontinue a special plate series to the
25 chairs of the senate and house of representatives transportation
26 committees;

27 (e) Provide policy guidance and directions to the department
28 concerning the adoption of rules necessary to limit the number of
29 special license plates that an organization or a governmental entity
30 may apply for.

31 (4) Except as provided in chapter 72, Laws of 2008, in order to
32 assess the effects and impact of the proliferation of special license
33 plates, the legislature declares a temporary moratorium on the issuance
34 of any additional plates until July 1, (~~2009~~) 2011. During this
35 period of time, the special license plate review board created in RCW
36 46.16.705 and the department of licensing are prohibited from
37 accepting, reviewing, processing, or approving any applications.

1 Additionally, no special license plate may be enacted by the
2 legislature during the moratorium, unless the proposed license plate
3 has been approved by the board before February 15, 2005.

4 **Sec. 711.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to
5 read as follows:

6 There is hereby created in the state treasury a fund to be known as
7 the highway safety fund to the credit of which shall be deposited all
8 moneys directed by law to be deposited therein. This fund shall be
9 used for carrying out the provisions of law relating to driver
10 licensing, driver improvement, financial responsibility, cost of
11 furnishing abstracts of driving records and maintaining such case
12 records, and to carry out the purposes set forth in RCW 43.59.010.
13 During the ((2005-2007 and)) 2007-2009 and 2009-2011 fiscal biennia,
14 the legislature may transfer from the highway safety fund to the motor
15 vehicle fund and the multimodal transportation account such amounts as
16 reflect the excess fund balance of the highway safety fund.

17 **Sec. 712.** RCW 46.68.220 and 2009 c 8 s 503 are each amended to
18 read as follows:

19 The department of licensing services account is created in the
20 motor vehicle fund. All receipts from service fees received under RCW
21 46.01.140(4)(b) shall be deposited into the account. Moneys in the
22 account may be spent only after appropriation. Expenditures from the
23 account may be used only for information and service delivery systems
24 for the department, and for reimbursement of county licensing
25 activities. During the 2007-2009 and 2009-2011 fiscal ((biennium))
26 biennia, the legislature may transfer from the department of licensing
27 services account such amounts as reflect the excess fund balance of the
28 account.

29 **Sec. 713.** RCW 46.61.527 and 1994 c 141 s 1 are each amended to
30 read as follows:

31 (1) The secretary of transportation shall adopt standards and
32 specifications for the use of traffic control devices in roadway
33 construction zones on state highways. A roadway construction zone is
34 an area where construction, repair, or maintenance work is being
35 conducted by public employees or private contractors, on or adjacent to

1 any public roadway. For the purpose of the pilot program referenced in
2 section 218(2) of this act, during the 2009-2011 fiscal biennium, a
3 roadway construction zone includes areas where public employees or
4 private contractors are not present but where a driving condition
5 exists that would make it unsafe to drive at higher speeds, such as,
6 when the department is redirecting or realigning lanes on or adjacent
7 to any public roadway pursuant to ongoing construction.

8 (2) No person may drive a vehicle in a roadway construction zone at
9 a speed greater than that allowed by traffic control devices.

10 (3) A person found to have committed any infraction relating to
11 speed restrictions in a roadway construction zone shall be assessed a
12 monetary penalty equal to twice the penalty assessed under RCW
13 46.63.110. This penalty may not be waived, reduced, or suspended.

14 (4) A person who drives a vehicle in a roadway construction zone in
15 such a manner as to endanger or be likely to endanger any persons or
16 property, or who removes, evades, or intentionally strikes a traffic
17 safety or control device is guilty of reckless endangerment of roadway
18 workers. A violation of this subsection is a gross misdemeanor
19 punishable under chapter 9A.20 RCW.

20 (5) The department shall suspend for sixty days the license or
21 permit to drive or a nonresident driving privilege of a person
22 convicted of reckless endangerment of roadway workers.

23 **Sec. 714.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to
24 read as follows:

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

27 (a) The appropriate local legislative authority must first enact an
28 ordinance allowing for their use to detect one or more of the
29 following: Stoplight, railroad crossing, or school speed zone
30 violations. At a minimum, the local ordinance must contain the
31 restrictions described in this section and provisions for public notice
32 and signage. Cities and counties using automated traffic safety
33 cameras before July 24, 2005, are subject to the restrictions described
34 in this section, but are not required to enact an authorizing
35 ordinance.

