

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.380, 47.01.390,
3 47.60.395, 88.16.090, 47.12.244, 70.95.521, 46.16.725, 46.68.060,
4 46.63.170, and 46.68.220; creating new sections; making appropriations
5 and authorizing expenditures for capital improvements; and declaring an
6 emergency.

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

8 **2009-11 FISCAL BIENNIUM**

9 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state
10 is hereby adopted and, subject to the provisions set forth, the several
11 amounts specified, or as much thereof as may be necessary to accomplish
12 the purposes designated, are hereby appropriated from the several
13 accounts and funds named to the designated state agencies and offices
14 for employee compensation and other expenses, for capital projects, and
15 for other specified purposes, including the payment of any final
16 judgments arising out of such activities, for the period ending June
17 30, 2011.

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

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

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

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

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

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

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

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

20 **GENERAL GOVERNMENT AGENCIES--OPERATING**

21 NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION**
22 **COMMISSION**

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

24 NEW SECTION. **Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

25 Motor Vehicle Account--State Appropriation \$3,369,000

26 Puget Sound Ferry Operations Account--State
27 Appropriation \$100,000

28 TOTAL APPROPRIATION \$3,469,000

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

31 (1) \$1,699,000 of the motor vehicle account--state appropriation is
32 provided solely for the office of regulatory assistance integrated
33 permitting project.

34 (2) \$1,004,000 of the motor vehicle account--state appropriation is
35 provided solely for the continued maintenance and support of the

1 transportation executive information system. Of the amount provided in
2 this subsection, \$502,000 is for two existing FTEs at the department of
3 transportation to maintain and support the system.

4 NEW SECTION. **Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION**

5 Puget Sound Ferry Operations Account--State
6 Appropriation \$446,000

7 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
8 **COMMISSION**

9 Motor Vehicle Account--State Appropriation \$1,406,000

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

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

15 Motor Vehicle Account--State Appropriation \$1,507,000

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

18 (1) \$351,000 of the motor vehicle account--state appropriation is
19 provided solely for costs associated with the motor fuel quality
20 program.

21 (2) \$1,004,000 of the motor vehicle account--state appropriation is
22 provided solely to test the quality of biofuel. The department must
23 test fuel quality at the biofuel manufacturer, distributor, and
24 retailer.

25 NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND**
26 **ACCOUNTABILITY PROGRAM COMMITTEE**

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

28 NEW SECTION. **Sec. 107. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**
29 **COMMITTEE**

30 (1) As part of its 2009-11 fiscal biennium work plan, the joint
31 legislative audit and review committee shall audit the capital cost
32 accounting practices of the Washington state ferries. The audit must

1 review the following and provide a report on its findings and any
2 related recommendations to the legislature by January 2011:

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

7 (b) Implementation of the life-cycle cost model required under RCW
8 47.60.345 to determine if it was developed as required and is
9 maintained and updated when asset inspections are made; and

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

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

28 **TRANSPORTATION AGENCIES--OPERATING**

29 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
30 **COMMISSION**

31	Highway Safety Account--State Appropriation	\$2,542,000
32	Highway Safety Account--Federal Appropriation	\$16,540,000
33	School Zone Safety Account--State Appropriation	\$3,340,000
34	TOTAL APPROPRIATION	\$22,422,000

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

1 (1) The commission may oversee no more than five pilot projects
2 implementing the use of automated traffic safety cameras to detect
3 speed violations.

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

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

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

13 (2) The Washington traffic safety commission shall develop and
14 implement the target zero trooper pilot program in collaboration with
15 the Washington state patrol. The pilot program must demonstrate the
16 effectiveness of intense, high visibility, driving under the influence
17 enforcement in Washington. The commission shall apply to the national
18 highway traffic safety administration for federal highway safety grants
19 to cover the cost of the pilot program. If the pilot program is
20 approved for funding by the national highway traffic safety
21 administration, and sufficient federal grants are received, the
22 commission shall provide grants to the Washington state patrol for the
23 purchase of twenty-one fully equipped patrol vehicles in fiscal year
24 2010, and up to twenty-four months of salaries and benefits for
25 eighteen troopers and three sergeants beginning in fiscal year 2011.

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

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

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

33 Urban Arterial Trust Account--State Appropriation \$1,824,000
34 Transportation Improvement Account--State
35 Appropriation \$1,827,000
36 TOTAL APPROPRIATION \$3,651,000

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

2 Motor Vehicle Account--State Appropriation \$1,501,000

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

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

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

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

23 Motor Vehicle Account--State Appropriation \$1,887,000

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

25 TOTAL APPROPRIATION \$1,999,000

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

28 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
29 the transportation commission shall periodically review and, if
30 necessary, modify the schedule of fares for the Washington state ferry
31 system. The transportation commission may increase ferry fares,
32 except no fare schedule modifications may be made prior to September 1,
33 2009. For purposes of this subsection, "modify" includes increases or
34 decreases to the schedule.

35 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
36 the transportation commission shall establish, periodically review,
37 and, if necessary, modify a schedule of toll charges applicable to the

1 state route number 167 high occupancy toll lane pilot project, as
2 required under RCW 47.56.403. For purposes of this subsection,
3 "modify" includes increases or decreases to the schedule.

