PSHB 1314

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.380, 47.01.390, 47.60.395, 88.16.090, 47.12.244, 70.95.521, 46.16.725, 46.68.060, 46.63.170, and 46.68.220; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

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

2009-11 FISCAL BIENNUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.
(2) Unless the context clearly requires otherwise, the definitions
in this subsection apply throughout this act.
   (a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending
June 30, 2010.
   (b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending
June 30, 2011.
   (c) "FTE" means full-time equivalent.
   (d) "Lapse" or "revert" means the amount shall return to an
unappropriated status.
   (e) "Provided solely" means the specified amount may be spent only
for the specified purpose. Unless otherwise specifically authorized in
this act, any portion of an amount provided solely for a specified
purpose that is not expended subject to the specified conditions and
limitations to fulfill the specified purpose shall lapse.
   (f) "Reappropriation" means appropriation and, unless the context
clearly provides otherwise, is subject to the relevant conditions and
limitations applicable to appropriations.
   (g) "LEAP" means the legislative evaluation and accountability
program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION.  Sec. 101. FOR THE UTILITIES AND TRANSPORTATION
COMMISSION
Grade Crossing Protective Account--State Appropriation . . . . $705,000

NEW SECTION.  Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Motor Vehicle Account--State Appropriation . . . . . . . . $3,369,000
Puget Sound Ferry Operations Account--State

   Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . $100,000
   TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . $3,469,000

The appropriations in this section are subject to the following
conditions and limitations:
   (1) $1,699,000 of the motor vehicle account--state appropriation is
provided solely for the office of regulatory assistance integrated
permitting project.
   (2) $1,004,000 of the motor vehicle account--state appropriation is
provided solely for the continued maintenance and support of the
transportation executive information system. Of the amount provided in this subsection, $502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State Appropriation . . . . . . . . . . . . . . . . . $446,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION
Motor Vehicle Account--State Appropriation . . . . . . . . . . . . . . . . . . . . . . . . $1,406,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes and for the operation of the department of archaeology and historic preservation.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE
Motor Vehicle Account--State Appropriation . . . . . . . . . . . . . . . . . . . . . . . . $1,507,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.
(2) $1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE
Motor Vehicle Account--State Appropriation . . . . . . . . . . . . . . . . . . . . . . . . $502,000

NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must
review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

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

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

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

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

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation ............. $2,542,000
Highway Safety Account--Federal Appropriation ........... $16,540,000
School Zone Safety Account--State Appropriation ........ $3,340,000
TOTAL APPROPRIATION ........................................ $22,422,000

The appropriations in this section are subject to the following conditions and limitations:
(1) The commission may oversee no more than five pilot projects implementing the use of automated traffic safety cameras to detect speed violations.

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

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

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

(2) The Washington traffic safety commission shall develop and implement the target zero trooper pilot program in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation . . . . . . . . . $920,000
Motor Vehicle Account--State Appropriation . . . . . . . . . $2,129,000
County Arterial Preservation Account--State Appropriation . . . . . . . $1,423,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . $4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD
Urban Arterial Trust Account--State Appropriation . . . . $1,824,000
Transportation Improvement Account--State Appropriation . . . . $1,827,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . $3,651,000
NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation . . . . . . . . $1,501,000

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

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

(2) $200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation . . . . . . . . $1,887,000
Multimodal Transportation Account--State Appropriation . . . . $112,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . $1,999,000

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

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

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

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

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

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC
INVESTMENT BOARD
Motor Vehicle Account--State Appropriation .............. $695,000

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

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD
OPERATIONS BUREAU
State Patrol Highway Account--State
Appropriation .................. .................... $229,907,000
State Patrol Highway Account--Federal
Appropriation .................. .................... $10,602,000
State Patrol Highway Account--Private/Local
Appropriation .................. .................... $859,000
Highway Safety Account--Federal Appropriation ........ $2,670,000
TOTAL APPROPRIATION .................. ........ $244,038,000

The appropriations in this section are subject to the following
conditions and limitations:
(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

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

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

(4) The Washington state patrol shall increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

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

NEW SECTION.  Sec. 208. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU
State Patrol Highway Account--State Appropriation . . . . . $1,557,000

NEW SECTION.  Sec. 209. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU
State Patrol Highway Account--State Appropriation . . . . $103,337,000
State Patrol Highway Account--Private/Local Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . $2,008,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $105,345,000

The appropriations in this section are subject to the following conditions and limitations:
(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.
(2) $8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.
(3) $8,638,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.
(4) $5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.
(5) $384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.
(6) The Washington state patrol may submit information technology-related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.
NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation ........ $32,000
Motorcycle Safety Education Account--State Appropriation ........ $4,373,000
Wildlife Account--State Appropriation ......................... $837,000
Highway Safety Account--State Appropriation ................... $145,403,000
Highway Safety Account--Federal Appropriation ................. $8,000
Motor Vehicle Account--State Appropriation .................... $75,671,000
Motor Vehicle Account--Private/Local Appropriation ............ $1,372,000
Motor Vehicle Account--Federal Appropriation ................. $242,000
Department of Licensing Services Account--State Appropriation $4,718,000
Washington State Patrol Highway Account--State Appropriation $738,000
Ignition Interlock Device Revolving Account--State Appropriation $2,490,000

TOTAL APPROPRIATION ........................................... $238,884,000

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

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

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

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

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

(A) Taxpayer reporting and payment processes;

(B) The international fuel tax agreement;
(C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;

(D) Computer systems;

(E) Best management practices and efficiencies;

(F) Costs; and

(G) Personnel matters;

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

(iv) An implementation plan and schedule.