36 (b) Use of automated traffic safety cameras is restricted to two-

1 arterial intersections, railroad crossings, and school speed zones
2 only.

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

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

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

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

35 ~~((f))~~ (g) Notwithstanding any other provision of law, all
36 photographs, microphotographs, or electronic images prepared under this
37 section are for the exclusive use of law enforcement in the discharge
38 of duties under this section and are not open to the public and may not

1 be used in a court in a pending action or proceeding unless the action
2 or proceeding relates to a violation under this section. No
3 photograph, microphotograph, or electronic image may be used for any
4 purpose other than enforcement of violations under this section nor
5 retained longer than necessary to enforce this section.

6 ~~((g))~~ (h) All locations where an automated traffic safety camera
7 is used must be clearly marked by placing signs in locations that
8 clearly indicate to a driver that he or she is entering a zone where
9 traffic laws are enforced by an automated traffic safety camera.

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

17 (2) Infractions detected through the use of automated traffic
18 safety cameras are not part of the registered owner's driving record
19 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
20 by the use of automated traffic safety cameras under this section shall
21 be processed in the same manner as parking infractions, including for
22 the purposes of RCW ~~((3.46.120,))~~ 3.50.100, 35.20.220, 46.16.216, and
23 46.20.270(3). However, the amount of the fine issued for an infraction
24 generated through the use of an automated traffic safety camera shall
25 not exceed the amount of a fine issued for other parking infractions
26 within the jurisdiction.

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

34 (a) A statement under oath stating the name and known mailing
35 address of the individual driving or renting the vehicle when the
36 infraction occurred; or

37 (b) A statement under oath that the business is unable to determine
38 who was driving or renting the vehicle at the time the infraction

1 occurred because the vehicle was stolen at the time of the infraction.
2 A statement provided under this subsection must be accompanied by a
3 copy of a filed police report regarding the vehicle theft; or

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

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

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

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

26 (6) During the 2009-2011 fiscal biennium, this section does not
27 apply to automated traffic safety cameras for the purposes of section
28 218(2) of this act.

29 ***Sec. 715. RCW 47.12.080 and 1984 c 7 s 121 are each amended to**
30 **read as follows:**

31 **(1) Except as provided otherwise in this section, the secretary of**
32 **transportation may transfer and convey to the United States, its**
33 **agencies or instrumentalities, to any other state agency, to any county**
34 **or city or port district of this state, or to any public utility**
35 **company, any unused state-owned real property under the jurisdiction of**
36 **the department of transportation when, in the judgment of the secretary**
37 **of transportation and the attorney general, the transfer and conveyance**

1 *is consistent with public interest. Whenever the secretary makes an*
2 *agreement for any such transfer or conveyance, and the attorney general*
3 *concurs therein, the secretary shall execute and deliver unto the*
4 *grantee a deed of conveyance, easement, or other instrument, duly*
5 *acknowledged, as shall be necessary to fulfill the terms of the*
6 *aforesaid agreement. All moneys paid to the state of Washington under*
7 *any of the provisions hereof shall be deposited in the motor vehicle*
8 *fund.*

9 (2) Through the end of the 2009-2011 fiscal biennium, the
10 legislature may designate property under the jurisdiction of the
11 department as unused state-owned real property and may further
12 designate the transfer and conveyance of the property as consistent
13 with the public interest. Once designated under this subsection, the
14 legislature may direct the transfer and conveyance of the property to
15 any entity described in subsection (1) of this section for adequate
16 consideration as deemed such by the legislature, and need not require
17 fair market value in exchange for the property.

*Sec. 715 was vetoed. See message at end of chapter.

18 **Sec. 716.** RCW 43.19.642 and 2007 c 348 s 201 are each amended to
19 read as follows:

20 (1) Effective June 1, 2006, for agencies complying with the ultra-
21 low sulfur diesel mandate of the United States environmental protection
22 agency for on-highway diesel fuel, agencies shall use biodiesel as an
23 additive to ultra-low sulfur diesel for lubricity, provided that the
24 use of a lubricity additive is warranted and that the use of biodiesel
25 is comparable in performance and cost with other available lubricity
26 additives. The amount of biodiesel added to the ultra-low sulfur
27 diesel fuel shall be not less than two percent.