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

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

16 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
17 **INVESTMENT BOARD**

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

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

24 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**
25 **OPERATIONS BUREAU**

26 State Patrol Highway Account--State
27 Appropriation \$229,907,000
28 State Patrol Highway Account--Federal
29 Appropriation \$10,602,000
30 State Patrol Highway Account--Private/Local
31 Appropriation \$859,000
32 Highway Safety Account--Federal Appropriation \$2,670,000
33 TOTAL APPROPRIATION \$244,038,000

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

1 (1) Washington state patrol officers engaged in off-duty uniformed
2 employment providing traffic control services to the department of
3 transportation or other state agencies may use state patrol vehicles
4 for the purpose of that employment, subject to guidelines adopted by
5 the chief of the Washington state patrol. The Washington state patrol
6 shall be reimbursed for the use of the vehicle at the prevailing state
7 employee rate for mileage and hours of usage, subject to guidelines
8 developed by the chief of the Washington state patrol.

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

15 (3) During the 2009-11 fiscal biennium, the Washington state patrol
16 shall continue to perform traffic accident investigations on Thurston
17 county roads, and shall work with the county to transition the traffic
18 accident investigations on Thurston county roads to the county by July
19 1, 2011.

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

23 (5) \$2,670,000 of the highway safety account--federal appropriation
24 is provided solely for a target zero trooper pilot program, which the
25 Washington state patrol shall develop and implement in collaboration
26 with the Washington traffic safety commission. The pilot program must
27 demonstrate the effectiveness of intense, high visibility, driving
28 under the influence enforcement in Washington. The commission shall
29 apply to the national highway traffic safety administration for federal
30 highway safety grants to cover the cost of the pilot program. If the
31 pilot program is approved for funding by the national highway traffic
32 safety administration, and sufficient federal grants are received, the
33 commission shall provide grants to the Washington state patrol for the
34 purchase of twenty-one fully equipped patrol vehicles in fiscal year
35 2010, and up to twenty-four months of salaries and benefits for
36 eighteen troopers and three sergeants beginning in fiscal year 2011.
37 The legislature anticipates that an additional \$1,830,000 will be

1 appropriated from the highway safety account--federal in the 2011-13
2 fiscal biennium to conclude this pilot program.

3 NEW SECTION. **Sec. 208.** **FOR THE WASHINGTON STATE PATROL--**
4 **INVESTIGATIVE SERVICES BUREAU**

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

6 NEW SECTION. **Sec. 209.** **FOR THE WASHINGTON STATE PATROL--**
7 **TECHNICAL SERVICES BUREAU**

8 State Patrol Highway Account--State Appropriation \$103,337,000

9 State Patrol Highway Account--Private/Local
10 Appropriation \$2,008,000

11 TOTAL APPROPRIATION \$105,345,000

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

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

22 (2) \$8,673,000 of the total appropriation is provided solely for
23 automobile fuel in the 2009-11 fiscal biennium.

24 (3) \$8,638,000 of the total appropriation is provided solely for
25 the purchase of pursuit vehicles.

26 (4) \$5,254,000 of the total appropriation is provided solely for
27 vehicle repair and maintenance costs of vehicles used for highway
28 purposes.

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

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

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

2	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation	\$4,373,000
5	Wildlife Account--State Appropriation	\$837,000
6	Highway Safety Account--State Appropriation	\$145,403,000
7	Highway Safety Account--Federal Appropriation	\$8,000
8	Motor Vehicle Account--State Appropriation	\$78,671,000
9	Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
10	Motor Vehicle Account--Federal Appropriation	\$242,000
11	Department of Licensing Services Account--State	
12	Appropriation	\$4,718,000
13	Washington State Patrol Highway Account--State	
14	Appropriation	\$738,000
15	Ignition Interlock Device Revolving Account--State	
16	Appropriation	\$2,490,000
17	TOTAL APPROPRIATION	\$238,884,000

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

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

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

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

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

36 (A) Taxpayer reporting and payment processes;

37 (B) The international fuel tax agreement;

1 (C) Proportional registration under the provisions of the
2 international registration plan and chapter 46.87 RCW;

3 (D) Computer systems;

4 (E) Best management practices and efficiencies;

5 (F) Costs; and

6 (G) Personnel matters;

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

9 (iv) An implementation plan and schedule.

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

14 (2) \$55,845,000 of the highway safety account--state appropriation
15 is provided solely for the driver examining program. The department
16 shall not close any licensing service offices other than the following
17 anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East
18 Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver;
19 and (i) Yakima. The department shall, on a quarterly basis, report to
20 the transportation committees of the legislature the following monthly
21 data by licensing service office locations: (a) Lease costs; (b)
22 salary and benefit costs; (c) other expenditures; (d) FTEs; (e) number
23 of transactions completed, by type of transaction; and (f) office
24 hours.

25 (3) \$11,688,000 of the highway safety account--state appropriation
26 is provided solely for costs associated with: Issuing enhanced
27 drivers' licenses and identicards at the enhanced licensing services
28 offices; extended hours at those licensing services offices; cross-
29 border tourism education; and other education campaigns. This is the
30 maximum amount the department may expend for this purpose.