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

(2) $55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. The department shall not close any licensing service offices other than the following anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver; and (i) Yakima. The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (a) Lease costs; (b) salary and benefit costs; (c) other expenditures; (d) FTEs; (e) number of transactions completed, by type of transaction; and (f) office hours.

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

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

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.
(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

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

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

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

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

High Occupancy Toll Lanes Operations Account--State
   Appropriation ................................. $2,867,000

Motor Vehicle Account--State Appropriation ............... $585,000

Tacoma Narrows Toll Bridge Account--State
   Appropriation ................................. $27,358,000

State Route Number 520 Corridor Account--State
   Appropriation ................................. $60,260,000

TOTAL APPROPRIATION .............................. $91,070,000
The appropriations in this section are subject to the following conditions and limitations:

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

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

(3) $60,260,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State
  Appropriation ........................................ $2,675,000

Motor Vehicle Account--State Appropriation ................ $69,811,000

Motor Vehicle Account--Federal Appropriation ............ $240,000

Multimodal Transportation Account--State
  Appropriation ........................................ $363,000

Transportation 2003 Account (Nickel Account)--State
  Appropriation ........................................ $2,676,000

  TOTAL APPROPRIATION ............................... $75,765,000

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

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.
(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) $1,216,000 of the transportation partnership account--state appropriation and $1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

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

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

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F
Aeronautics Account--State Appropriation . . . . . . . . . . . . $6,009,000
Aeronautics Account--Federal Appropriation . . . . . . . . . . . . $2,150,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . $8,159,000
The appropriations in this section are subject to the following conditions and limitations:

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

2. $150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation ......... $49,142,000
Motor Vehicle Account--Federal Appropriation ........... $500,000
Multimodal Transportation Account--State Appropriation ............... $250,000
Water Pollution Account--State Appropriation ........... $2,000,000
TOTAL APPROPRIATION ....................... $51,892,000

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

1. The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request.

2. The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of
transportation shall transfer and convey the Dryden pit site to the
department of fish and wildlife for adequate consideration in the
amount of $600,000, the proceeds of which must be deposited in the
motor vehicle fund.

(3) $2,000,000 of the water pollution account--state appropriation
is provided solely for the department's compliance with its national
pollution discharge elimination system permit, consistent with the
purposes described in Substitute House Bill No. 1614, addressing
petroleum pollution in storm water.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--
ECONOMIC PARTNERSHIPS--PROGRAM K
Motor Vehicle Account--State Appropriation .................. $565,000
Multimodal Transportation Account--State Appropriation .... $200,000
TOTAL APPROPRIATION .................. .................. $765,000

The appropriations in this section are subject to the following
conditions and limitations: $200,000 of the multimodal transportation
account--state appropriation is provided solely for the department to
develop and implement public private partnerships at high priority
terminals as identified in the January 12, 2009, final report on joint
development opportunities at Washington state ferries terminals. The
department shall first consider a mutually beneficial agreement at the
Edmonds terminal.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MAINTENANCE--PROGRAM M
Motor Vehicle Account--State Appropriation ................. $346,887,000
Motor Vehicle Account--Federal Appropriation ............... $2,000,000
Motor Vehicle Account--Private/Local Appropriation ........ $5,797,000
Water Pollution Account--State Appropriation ............... $12,500,000
TOTAL APPROPRIATION .................. .................. $367,184,000

The appropriations in this section are subject to the following
conditions and limitations:
(1) If portions of the appropriations in this section are required
to fund maintenance work resulting from major disasters not covered by
federal emergency funds such as fire, flooding, snow, and major slides,
supplemental appropriations must be requested to restore state funding
for ongoing maintenance activities.
(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

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

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

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:
   (a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and
   (b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.

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

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

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

(9) The department may evaluate the cost effectiveness of replacing lighted highway signs with highly reflective signs.
$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

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

Motor Vehicle Account--State Appropriation ............. $51,353,000
Motor Vehicle Account--Federal Appropriation ............ $2,050,000
Motor Vehicle Account--Private/Local Appropriation ........ $127,000
State Route Number 520 Corridor Account--State Appropriation ................. $88,000

TOTAL APPROPRIATION ................. $53,618,000

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

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

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present. The department shall use the following guidelines to administer the program:

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

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

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

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

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

(f) If a notice of infraction is sent to the registered owner and
the registered owner is a rental car business, the infraction must be
dismissed against the business if it mails to the patrol, within
fourteen days of receiving the notice, a declaration under penalty of
perjury of the name and known mailing address of the individual driving
or renting the vehicle when the infraction occurred. If the business
is unable to determine who was driving or renting the vehicle at the
time the infraction occurred, the business must sign a declaration
under penalty of perjury to this effect. The declaration must be
mailed to the patrol within fourteen days of receiving the notice of
traffic infraction. Timely mailing of this declaration to the issuing
agency relieves a rental car business of any liability under this
section for the notice of infraction. A declaration form suitable for
this purpose must be included with each automated traffic infraction
notice issued, along with instructions for its completion and use.
(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) $88,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S
Motor Vehicle Account--State Appropriation ............... $29,389,000
Motor Vehicle Account--Federal Appropriation ............... $30,000
Multimodal Transportation Account--State
  Appropriation ............................................. $973,000
State Route Number 520 Corridor Account--State
  Appropriation ............................................. $801,000
  TOTAL APPROPRIATION ................................. $31,193,000