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

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

36 (4) For the 2009-2011 fiscal biennium, the Washington state ferries
37 is required to use a minimum of five percent biodiesel as compared to

1 total volume of all diesel purchases made by the Washington state
2 ferries for the operation of the Washington state ferries diesel-
3 powered vessels so long as the per gallon price of diesel containing a
4 five percent biodiesel blend level does not exceed the per gallon price
5 of diesel by more than five percent. If the per gallon price of diesel
6 containing a five percent biodiesel blend level exceeds the per gallon
7 price of diesel by more than five percent, the requirements of this
8 section do not apply to vessel fuel purchases by the Washington state
9 ferries.

10 (5) By December 1, 2009, the department of general administration
11 shall:

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

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

17 **Sec. 717.** RCW 43.19.534 and 1993 sp.s. c 20 s 1 are each amended
18 to read as follows:

19 (1) State agencies, the legislature, and departments shall purchase
20 for their use all goods and services required by the legislature,
21 agencies, or departments that are produced or provided in whole or in
22 part from class II inmate work programs operated by the department of
23 corrections through state contract. These goods and services shall not
24 be purchased from any other source unless, upon application by the
25 department or agency: ~~((1))~~ (a) The department of general
26 administration finds that the articles or products do not meet the
27 reasonable requirements of the agency or department, ~~((2))~~ (b) are
28 not of equal or better quality, or ~~((3))~~ (c) the price of the product
29 or service is higher than that produced by the private sector.
30 However, the criteria contained in ~~((1))~~ (a), ~~((2))~~ (b), and
31 ~~((3))~~ (c) of this section for purchasing goods and services from
32 sources other than correctional industries do not apply to goods and
33 services produced by correctional industries that primarily replace
34 goods manufactured or services obtained from outside the state. The
35 department of corrections and department of general administration
36 shall adopt administrative rules that implement this section.

1 (2) During the 2009-2011 fiscal biennium, and in conformance with
2 section 223(11) of this act, this section does not apply to the
3 purchase of uniforms by the Washington state ferries.

4 **Sec. 718.** RCW 47.68.090 and 1980 c 67 s 1 are each amended to read
5 as follows:

6 The department of transportation may make available its engineering
7 and other technical services, with or without charge, to any
8 municipality or person desiring them in connection with the planning,
9 acquisition, construction, improvement, maintenance or operation of
10 airports or air navigation facilities.

11 The department may render financial assistance by grant or loan or
12 both to any municipality or municipalities acting jointly in the
13 planning, acquisition, construction, improvement, maintenance, or
14 operation of an airport owned or controlled, or to be owned or
15 controlled by such municipality or municipalities, or to any Indian
16 tribe recognized as such by the federal government or such tribes
17 acting jointly in the planning, acquisition, construction, improvement,
18 maintenance or operation of an airport, owned or controlled, or to be
19 owned or controlled by such tribe or tribes and to be held available
20 for the general use of the public, out of appropriations made by the
21 legislature for such purposes. Such financial assistance may be
22 furnished in connection with federal or other financial aid for the
23 same purposes: PROVIDED, That no grant or loan or both shall be in
24 excess of two hundred fifty thousand dollars, or five hundred thousand
25 dollars during the 2009-2011 fiscal biennium, for any one project:
26 PROVIDED FURTHER, That no grant or loan or both shall be granted unless
27 the municipality or municipalities acting jointly, or the tribe or
28 tribes acting jointly shall from their own funds match any funds made
29 available by the department upon such ratio as the department may
30 prescribe.

31 The department is authorized to act as agent of any municipality or
32 municipalities acting jointly or any tribe or tribes acting jointly,
33 upon the request of such municipality or municipalities, or such tribe
34 or tribes in accepting, receiving, receipting for and disbursing
35 federal moneys, and other moneys public or private, made available to
36 finance, in whole or in part, the planning, acquisition, construction,
37 improvement, maintenance or operation of an airport or air navigation