31 (4) \$2,490,000 of the ignition interlock device revolving account--
32 state appropriation is provided solely for the department to assist
33 indigent persons with the costs of installing, removing, and leasing
34 the device, and applicable licensing pursuant to RCW 46.68.340.

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

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

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

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

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

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

30 High Occupancy Toll Lanes Operations Account--State

31	Appropriation	\$2,867,000
32	Motor Vehicle Account--State Appropriation	\$585,000
33	Tacoma Narrows Toll Bridge Account--State	
34	Appropriation	\$27,358,000
35	State Route Number 520 Corridor Account--State	
36	Appropriation	\$60,260,000
37	TOTAL APPROPRIATION	\$91,070,000

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

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

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

14 (3) \$60,260,000 of the state route number 520 corridor account is
15 provided solely for costs directly related to tolling the state route
16 number 520 floating bridge.

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

19	Transportation Partnership Account--State	
20	Appropriation	\$2,675,000
21	Motor Vehicle Account--State Appropriation	\$69,811,000
22	Motor Vehicle Account--Federal Appropriation	\$240,000
23	Multimodal Transportation Account--State	
24	Appropriation	\$363,000
25	Transportation 2003 Account (Nickel Account)--State	
26	Appropriation	\$2,676,000
27	TOTAL APPROPRIATION	\$75,765,000

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

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

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

3 (1) \$50,000 of the aeronautics account--state appropriation is a
4 reappropriation provided solely to pay any outstanding obligations of
5 the aviation planning council, which expires July 1, 2009.

6 (2) \$150,000 of the aeronautics account--state appropriation is a
7 reappropriation provided solely to complete runway preservation
8 projects.

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

11	Motor Vehicle Account--State Appropriation	\$49,142,000
12	Motor Vehicle Account--Federal Appropriation	\$500,000
13	Multimodal Transportation Account--State	
14	Appropriation	\$250,000
15	Water Pollution Account--State Appropriation	\$2,000,000
16	TOTAL APPROPRIATION	\$51,892,000

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

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

29 (2) The legislature recognizes that the Dryden pit site (WSDOT
30 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
31 property under the jurisdiction of the department of transportation,
32 and that the public would benefit significantly from the complete
33 enjoyment of the natural scenic beauty and recreational opportunities
34 available at the site. Therefore, pursuant to RCW 47.12.080, the
35 legislature declares that transferring the property to the department
36 of fish and wildlife is consistent with the public interest in order to
37 preserve the area for the use of the public. The department of

1 transportation shall transfer and convey the Dryden pit site to the
2 department of fish and wildlife for adequate consideration in the
3 amount of \$600,000, the proceeds of which must be deposited in the
4 motor vehicle fund.

5 (3) \$2,000,000 of the water pollution account--state appropriation
6 is provided solely for the department's compliance with its national
7 pollution discharge elimination system permit, consistent with the
8 purposes described in Substitute House Bill No. 1614, addressing
9 petroleum pollution in storm water.

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

12	Motor Vehicle Account--State Appropriation	\$565,000
13	Multimodal Transportation Account--State Appropriation	\$200,000
14	TOTAL APPROPRIATION	\$765,000

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

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

25	Motor Vehicle Account--State Appropriation	\$346,887,000
26	Motor Vehicle Account--Federal Appropriation	\$2,000,000
27	Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
28	Water Pollution Account--State Appropriation	\$12,500,000
29	TOTAL APPROPRIATION	\$367,184,000

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

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

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

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

10 (4) \$2,000,000 of the motor vehicle account--federal appropriation
11 is for unanticipated federal funds that may be received during the
12 2009-11 fiscal biennium. Upon receipt of the funds, the department
13 shall provide a report on the use of the funds to the transportation
14 committees of the legislature and the office of financial management.

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

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

20 (b) The department is reimbursed from the narrows bridge lights
21 organization within three months from the date any maintenance work is
22 performed. If the narrows bridge lights organization is unable to
23 reimburse the department for any future costs incurred, the lights must
24 be removed at the expense of the narrows bridge lights organization
25 subject to the terms of the contract.

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

29 (7) \$650,000 of the motor vehicle account--state appropriation is
30 provided solely for increased asphalt costs. If Senate Bill No. 5976
31 is not enacted by June 30, 2009, the amount provided in this subsection
32 shall lapse.

33 (8) \$16,800,000 of the motor vehicle account--state appropriation
34 is provided solely for the high priority maintenance backlog.
35 Addressing the maintenance backlog must result in increased levels of
36 service.

37 (9) The department may evaluate the cost effectiveness of replacing
38 lighted highway signs with highly reflective signs.

1 (10) \$12,500,000 of the water pollution account--state
2 appropriation is provided solely for the department's compliance with
3 its national pollution discharge elimination system permit, consistent
4 with the purposes described in Substitute House Bill No. 1614,
5 addressing petroleum pollution in storm water.