The appropriations in this section are subject to the following conditions and limitations: $801,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T
Motor Vehicle Account--State Appropriation ............... $26,470,000
Motor Vehicle Account--Federal Appropriation ............... $19,116,000
Multimodal Transportation Account--State
  Appropriation ............................................. $696,000
Multimodal Transportation Account--Federal
  Appropriation ............................................. $2,809,000
Multimodal Transportation Account--Private/Local
  Appropriation ............................................. $100,000
  TOTAL APPROPRIATION ................................. $49,191,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures, and municipal and state rules, to maximize the use of permeable concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of stormwater mitigation.

(3) The department shall, to the greatest extent practicable, maximize the use of recycled concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2010, regarding the use of recycled concrete and asphalt. The report must include, at a minimum, how much recycled concrete and asphalt was used and the resulting cost savings to the state.

(4) $600,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(5) $400,000 of the motor vehicle account--state appropriation is provided solely for a state route number 2 development plan as described in Substitute House Bill No. 1575.

(6) $400,000 of the motor vehicle account--state appropriation is provided solely for a tolling study on state route number 167 and state route number 509. A report on the study must be submitted to the house of representatives and senate transportation committees by September 30, 2010.
(7) $243,000 of the motor vehicle account—state appropriation and $81,000 of the motor vehicle account—federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

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

Motor Vehicle Account--State Appropriation ............... $87,892,000
Motor Vehicle Account--Federal Appropriation ............... $400,000
Total Appropriation ........................................... $88,292,000

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

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

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

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

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ......................................................... $937,000

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

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL .......................................................... $6,347,000

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

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

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

(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT ........ $1,143,000
(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES $1,980,000
(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE $8,526,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION $672,000

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

Regional Mobility Grant Program Account--State
   Appropriation $36,208,000
Multimodal Transportation Account--State
   Appropriation $78,845,000
Multimodal Transportation Account--Federal
   Appropriation $2,582,000
Multimodal Transportation Account--Private/Local
   Appropriation $1,027,000
   TOTAL APPROPRIATION $118,662,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $26,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.
   (a) $6,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.
   (b) $20,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response.
service and route deviated service in calendar year 2007 as reported in
the "Summary of Public Transportation - 2007" published by the
department of transportation. No transit agency may receive more than
thirty percent of these distributions.

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

(a) $9,500,000 of the multimodal transportation account--state
appropriation is provided solely for grants for those transit systems
serving small cities and rural areas as identified in the "Summary of
Public Transportation - 2007" published by the department of
transportation. Noncompetitive grants must be distributed to the
transit systems serving small cities and rural areas in a manner
similar to past disparity equalization programs.

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

(c) $1,000,000 of the multimodal transportation account--state
appropriation is provided solely for vanpool grants to rural transit
agencies to cover the capital cost of adding vans. The grants must be
administered under the same rules and criteria as the statewide vanpool
grant program.

(3) $11,600,000 of the multimodal transportation account--state
appropriation is provided solely for a statewide vanpool grant program
for public transit agencies to cover the capital costs of vans. At
least $3,600,000 of this amount must be used for vanpool grants in
congested corridors in King, Pierce, Snohomish, Thurston, Clark, and
Spokane counties.

(4) $500,000 of the multimodal transportation account--state
appropriation is provided solely to expand park and ride lot capacity
through short-term lease agreements and relocation incentives for
carpools and vanpools.

(5)(a) $2,500,000 of the multimodal transportation account--state
appropriation is provided solely for grants to cities and counties to
expand the commute trip reduction program established in RCW 70.94.521
through 70.94.555 to: (i) Increase voluntary participation by medium-
sized employers (fifty to one hundred employees) in affected urban
growth areas; and (ii) provide state technical support for the expanded
program. The commute trip reduction board shall establish criteria for grants and statewide trip reduction goals for medium-sized employers, and report biennially on achievement of the goals as part of the board's legislative report.

(b) $2,500,000 of the multimodal transportation account--state appropriation is provided solely for: (i) Grants to local governments primarily for small employers (under fifty employees) pursuant to the provisions for growth and transportation efficiency centers established under RCW 70.94.521 through 70.94.555; (ii) state technical support; and (iii) the measurement of the effectiveness of the program.

(6) $400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(7) $3,317,808 of the multimodal transportation account--state appropriation and $21,248,089 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2007-B, as developed April 20, 2007; LEAP Transportation Document 2006-D, as developed March 8, 2006; or as selected by the legislature from the priority list to be submitted by the department in January 2009. Any project that has been awarded funds but has not reported activity within one year of the grant award must be reviewed by the department to determine whether the grant award should be terminated. If the grant award is terminated, the funds lapse. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.
(8) $14,959,600 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2007-B, as developed March 30, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(9) $80,000 of the multimodal transportation account--state appropriation is provided solely to the department of transportation to distribute for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009 (special needs transportation). If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this section shall lapse.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State

Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $404,720,000

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

(1) $52,463,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. Any expenditures for fuel hedging payments may be considered vessel operating fuel payments.
(2) If the Washington state ferries considers implementing a fuel surcharge, they must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature. The analysis must include an evaluation of other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

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

(4) The Washington state ferries shall continue to provide service to Sidney, British Columbia. The Washington state ferries may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of $250,000 CDN. The surcharge must be limited to recovering amounts above $250,000 CDN.