1 facility; and if requested by such municipality or municipalities, or
2 tribe or tribes, may act as its or their agent in contracting for and
3 supervising such planning, acquisition, construction, improvement,
4 maintenance, or operation; and all municipalities and tribes are
5 authorized to designate the department as their agent for the foregoing
6 purposes. The department, as principal on behalf of the state, and any
7 municipality on its own behalf, may enter into any contracts, with each
8 other or with the United States or with any person, which may be
9 required in connection with a grant or loan of federal moneys for
10 airport or air navigation facility purposes. All federal moneys
11 accepted under this section shall be accepted and transferred or
12 expended by the department upon such terms and conditions as are
13 prescribed by the United States. All moneys received by the department
14 pursuant to this section shall be deposited in the state treasury, and,
15 unless otherwise prescribed by the authority from which such moneys
16 were received, shall be kept in separate funds designated according to
17 the purposes for which the moneys were made available, and held by the
18 state in trust for such purposes. All such moneys are hereby
19 appropriated for the purposes for which the same were made available,
20 to be disbursed or expended in accordance with the terms and conditions
21 upon which they were made available: PROVIDED, That any landing fee or
22 charge imposed by any Indian tribe or tribes for the privilege of use
23 of an airport facility planned, acquired, constructed, improved,
24 maintained, or operated with financial assistance from the department
25 pursuant to this section must apply equally to tribal and nontribal
26 members: PROVIDED FURTHER, That in the event any municipality or
27 municipalities or Indian tribe or tribes, or any distributor of
28 aircraft fuel as defined by RCW 82.42.020 which operates in any airport
29 facility which has received financial assistance pursuant to this
30 section, fails to collect the aircraft fuel excise tax as specified in
31 chapter 82.42 RCW, all funds or value of technical assistance given or
32 paid to such municipality or municipalities or Indian tribe or tribes
33 under the provisions of this section shall revert to the department,
34 and shall be due and payable to the department immediately.

35 **MISCELLANEOUS**

1 NEW_SECTION. **Sec. 801.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW_SECTION. **Sec. 802.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

(End of bill)

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Passed by the Senate April 25, 2009.
Passed by the House April 25, 2009.
Approved by the Governor May 13, 2009, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 18, 2009.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 215(2), 215(4), 217 (9), 602 and 715, Engrossed Substitute Senate Bill 5352 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 215(2), page 19, Department of Transportation

This proviso requires the Department of Transportation (Department) to offer former property owners the "right of first repurchase" if the property was acquired through condemnation or threat of condemnation, and the property is to be sold as surplus because it is no longer needed for a public purpose. This proviso may hinder the Department's ability to utilize property it currently owns in future acquisition negotiations. It also may have the unintended consequence of restricting the Department's ability to get the best price for surplus property by limiting competition.

Section 215(4), page 20, Department of Transportation

This proviso makes an appropriation of \$2,000,000 from the Water Pollution Account-State subject to passage of Substitute House Bill 1614. Since Substitute House Bill 1614 was not enacted, the appropriation lapses and this section is no longer required.

Section 217(9), page 22, Department of Transportation

This proviso makes an appropriation of \$12,500,000 from the Water Pollution Account-State subject to passage of Substitute House Bill 1614. Since Substitute House Bill 1614 was not enacted, the appropriation lapses and this section is no longer required.

Section 602, pages 71-72, Department of Transportation

This section would have transportation agencies hire a consultant approved by the Department of Information Services to develop a "consolidated strategy and plan" to achieve cost savings resulting from holistic virtualization, wide area network optimization, transition to alternative telecommunications systems, and migration to internal voice mail systems. A similar proviso in the omnibus operating budget (Section 143) requires the Department of Information Services to implement some or all of these strategies and to report on the savings to the Office of Financial Management and the fiscal committees of the Legislature.

The transportation budget does not contain funding to hire contractors to develop the plan. Rather than hiring a contractor, the Department can work with the Department of Information Services to learn from its experience with these strategies.

Section 715, pages 87-88, Department of Transportation

This section would give the Legislature the ability to designate property under the jurisdiction of the Department as "unused state-owned real property," and direct the transfer and conveyance of such unused property, provided it is consistent with public interest. The Legislature could then direct the transfer and conveyance of such property to entities listed in statute as eligible recipients such as ports, utilities, other state agencies, cities, or counties. The value of such properties would be determined by the Legislature for "adequate consideration," and would not require fair market value.

While the Legislature may possess the authority to direct the Department in the transfer and conveyance of unused properties, such decisions must be guided by clear criteria. This section does not set forth sufficient safeguards to determine how unused properties would be determined, how properties would be conveyed and transferred, or how values would be assigned to such properties.

For these reasons, I have vetoed Sections 215(2), 215(4), 217(9), 602 and 715.

With the exception of Sections 215(2), 215(4), 217(9), 602 and 715, Engrossed Substitute Senate Bill 5352 is approved."