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

8	Motor Vehicle Account--State Appropriation	\$51,353,000
9	Motor Vehicle Account--Federal Appropriation	\$2,050,000
10	Motor Vehicle Account--Private/Local Appropriation	\$127,000
11	State Route Number 520 Corridor Account--State	
12	Appropriation	\$88,000
13	TOTAL APPROPRIATION	\$53,618,000

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

16 (1) \$2,400,000 of the motor vehicle account--state appropriation is
17 provided solely for low-cost enhancements. The department shall give
18 priority to low-cost enhancement projects that improve safety or
19 provide congestion relief. The department shall prioritize low-cost
20 enhancement projects on a statewide rather than regional basis. By
21 September 1st of each even-numbered year, the department shall provide
22 a report to the legislature listing all low-cost enhancement projects
23 prioritized on a statewide rather than regional basis completed in the
24 prior year.

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

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

35 (b) The department shall plainly mark the locations where the
36 automated traffic safety cameras are used by placing signs on locations

1 that clearly indicate to a driver that he or she is entering a roadway
2 construction zone where traffic laws are enforced by an automated
3 traffic safety camera;

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

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

12 (e) For purposes of the 2009-11 fiscal biennium pilot program,
13 infractions detected through the use of automated traffic safety
14 cameras are not part of the registered owner's driving record under RCW
15 46.52.101 and 46.52.120. Additionally, infractions generated by the
16 use of automated traffic safety cameras must be processed in the same
17 manner as parking infractions for the purposes of RCW 3.50.100,
18 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
19 fine issued under this subsection (2) for an infraction generated
20 through the use of an automated traffic safety camera is one hundred
21 thirty-seven dollars. The court shall remit thirty-two dollars of the
22 fine to the state treasurer for deposit into the state patrol highway
23 account; and

24 (f) If a notice of infraction is sent to the registered owner and
25 the registered owner is a rental car business, the infraction must be
26 dismissed against the business if it mails to the patrol, within
27 fourteen days of receiving the notice, a declaration under penalty of
28 perjury of the name and known mailing address of the individual driving
29 or renting the vehicle when the infraction occurred. If the business
30 is unable to determine who was driving or renting the vehicle at the
31 time the infraction occurred, the business must sign a declaration
32 under penalty of perjury to this effect. The declaration must be
33 mailed to the patrol within fourteen days of receiving the notice of
34 traffic infraction. Timely mailing of this declaration to the issuing
35 agency relieves a rental car business of any liability under this
36 section for the notice of infraction. A declaration form suitable for
37 this purpose must be included with each automated traffic infraction
38 notice issued, along with instructions for its completion and use.

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

8 (4) \$88,000 of the state route number 520 corridor account is
9 provided solely for costs directly related to tolling the state route
10 number 520 floating bridge.

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

13	Motor Vehicle Account--State Appropriation	\$29,389,000
14	Motor Vehicle Account--Federal Appropriation	\$30,000
15	Multimodal Transportation Account--State	
16	Appropriation	\$973,000
17	State Route Number 520 Corridor Account--State	
18	Appropriation	\$801,000
19	TOTAL APPROPRIATION	\$31,193,000

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

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

26	Motor Vehicle Account--State Appropriation	\$26,470,000
27	Motor Vehicle Account--Federal Appropriation	\$19,116,000
28	Multimodal Transportation Account--State	
29	Appropriation	\$696,000
30	Multimodal Transportation Account--Federal	
31	Appropriation	\$2,809,000
32	Multimodal Transportation Account--Private/Local	
33	Appropriation	\$100,000
34	TOTAL APPROPRIATION	\$49,191,000

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

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

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

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

22 (4) \$600,000 of the motor vehicle account--state appropriation is
23 provided solely for a diesel multiple unit feasibility and initial
24 planning study. The study must evaluate potential service on the
25 Stampede Pass line from Maple Valley to Auburn via Covington. The
26 study must evaluate the potential demand for service, the business
27 model and capital needs for launching and running the line, and the
28 need for improvements in switching, signaling, and tracking. A report
29 on the study must be submitted to the legislature by June 30, 2010.

30 (5) \$400,000 of the motor vehicle account--state appropriation is
31 provided solely for a state route number 2 development plan as
32 described in Substitute House Bill No. 1575.

33 (6) \$400,000 of the motor vehicle account--state appropriation is
34 provided solely for a tolling study on state route number 167 and state
35 route number 509. A report on the study must be submitted to the house
36 of representatives and senate transportation committees by September
37 30, 2010.

1 (7) \$243,000 of the motor vehicle account--state appropriation and
 2 \$81,000 of the motor vehicle account--federal appropriation are
 3 provided solely for the development of a freight database to help guide
 4 freight investment decisions and track project effectiveness. The
 5 database must be based on truck movement tracked through geographic
 6 information system technology. TransNow shall contribute additional
 7 federal funds that are not appropriated in this act. The department
 8 shall work with the freight mobility strategic investment board to
 9 implement this database.

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

12	Motor Vehicle Account--State Appropriation	\$87,892,000
13	Motor Vehicle Account--Federal Appropriation	\$400,000
14	TOTAL APPROPRIATION	\$88,292,000

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Regional Mobility Grant Program Account--State
 11 Appropriation \$36,208,000
 12 Multimodal Transportation Account--State
 13 Appropriation \$78,845,000
 14 Multimodal Transportation Account--Federal
 15 Appropriation \$2,582,000
 16 Multimodal Transportation Account--Private/Local
 17 Appropriation \$1,027,000
 18 TOTAL APPROPRIATION \$118,662,000

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

21 (1) \$26,000,000 of the multimodal transportation account--state
 22 appropriation is provided solely for a grant program for special needs
 23 transportation provided by transit agencies and nonprofit providers of
 24 transportation.