(5) The Washington state ferries shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report their analysis to the transportation committees of the legislature by December 1, 2009.

(6) $4,670,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the Washington state ferries to develop an analysis of implementing a reservation system. The Washington state ferries' plan for a reservation system pilot program may only be implemented once the analysis has been reviewed by the office of financial management and either the joint transportation committee or the transportation committees of the legislature. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in the recast of
the ferry budget, as determined jointly by the office of financial
management, the Washington state ferries, and the legislative
transportation committees.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--
RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State
Appropriation ......................... $34,933,000
The appropriation in this section is subject to the following
conditions and limitations:
(1) $29,091,000 of the multimodal transportation account--state
appropriation is provided solely for the Amtrak service contract and
Talgo maintenance contract associated with providing and maintaining
the state-supported passenger rail service. Upon completion of the
rail platform project in the city of Stanwood, the department shall
provide daily Amtrak Cascades service to the city.
(2) Amtrak Cascade runs may not be eliminated.
(3) The department shall begin planning for a third roundtrip
Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--
LOCAL PROGRAMS--PROGRAM Z--OPERATING
Motor Vehicle Account--State Appropriation ............... $8,739,000
Motor Vehicle Account--Federal Appropriation ............ $2,567,000
TOTAL APPROPRIATION ..................... $11,306,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL
State Patrol Highway Account--State Appropriation ........ $3,126,000
The appropriation in this section is subject to the following
conditions and limitations:
(1) $1,626,000 of the state patrol highway account--state
appropriation is provided solely for the following minor works
projects: $450,000 for Shelton training academy roofs; $150,000 for
HVAC control replacements; $168,000 for upgrades to scales; $50,000 for
Bellevue electrical equipment upgrades; $90,000 for South King
detachment window replacement; $200,000 for the replacement of the
Naselle radio tower, generator shelter, and fence; $200,000 for
unforeseen emergency repairs; and $318,000 for the Shelton training
academy drive course/skid pan repair.

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

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation .......... $51,000,000
Motor Vehicle Account--State Appropriation .............. $1,048,000
County Arterial Preservation Account--State Appropriation .................. $31,400,000

TOTAL APPROPRIATION ............................... $83,448,000

The appropriations in this section are subject to the following
conditions and limitations:
(1) $1,048,000 of the motor vehicle account--state appropriation
may be used for county ferry projects as developed pursuant to RCW
47.56.725(4).

(2) The appropriations in this section include funding to counties
to assist them in efforts to recover from federally declared
emergencies, by providing capitalization advances and local match for
federal emergency funding as determined by the county road
administration board. The county road administration board shall
specifically identify any such selected projects and shall include
information concerning such selected projects in its next annual report
to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD
Small City Pavement and Sidewalk Account--State
Appropriation ........................................... $4,600,000
Urban Arterial Trust Account--State Appropriation .... $122,400,000
Transportation Improvement Account--State

Appropriation .................................................. $85,643,000

TOTAL APPROPRIATION ..................................... $212,643,000

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

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

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

NEW SECTION.  Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

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

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

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

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

(5) Identifies contingency amounts allocated to projects.

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

Motor Vehicle Account--State Appropriation . . . . . . . . . . $3,757,000

The appropriation in this section is subject to the following conditions and limitations: $290,000 of the motor vehicle account--state appropriation is provided solely for reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.
NEW SECTION.  Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--

IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State

Appropriation .................................................. $1,000

Transportation Partnership Account--State

Appropriation .................................................. $1,599,350,000

Motor Vehicle Account--State Appropriation ............ $107,339,000

Motor Vehicle Account--Federal Appropriation ........ $404,530,000

Motor Vehicle Account--Private/Local

Appropriation .................................................. $65,494,000

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

Transportation 2003 Account (Nickel Account)--State

Appropriation .................................................. $750,085,000

Freight Mobility Multimodal Account--State

Appropriation .................................................. $4,422,000

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

State Route Number 520 Corridor Account--State

Appropriation .................................................. $270,000,000

TOTAL APPROPRIATION ........................................ $3,226,558,000

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

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Improvement Program (I), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11

Code Rev/BP:seg

31

H-2845.5/09 5th draft
fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by fifty million dollars in each biennium. The appropriations provided in this section for the projects in those biennia are fifty million dollars less than the aggregate total of project costs listed. It is the intent of the legislature that, so long as the favorable bidding climate continues, the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document.

(3) $62,874,000 of the transportation partnership account--state appropriation and $270,000,000 of the state route number 520 corridor account--state appropriation are provided solely for replacement of the state route number 520 bridge for projects for which the designs are agreed upon. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. If federal stimulus funds are received, an equivalent amount of the funds already identified for this project must be earmarked for the construction of the projects on the west side of the state route number 520 corridor.

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

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

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

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic
level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to $704,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to $1,258,269,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

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

(11) The motor vehicle account--state appropriation includes up to $55,900,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

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

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

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

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;
(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

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

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

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

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

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

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

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

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

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

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

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

(iii) Provide a report to the governor and the legislature by January 2010.

(14) $9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Skykomish and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

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

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

(17) The department shall not sign the final environmental impact statement for the east link project or negotiate an airspace lease with sound transit for the use of the Interstate 90 center roadway for exclusive use by light rail until completion of an independent facility asset assessment by the joint transportation committee.

(18) $6,000,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a new interchange between state route number 195 and Cheney-Spokane Road. It is the intent of the legislature that an additional $6,500,000 will be provided in the 2011-13 omnibus transportation appropriations act to complete this project.

(19) $846,700 of the motor vehicle account--federal appropriation and $17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.
(20) $1,360 of the motor vehicle account--state appropriation and $35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) $20,011,125 of the transportation partnership account--state appropriation, $2,550 of the motor vehicle account--state appropriation, $30,003,473 of the motor vehicle account--private/local appropriation, and $1,482,066 of the motor vehicle account--federal appropriation is provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a $35,000,000 contribution from the state of Oregon.

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

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

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

(23) The state route number 99 Alaskan Way viaduct replacement project, as jointly proposed by the state, city, and county departments of transportation, and recommended by the governor, King county, and the city of Seattle in a letter of agreement dated January 13, 2009, must provide adequate and efficient access for freight and vehicles, and must also provide adequate and efficient access to neighborhoods along the state route number 99 corridor. To that end, it is the intent of the legislature to strongly encourage the city of Seattle to use its best efforts to provide for the following improvements, prior to the closure of the access ramps between Western Avenue and Elliot Avenue and state route number 99, within their planning processes and budget:
(a) Perform all work necessary to ensure that the Alaskan Way surface street is an efficient alternative access route for freight and vehicles. At a minimum, the city of Seattle should:

(i) Construct a four-lane, grade separated connection from Alaskan Way to Elliot Avenue; synchronize traffic lights and traffic control devices; and erect additional traffic lights and control devices, if necessary, to prioritize vehicular traffic flow; and

(ii) Provide for reliable and effective access to the port of Seattle and other major destinations south of the port, which must include implementation of measures to facilitate efficient traffic flow along Alaskan Way by way of the state route number 99 and state route number 519 interchange;

(b) Develop a plan that optimizes traffic flow from neighborhoods in northwest Seattle to the deep bored tunnel. At a minimum, the plan should address: The movement of traffic along major arterials including, but not limited to, North 46th Street, North 39th Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West Mercer Street; and traffic light synchronization, on-street parking, congestion near the Aurora Avenue bridge related to the Queen Anne Drive and 6th Avenue North turnaround, and bridge policies that affect congestion and traffic flow; and

(c) Develop and implement a plan that maximizes safe and efficient vehicle throughput on Mercer Street. The plan should optimize traffic flow on Mercer Street, including two-way West Mercer Street improvements, and on the transition from Elliott Avenue to state route number 99, and should provide for safe and efficient access to state route number 99 and the deep bore tunnel.

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

Transportation Partnership Account--State

- Appropriation ....................................................... $107,377,000

Motor Vehicle Account--State Appropriation ............... $117,354,000

Motor Vehicle Account--Federal Appropriation ............. $508,421,000

Motor Vehicle Account--Private/Local Appropriation ....... $6,417,000

Transportation 2003 Account (Nickel Account)--State

- Appropriation ....................................................... $7,237,000

Puyallup Tribal Settlement Account--State
Appropriation ........................................ $6,500,000

TOTAL APPROPRIATION ............................ $753,306,000

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

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

(2) $544,639 of the motor vehicle account--federal appropriation and $280,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - replace ferry boat. The Keller ferry boat replacement must consist of a tug and barge.

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

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

(5) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or
whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

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

(7) Within existing funds and resources, the department shall conduct an analysis and produce a report on state highway pavement replacement needs, level of investment, timing, and strategies for the next ten years. The department shall include the following in the report:

(a) For asphalt and chip seal: (i) The current backlog of "black" pavement preservation projects; (ii) the level of investment needed and schedule to reduce or eliminate the backlog and resume the lowest life-cycle cost to replace the highway lane miles; and (iii) strategies for addressing the recent rapid escalation of asphalt prices and using alternatives to hot mix asphalt;

(b) For concrete or "white" pavement: (i) Identification of concrete rehabilitation and replacement needs in the next ten years; and (ii) the level of investment, schedule, and strategies for rehabilitation and replacement, including dowel-bar retrofit, selected panel replacement, and full replacement; and
(c) For all types of pavement: Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile.

The department shall submit the report to the office of financial management and the transportation committees of the legislature by December 31, 2009, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(8) $1,722 of the motor vehicle account--state appropriation, $9,608,115 of the motor vehicle account--federal appropriation, and $272,141 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL
Motor Vehicle Account--State Appropriation ............... $6,394,000
Motor Vehicle Account--Federal Appropriation ............. $9,262,000
TOTAL APPROPRIATION ........................................ $15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W
Puget Sound Capital Construction Account--State Appropriation ....................... $129,775,000
Puget Sound Capital Construction Account--Federal Appropriation .................... $38,675,000
Puget Sound Capital Construction Account--Local Appropriation ....................... $8,492,000
Transportation 2003 Account (Nickel Account)--State Appropriation .................. $67,931,000
Transportation Partnership Account--State Appropriation ................................ $64,784,000
Multimodal Transportation Account--State Appropriation ............................. $170,000
TOTAL APPROPRIATION .......................................... $309,827,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $129,566,000 of the Puget Sound capital construction account--state appropriation, $38,675,000 of the Puget Sound capital construction account--federal appropriation, $64,784,000 of the
transportation partnership account--state appropriation, $67,931,000 of the transportation 2003 account (nickel account)--state appropriation, and $170,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed March 30, 2009.