25 (a) \$6,000,000 of the amount provided in this subsection is
 26 provided solely for grants to nonprofit providers of special needs
 27 transportation. Grants for nonprofit providers shall be based on need,
 28 including the availability of other providers of service in the area,
 29 efforts to coordinate trips among providers and riders, and the cost
 30 effectiveness of trips provided.

31 (b) \$20,000,000 of the amount provided in this subsection is
 32 provided solely for grants to transit agencies to transport persons
 33 with special transportation needs. To receive a grant, the transit
 34 agency must have a maintenance of effort for special needs
 35 transportation that is no less than the previous year's maintenance of
 36 effort for special needs transportation. Grants for transit agencies
 37 shall be prorated based on the amount expended for demand response

1 service and route deviated service in calendar year 2007 as reported in
2 the "Summary of Public Transportation - 2007" published by the
3 department of transportation. No transit agency may receive more than
4 thirty percent of these distributions.

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

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

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

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

23 (3) \$11,600,000 of the multimodal transportation account--state
24 appropriation is provided solely for a statewide vanpool grant program
25 for public transit agencies to cover the capital costs of vans. At
26 least \$3,600,000 of this amount must be used for vanpool grants in
27 congested corridors in King, Pierce, Snohomish, Thurston, Clark, and
28 Spokane counties.

29 (4) \$500,000 of the multimodal transportation account--state
30 appropriation is provided solely to expand park and ride lot capacity
31 through short-term lease agreements and relocation incentives for
32 carpools and vanpools.

33 (5)(a) \$2,500,000 of the multimodal transportation account--state
34 appropriation is provided solely for grants to cities and counties to
35 expand the commute trip reduction program established in RCW 70.94.521
36 through 70.94.555 to: (i) Increase voluntary participation by medium-
37 sized employers (fifty to one hundred employees) in affected urban
38 growth areas; and (ii) provide state technical support for the expanded

1 program. The commute trip reduction board shall establish criteria for
2 grants and statewide trip reduction goals for medium-sized employers,
3 and report biennially on achievement of the goals as part of the
4 board's legislative report.

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

11 (6) \$400,000 of the multimodal transportation account--state
12 appropriation is provided solely for a grant for a flexible carpooling
13 pilot project program to be administered and monitored by the
14 department. Funds are appropriated for one time only. The pilot
15 project program must: Test and implement at least one flexible
16 carpooling system in a high-volume commuter area that enables
17 carpooling without prearrangement; utilize technologies that, among
18 other things, allow for transfer of ride credits between participants;
19 and be a membership system that involves prescreening to ensure safety
20 of the participants. The program must include a pilot project that
21 targets commuter traffic on the state route number 520 bridge. The
22 department shall submit to the legislature by December 2010 a report on
23 the program results and any recommendations for additional flexible
24 carpooling programs.

25 (7) \$3,317,808 of the multimodal transportation account--state
26 appropriation and \$21,248,089 of the regional mobility grant program
27 account--state appropriation are reappropriated and provided solely for
28 the regional mobility grant projects identified in LEAP Transportation
29 Document 2007-B, as developed April 20, 2007; LEAP Transportation
30 Document 2006-D, as developed March 8, 2006; or as selected by the
31 legislature from the priority list to be submitted by the department in
32 January 2009. Any project that has been awarded funds but has not
33 reported activity within one year of the grant award must be reviewed
34 by the department to determine whether the grant award should be
35 terminated. If the grant award is terminated, the funds lapse. It is
36 the intent of the legislature to appropriate funds through the regional
37 mobility grant program only for projects that will be completed on
38 schedule.

1 (8) \$14,959,600 of the regional mobility grant program account--
2 state appropriation is provided solely for the regional mobility grant
3 projects identified in LEAP Transportation Document 2007-B, as
4 developed March 30, 2009. The department shall review all projects
5 receiving grant awards under this program at least semiannually to
6 determine whether the projects are making satisfactory progress. Any
7 project that has been awarded funds, but does not report activity on
8 the project within one year of the grant award, must be reviewed by the
9 department to determine whether the grant should be terminated. The
10 department shall promptly close out grants when projects have been
11 completed, and any remaining funds available to the office of transit
12 mobility must be used only to fund projects identified in LEAP
13 Transportation Document 2009-B, as developed March 30, 2009. The
14 department shall provide annual status reports on December 15, 2009,
15 and December 15, 2010, to the office of financial management and the
16 transportation committees of the legislature regarding the projects
17 receiving the grants. It is the intent of the legislature to
18 appropriate funds through the regional mobility grant program only for
19 projects that will be completed on schedule.