(2) $57,031,000 of the transportation 2003 account (nickel account)--state appropriation and $63,100,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of three new Island Homes class ferry vessels subject to the conditions and limitations in RCW 47.56.780, the first two of which shall be used to restore service on the Port Townsend-Keystone route. The department may add additional passenger capacity to one of these vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(3) $6,300,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

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

(5) $247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to update the vessel life-cycle cost model by December 31, 2009.

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

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

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

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

Essential Rail Assistance Account--State Appropriation
Transportation Infrastructure Account--State Appropriation
Multimodal Transportation Account--State Appropriation
Multimodal Transportation Account--Federal Appropriation
Multimodal Transportation Account--Private/Local Appropriation

TOTAL APPROPRIATION

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

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, $116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.
(ii) Within the amounts provided in this section, $1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(c)(i) Within the amounts provided in this section, $1,679,350 of the multimodal transportation account--state appropriation and $175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) $362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) $420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) $337,978; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) $366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) $366,813.

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

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

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

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

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

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:
   (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
   (ii) Self-sustaining economic development that creates family-wage jobs;
   (iii) Preservation of transportation corridors that would otherwise be lost;
   (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
   (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
   (vi) Mitigation of impacts of increased rail traffic on communities.

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

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected
within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

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

(6) The multimodal transportation account--state appropriation includes up to $43,616,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

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

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<tr>
<th>Account</th>
<th>State Appropriation</th>
<th>Federal Appropriation</th>
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<tbody>
<tr>
<td>Highway Infrastructure</td>
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<tr>
<td>Freight Mobility Investment</td>
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<tr>
<td>Transportation Partnership</td>
<td>$13,048,000</td>
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<tr>
<td>Motor Vehicle</td>
<td>$11,641,000</td>
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<tr>
<td>Freight Mobility Multimodal</td>
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<td>Freight Mobility Multimodal Local</td>
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<td>Multimodal Transportation</td>
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1 Appropriation ........................................ $2,098,000
2 Multimodal Transportation Account--State
3 Appropriation ...........................................$23,340,000
4 Transportation 2003 Account (Nickel Account)--State
5 Appropriation ...........................................$709,000
6 Passenger Ferry Account--State Appropriation ........ $2,879,000
7 TOTAL APPROPRIATION ...............................$118,009,000

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

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

(2) $2,879,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

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

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

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

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

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

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

(9) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as developed March 30, 2009.
For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

## Transfers and Distributions

### New Section. Sec. 401. For the State Treasurer--Bond Retirement and Interest, and Ongoing Bond Registration and Transfer Charges: For Bond Sales Discounts and Debt to Be Paid by Motor Vehicle Account and Transportation Fund Revenue

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<td>Highway Bond Retirement Account</td>
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<td>Ferry Bond Retirement Account</td>
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<td>Transportation Improvement Board Bond Retirement Account--State</td>
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<td>Nondebt-Limit Reimbursable Account</td>
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<td>Motor Vehicle Account--State</td>
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<td>Special Category C Account--State</td>
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<td>Urban Arterial Trust Account--State</td>
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<td>Transportation Improvement Account--State</td>
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<td>Multimodal Transportation Account--State</td>
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<td><strong>Total Appropriation</strong></td>
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### New Section. Sec. 402. For the State Treasurer--Bond Retirement and Interest, and Ongoing Bond Registration and Transfer Charges: For Bond Sale Expenses and Fiscal Agent Charges

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<td>Transportation Partnership Account--State</td>
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<td>Motor Vehicle Account--State</td>
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<td>Transportation 2003 Account (Nickel Account)--State</td>
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<td>Special Category C Account--State</td>
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Urban Arterial Trust Account--State Appropriation .... $8,000
Transportation Improvement Account--State Appropriation .... $4,000
Multimodal Transportation Account--State Appropriation .... $22,000
TOTAL APPROPRIATION .... $1,131,000

NEW SECTION.  Sec. 403.  FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:  FOR MVFT BONDS AND TRANSFERS
Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction Account ............... $122,000,000

The department of transportation is authorized to sell up to $122,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION.  Sec. 404.  FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ................. $488,843,000

NEW SECTION.  Sec. 405.  FOR THE STATE TREASURER--TRANSFERS
Motor Vehicle Account--State Appropriation:  For motor vehicle fuel tax refunds and statutory transfers ............... $1,310,279,000

NEW SECTION.  Sec. 406.  FOR THE DEPARTMENT OF LICENSING--TRANSFERS
Motor Vehicle Account--State Appropriation:  For motor vehicle fuel tax refunds and transfers ............... $129,178,000

NEW SECTION.  Sec. 407.  FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS
(1) Tacoma Narrows Toll Bridge Account--State Appropriation:  For transfer to the Motor Vehicle Account--State ............... $5,288,000
(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations Account--State $12,000,000

(3) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State $1,645,000

(4) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State $2,750,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State $20,000,000

(6) Waste Tire Removal Account--State Appropriation:
For transfer to the Motor Vehicle Account--State $6,800,000

(7) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation Account--State $15,000,000