20 (9) \$80,000 of the multimodal transportation account--state
21 appropriation is provided solely to the department of transportation to
22 distribute for implementation of the work group related to federal
23 requirements in section 1, chapter . . . (Engrossed Substitute House
24 Bill No. 2072), Laws of 2009 (special needs transportation). If
25 Engrossed Substitute House Bill No. 2072 is not enacted by June 30,
26 2009, the amount provided in this section shall lapse.

27 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **MARINE--PROGRAM X**

29 Puget Sound Ferry Operations Account--State
30 Appropriation \$404,720,000

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

33 (1) \$52,463,000 of the Puget Sound ferry operations account--state
34 appropriation is provided solely for auto ferry vessel operating fuel
35 in the 2009-11 fiscal biennium. Any expenditures for fuel hedging
36 payments may be considered vessel operating fuel payments.

1 (2) If the Washington state ferries considers implementing a fuel
2 surcharge, they must first submit an analysis and business plan to the
3 office of financial management and either the joint transportation
4 committee or the transportation committees of the legislature. The
5 analysis must include an evaluation of other cost savings and fuel
6 price stabilization strategies that would be implemented before the
7 imposition of a fuel surcharge.

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

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

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

25 (6) \$4,670,000 of the Puget Sound ferry operations account--state
26 appropriation is provided solely for the Washington state ferries to
27 develop an analysis of implementing a reservation system. The
28 Washington state ferries' plan for a reservation system pilot program
29 may only be implemented once the analysis has been reviewed by the
30 office of financial management and either the joint transportation
31 committee or the transportation committees of the legislature. This
32 analysis must include an evaluation of the compatibility of the
33 Washington state ferries' electronic fare system, proposed reservation
34 system, and the implementation of smart card.

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

1 the ferry budget, as determined jointly by the office of financial
2 management, the Washington state ferries, and the legislative
3 transportation committees.

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

6 Multimodal Transportation Account--State
7 Appropriation \$34,933,000

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

10 (1) \$29,091,000 of the multimodal transportation account--state
11 appropriation is provided solely for the Amtrak service contract and
12 Talgo maintenance contract associated with providing and maintaining
13 the state-supported passenger rail service. Upon completion of the
14 rail platform project in the city of Stanwood, the department shall
15 provide daily Amtrak Cascades service to the city.

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

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

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

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

24 **TRANSPORTATION AGENCIES--CAPITAL**

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

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

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

29 (1) \$1,626,000 of the state patrol highway account--state
30 appropriation is provided solely for the following minor works
31 projects: \$450,000 for Shelton training academy roofs; \$150,000 for
32 HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for
33 Bellevue electrical equipment upgrades; \$90,000 for South King

1 detachment window replacement; \$200,000 for the replacement of the
2 Naselle radio tower, generator shelter, and fence; \$200,000 for
3 unforeseen emergency repairs; and \$318,000 for the Shelton training
4 academy drive course/skid pan repair.

5 (2) \$1,500,000 of the state patrol highway account--state
6 appropriation is provided solely for the Shelton academy of the
7 Washington state patrol and is contingent upon a signed agreement
8 between the city of Shelton, the department of corrections, and the
9 Washington state patrol that provides for an on-going payment to these
10 three entities, based on their percentage of the total investment in
11 the project, from all hookup fees, late comer fees, LIDS, and all other
12 initial fees collected for the new waste water treatment lines, waste
13 water plants, water lines, and water systems.

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

15 Rural Arterial Trust Account--State Appropriation	\$51,000,000
16 Motor Vehicle Account--State Appropriation	\$1,048,000
17 County Arterial Preservation Account--State	
18 Appropriation	\$31,400,000
19 TOTAL APPROPRIATION	\$83,448,000

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

22 (1) \$1,048,000 of the motor vehicle account--state appropriation
23 may be used for county ferry projects as developed pursuant to RCW
24 47.56.725(4).

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

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

34 Small City Pavement and Sidewalk Account--State	
35 Appropriation	\$4,600,000
36 Urban Arterial Trust Account--State Appropriation	\$122,400,000

1 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
2 **IMPROVEMENTS--PROGRAM I**

3	Multimodal Transportation Account--State	
4	Appropriation	\$1,000
5	Transportation Partnership Account--State	
6	Appropriation	\$1,599,350,000
7	Motor Vehicle Account--State Appropriation	\$107,339,000
8	Motor Vehicle Account--Federal Appropriation	\$404,530,000
9	Motor Vehicle Account--Private/Local	
10	Appropriation	\$65,494,000
11	Special Category C Account--State Appropriation	\$24,549,000
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation	\$750,085,000
14	Freight Mobility Multimodal Account--State	
15	Appropriation	\$4,422,000
16	Tacoma Narrows Toll Bridge Account--State Appropriation	\$788,000
17	State Route Number 520 Corridor Account--State	
18	Appropriation	\$270,000,000
19	TOTAL APPROPRIATION	\$3,226,558,000

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

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

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

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

10 (3) \$62,874,000 of the transportation partnership account--state
11 appropriation and \$270,000,000 of the state route number 520 corridor
12 account--state appropriation are provided solely for replacement of the
13 state route number 520 bridge for projects for which the designs are
14 agreed upon. The department shall submit an application for the
15 eastside transit and HOV project to the supplemental discretionary
16 grant program for regionally significant projects as provided in the
17 American Recovery and Reinvestment Act of 2009. If federal stimulus
18 funds are received, an equivalent amount of the funds already
19 identified for this project must be earmarked for the construction of
20 the projects on the west side of the state route number 520 corridor.

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

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

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

34 (7) The department shall, on a quarterly basis beginning July 1,
35 2009, provide to the office of financial management and the legislature
36 reports providing the status on each active project funded in part or
37 whole by the transportation 2003 account (nickel account) or the
38 transportation partnership account. Funding provided at a programmatic

1 level for transportation partnership account and transportation 2003
2 account (nickel account) projects relating to bridge rail, guard rail,
3 fish passage barrier removal, and roadside safety projects should be
4 reported on a programmatic basis. Projects within this programmatic
5 level funding should be completed on a priority basis and scoped to be
6 completed within the current programmatic budget. The department shall
7 work with the office of financial management and the transportation
8 committees of the legislature to agree on report formatting and
9 elements. Elements must include, but not be limited to, project scope,
10 schedule, and costs. For new construction contracts valued at fifteen
11 million dollars or more, the department must also use an earned value
12 method of project monitoring. The department shall also provide the
13 information required under this subsection on a quarterly basis via the
14 transportation executive information systems (TEIS).

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

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

21 (10) The special category C account--state appropriation includes
22 up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW
23 47.10.812.

24 (11) The motor vehicle account--state appropriation includes up to
25 \$55,900,000 in proceeds from the sale of bonds authorized in RCW
26 47.10.843.

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

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

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

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

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

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

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

12 (g) Conduct public work sessions and open houses to provide
13 information to citizens, including users of the bridge and business and
14 freight interests, regarding implementation of tolls on the Interstate
15 5 and to solicit citizen views on the following items:

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

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

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

22 (h) Provide a report to the governor and the legislature by January
23 2010.

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

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

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

37 (ii) Conduct public work sessions and open houses to provide

1 information to citizens regarding implementation of high occupancy toll
2 lanes and to solicit citizen views; and

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

5 (14) \$9,199,985 of the motor vehicle account--state appropriation
6 is provided solely for project 100224I, as identified in the LEAP
7 transportation document in subsection (1) of this section: US 2 high
8 priority safety project. Expenditure of these funds is for safety
9 projects on state route number 2 between Skykomish and Gold Bar, which
10 may include median rumble strips, traffic cameras, and electronic
11 message signs.

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

15 (16) The department shall conduct a public outreach process to
16 identify and respond to community concerns regarding the Belfair
17 bypass. The process must include representatives from Mason county,
18 the legislature, area businesses, and community members. The
19 department shall use this process to consider and develop design
20 alternatives that alter the project's scope so that the community's
21 needs are met within the project budget. The department shall provide
22 a report on the process and outcomes to the legislature by June 30,
23 2010.

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

29 (18) \$6,000,000 of the motor vehicle account--state appropriation
30 is provided solely for the design and construction of a new interchange
31 between state route number 195 and Cheney-Spokane Road. It is the
32 intent of the legislature that an additional \$6,500,000 will be
33 provided in the 2011-13 omnibus transportation appropriations act to
34 complete this project.

35 (19) \$846,700 of the motor vehicle account--federal appropriation
36 and \$17,280 of the motor vehicle account--state appropriation are
37 provided solely for the Westview school noise wall.

1 (20) \$1,360 of the motor vehicle account--state appropriation and
2 \$35,786 of the motor vehicle account--federal appropriation are
3 provided solely for interchange design and planning work on US 12 at A
4 Street and Tank Farm Road.

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

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

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

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

26 (23) The state route number 99 Alaskan Way viaduct replacement
27 project, as jointly proposed by the state, city, and county departments
28 of transportation, and recommended by the governor, King county, and
29 the city of Seattle in a letter of agreement dated January 13, 2009,
30 must provide adequate and efficient access for freight and vehicles,
31 and must also provide adequate and efficient access to neighborhoods
32 along the state route number 99 corridor. To that end, it is the
33 intent of the legislature to strongly encourage the city of Seattle to
34 use its best efforts to provide for the following improvements, prior
35 to the closure of the access ramps between Western Avenue and Elliot
36 Avenue and state route number 99, within their planning processes and
37 budget:

1 (a) Perform all work necessary to ensure that the Alaskan Way
2 surface street is an efficient alternative access route for freight and
3 vehicles. At a minimum, the city of Seattle should:

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

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

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

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

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

30	Transportation Partnership Account--State	
31	Appropriation	\$107,377,000
32	Motor Vehicle Account--State Appropriation	\$117,354,000
33	Motor Vehicle Account--Federal Appropriation	\$508,421,000
34	Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
35	Transportation 2003 Account (Nickel Account)--State	
36	Appropriation	\$7,237,000
37	Puyallup Tribal Settlement Account--State	

1	Appropriation	\$6,500,000
2	TOTAL APPROPRIATION	\$753,306,000

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

5 (1) The entire transportation 2003 account (nickel account)
6 appropriation and the entire transportation partnership account
7 appropriation are provided solely for the projects and activities as
8 listed by fund, project, and amount in LEAP Transportation Document
9 2009-1, Highway Preservation Program (P), as developed March 30, 2009.
10 However, limited transfers of specific line-item project appropriations
11 may occur between projects for those amounts listed subject to the
12 conditions and limitations in section 603 of this act.