(8) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle Account--State $1,500,000

(9) State Patrol Highway Account--State Appropriation:
For transfer to the Motor Vehicle Account--State $10,000,000

(10) Motor Vehicle Account--State Appropriation:
For transfer to the High Occupancy Toll Lanes Operations Account $1,000,000

(11) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State $14,000,000

(12) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State $30,000,000

(13) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State $1,500,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium.
NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

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

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE FINANCIAL MANAGEMENT--REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State .................. ($34,000)
Grade Crossing Protective Account--State .......... ($2,000)
State Patrol Highway Account--State ............. ($12,723,000)
Motorcycle Safety Education Account--State ...... ($14,000)
High Occupancy Toll Lanes Operations Account--State ...... ($16,000)
Rural Arterial Trust Account--State ............. ($16,000)
Wildlife Account--State .................. ($16,000)
Highway Safety Account--State ............... ($1,543,000)
Highway Safety Account--Federal ............ ($46,000)
Motor Vehicle Account--State .............. ($8,240,000)
Puget Sound Ferry Operations Account--State .... ($4,147,000)
Urban Arterial Trust Account--State .......... ($22,000)
Transportation Improvement Account--State ...... ($22,000)
County Arterial Preservation Account--State ........ ($18,000)
New Section. Sec. 502. For the Office Financial Management—

Revised Employer Health Benefit Rates

1. Aeronautics Account--State $14,000
2. State Patrol Highway Account--State $2,409,000
3. Motorcycle Safety Education Account--State $9,000
4. Puget Sound Capital Construction--State $134,000
5. High Occupancy Toll Lanes Operations Account--State $8,000
6. Rural Arterial Trust Account--State $6,000
7. Wildlife Account--State $6,000
8. Highway Safety Account--State $1,011,000
9. Highway Safety Account--Federal $22,000
10. Motor Vehicle Account--State $7,783,000
11. Puget Sound Ferry Operations Account--State $2,054,000
12. Urban Arterial Trust Account--State $8,000
13. Transportation Improvement Account--State $8,000
14. County Arterial Preservation Account--State $6,000
15. Department of Licensing Services Account--State $12,000
16. Multimodal Transportation Account--State $68,000
17. Tacoma Narrows Toll Bridge Account--State $12,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document 6M-2009.

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

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

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

(a) System refurbishment, acquisitions, and development efforts;
(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
(c) Assessment of overall information processing performance, resources, and capabilities;
(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
(e) Progress toward enabling electronic access to public information.

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

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

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

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

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

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

NEW SECTION.  Sec. 602. Due to the state of the economy affecting
state budgets, the state is reviewing agency spending plans to identify
areas in which new technologies can be applied to achieve greater
efficiencies, economies of scale, and save the state money.
Information technology and communications is an area where the state
can save millions of dollars, if managed well. If information
technology and communications are managed poorly, by not planning
effectively and taking advantage of new capabilities, this can also
cost the state millions of dollars.

By July 1, 2009, each transportation agency is required to begin
implementing a holistic virtualization strategy to take advantage of
information technology infrastructure savings in the areas of capital
and operating costs at the server, desktop, network, data storage,
business continuance, and disaster recovery levels. This includes a
disaster recovery strategy and roadmap, a unified storage strategy, a
network infrastructure plan, and a centralized management plan for
servers and applications. The business needs, business strategy, and
mission of each agency must be tied to the technical strategy,
including the completion of an impact analysis showing a quantifiable
return on investment analysis for cost savings/avoidance.

By July 1, 2009, due to the large increase in networks to move an
increasingly large amount of data, transportation agencies are to begin
implementing wide area network optimization technologies to improve
application performance while decreasing continuing requests for
additional bandwidth and save the state money.

By January 1, 2010, each transportation agency shall have a plan
and begin its implementation for moving from legacy communication
systems that are outdated and costly and implement new voice over
internet protocol communications systems. Each agency is required to
begin implementing a holistic communications and collaboration strategy
to take advantage of information technology infrastructure savings in the areas of capital and operating costs, decrease statewide communication costs, and increase communications and collaboration capabilities.

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

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

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

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;

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

(e) Transfers may not occur to projects not identified on the applicable project list; and

(f) Transfers may not be made while the legislature is in session.
(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

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

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

NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING. Mega-projects are defined as individual or groups of related projects that cost $1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature. The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

NEW SECTION. Sec. 605. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

MISCELLANEOUS 2009-11 FISCAL BIENNium

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

There is hereby created in the motor vehicle fund the RV account.
All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2005-2007 and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

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

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

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;
(2) Provisions governing procedures for the cessation of negotiations and consideration;
(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;
(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and
(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;
(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and
(c) Procedures for what will happen if there are insufficient
proposals submitted or if there are no letters of interest submitted in
the appropriate time frame.

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

The commission may not accept or consider any unsolicited proposals

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

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

The license plate technology account is created in the state
treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be
deposited into this account. Expenditures from this account must
support current and future license plate technology and systems
integration upgrades for both the department and correctional
industries. Moneys in the account may be spent only after
appropriation. Additionally, the moneys in this account may be used to
reimburse the motor vehicle account for any appropriation made to
implement the digital license plate system. During the 2007-2009 and
2009-2011 fiscal (biennium) biennia, the legislature may transfer
from the license plate technology account to the multimodal
transportation account such amounts as reflect the excess fund balance
of the license plate technology account.
Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

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

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

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

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.
(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

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

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

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

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

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

(i) The costs are capital costs;

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

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

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

(3) This section expires December 31, 2010.

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

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

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

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

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;
(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

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

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

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

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

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

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

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

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the
written entry examination. The training license authorizes the trainee
to do such actions as are specified in the training program.

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

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

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

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

(b) The determination of the examination committee's review of a
pilot applicant's examination results becomes final after thirty days
from the date of service of written notification of the committee's
determination unless a full adjudicative hearing before an
administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

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

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

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

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

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is...
fully able to carry out the duties of a pilot or pilot trainee under
this chapter. The board may in its discretion check with the
appropriate authority for any convictions of or information regarding
offenses by a licensed pilot or pilot trainee involving drugs or the
personal consumption of alcohol in the prior twelve months.

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

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

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

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

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

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

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

((4))) During the ((2007-09)) 2007-2009 and 2009-2011 fiscal
((biennium)) biennia, the legislature may transfer from the advance
right-of-way revolving fund to the motor vehicle account amounts as
reflect the excess fund balance of the advance right-of-way revolving
fund.
Sec. 710. RCW 70.95.521 and 2007 c 518 s 708 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

Sec. 711. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

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

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

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

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

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

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

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

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

(4) Except as provided in chapter 72, Laws of 2008, in order to
assess the effects and impact of the proliferation of special license
plates, the legislature declares a temporary moratorium on the issuance
of any additional plates until July 1, (2009) 2011. During this
period of time, the special license plate review board created in RCW
46.16.705 and the department of licensing are prohibited from
accepting, reviewing, processing, or approving any applications.
Additionally, no special license plate may be enacted by the
legislature during the moratorium, unless the proposed license plate
has been approved by the board before February 15, 2005.

Sec. 712. RCW 46.68.060 and 2007 c 518 s 714 are each amended to
read as follows:

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

Sec. 713. RCW 46.63.170 and 2007 c 372 s 3 are each amended to
read as follows:

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

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

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

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(1) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(1) of this act.

Sec. 714. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

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

MISCELLANEOUS

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

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

(End of bill)
INDEX

COUNTY ROAD ADMINISTRATION BOARD .................................................. 5, 29
DEPARTMENT OF AGRICULTURE ............................................................... 3
DEPARTMENT OF LICENSING ................................................................. 10
TRANSFERS ......................................................................................... 50
DEPARTMENT OF TRANSPORTATION ......................................................... 30
  AVIATION--PROGRAM F ................................................................. 14
  CHARGES FROM OTHER AGENCIES--PROGRAM U ............................... 22
  ECONOMIC PARTNERSHIPS--PROGRAM K ............................................ 16
  FACILITIES--PROGRAM D--OPERATING .............................................. 14
  HIGHWAY MAINTENANCE--PROGRAM M ............................................. 16
  IMPROVEMENTS--PROGRAM I .......................................................... 31
  INFORMATION TECHNOLOGY--PROGRAM C ....................................... 13
  LOCAL PROGRAMS--PROGRAM Z--CAPITAL ......................................... 46
  LOCAL PROGRAMS--PROGRAM Z--OPERATING .................................. 28
  MARINE--PROGRAM X ................................................................. 26
  PRESERVATION--PROGRAM P .......................................................... 37
  PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL .................................................. 30
  PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H ........ 15
  PUBLIC TRANSPORTATION--PROGRAM V .......................................... 23
  RAIL--PROGRAM Y--OPERATING ...................................................... 28
  RAIL--PROGRAM Y--CAPITAL .......................................................... 42
  TOLL OPERATIONS AND MAINTENANCE--PROGRAM B ......................... 12
  TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL ................................... 40
  TRAFFIC OPERATIONS--PROGRAM Q--OPERATING ................................ 18
  TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S ............ 20
  TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T ....... 20
  WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W ............... 40
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD .............................. 7
INFORMATION SYSTEMS PROJECTS ....................................................... 54
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE ............................. 3
JOINT TRANSPORTATION COMMITTEE .................................................. 6
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE .... 3
MARINE EMPLOYEES COMMISSION ...................................................... 3
OFFICE FINANCIAL MANAGEMENT
  REVISED EMPLOYER HEALTH BENEFIT RATES ..................................... 53
  REVISED PENSION CONTRIBUTION RATES ......................................... 52
OFFICE OF FINANCIAL MANAGEMENT ........................................... 2
STATE PARKS AND RECREATION COMMISSION ................................ 3
STATE TREASURER
   ADMINISTRATIVE TRANSFERS .................................................. 50
   BOND RETIREMENT AND INTEREST ............................................. 49, 50
   STATE REVENUES FOR DISTRIBUTION ....................................... 50
   TRANSFERS ........................................................................... 50
STATUTORY APPROPRIATIONS ...................................................... 52
TRANSPORTATION COMMISSION ................................................. 6
TRANSPORTATION IMPROVEMENT BOARD ..................................... 5, 29
UTILITIES AND TRANSPORTATION COMMISSION ................................. 2
WASHINGTON STATE PATROL ....................................................... 28
   FIELD OPERATIONS BUREAU .................................................... 7
   TECHNICAL SERVICES BUREAU ............................................... 9
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU .............. 9
WASHINGTON TRAFFIC SAFETY COMMISSION .................................. 4

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