13 (2) \$544,639 of the motor vehicle account--federal appropriation
14 and \$280,361 of the motor vehicle account--state appropriation are
15 provided solely for project 602110F, as identified in the LEAP
16 transportation document in subsection (1) of this section: SR
17 21/Keller ferry boat - replace ferry boat. The Keller ferry boat
18 replacement must consist of a tug and barge.

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

22 (4) \$6,500,000 of the Puyallup tribal settlement account--state
23 appropriation is provided solely for mitigation costs associated with
24 the Murray Morgan/11th Street bridge demolition. The department may
25 negotiate with the city of Tacoma for the purpose of transferring
26 ownership of the Murray Morgan/11th Street bridge to the city. If the
27 city agrees to accept ownership of the bridge, the department may use
28 the Puyallup tribal settlement account appropriation and other
29 appropriated funds for bridge rehabilitation, bridge replacement,
30 bridge demolition, and related mitigation. The department's
31 participation, including prior expenditures, may not exceed
32 \$39,953,000. Funds may not be expended unless the city of Tacoma
33 agrees to take ownership of the bridge in its entirety and provides
34 that the payment of these funds extinguishes any real or implied
35 agreements regarding future bridge expenditures.

36 (5) The department shall, on a quarterly basis beginning July 1,
37 2009, provide to the office of financial management and the legislature
38 reports providing the status on each active project funded in part or

1 whole by the transportation 2003 account (nickel account) or the
2 transportation partnership account. Funding provided at a programmatic
3 level for transportation partnership account projects relating to
4 seismic bridges should be reported on a programmatic basis. Projects
5 within this programmatic level funding should be completed on a
6 priority basis and scoped to be completed within the current
7 programmatic budget. The department shall work with the office of
8 financial management and the transportation committees of the
9 legislature to agree on report formatting and elements. Elements must
10 include, but not be limited to, project scope, schedule, and costs.
11 For new construction contracts valued at fifteen million dollars or
12 more, the department must also use an earned value method of project
13 monitoring. The department shall also provide the information required
14 under this subsection on a quarterly basis via the transportation
15 executive information systems (TEIS).

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

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

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

33 (b) For concrete or "white" pavement: (i) Identification of
34 concrete rehabilitation and replacement needs in the next ten years;
35 and (ii) the level of investment, schedule, and strategies for
36 rehabilitation and replacement, including dowel-bar retrofit, selected
37 panel replacement, and full replacement; and

1 (c) For all types of pavement: Criteria for determining which type
2 of pavement will be used for specific projects, including annualized
3 cost per mile, traffic volume per lane mile, and heavy truck traffic
4 volume per lane mile.

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

9 (8) \$1,722 of the motor vehicle account--state appropriation,
10 \$9,608,115 of the motor vehicle account--federal appropriation, and
11 \$272,141 of the transportation partnership account--state appropriation
12 are provided solely for the Hood Canal bridge project.

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

15	Motor Vehicle Account--State Appropriation	\$6,394,000
16	Motor Vehicle Account--Federal Appropriation	\$9,262,000
17	TOTAL APPROPRIATION	\$15,656,000

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

20	Puget Sound Capital Construction Account--State	
21	Appropriation	\$129,775,000
22	Puget Sound Capital Construction Account--Federal	
23	Appropriation	\$38,675,000
24	Puget Sound Capital Construction Account--Local	
25	Appropriation	\$8,492,000
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation	\$67,931,000
28	Transportation Partnership Account--State	
29	Appropriation	\$64,784,000
30	Multimodal Transportation Account--State Appropriation	\$170,000
31	TOTAL APPROPRIATION	\$309,827,000

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

34 (1) \$129,566,000 of the Puget Sound capital construction account--
35 state appropriation, \$38,675,000 of the Puget Sound capital
36 construction account--federal appropriation, \$64,784,000 of the

1 transportation partnership account--state appropriation, \$67,931,000 of
2 the transportation 2003 account (nickel account)--state appropriation,
3 and \$170,000 of the multimodal transportation account--state
4 appropriation are provided solely for ferry capital projects, project
5 support, and administration as listed in LEAP Transportation Document
6 ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed
7 March 30, 2009.

8 (2) \$57,031,000 of the transportation 2003 account (nickel
9 account)--state appropriation and \$63,100,000 of the transportation
10 partnership account--state appropriation are provided solely for the
11 acquisition of three new Island Homes class ferry vessels subject to
12 the conditions and limitations in RCW 47.56.780, the first two of which
13 shall be used to restore service on the Port Townsend-Keystone route.
14 The department may add additional passenger capacity to one of these
15 vessels to make it more flexible within the system in the future, if
16 doing so does not require additional staffing on the vessel.

17 (3) \$6,300,000 of the Puget Sound capital construction account--
18 state appropriation is provided solely for emergency capital costs.

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

24 (5) \$247,000 of the Puget Sound capital construction account--state
25 appropriation is provided solely for the department to update the
26 vessel life-cycle cost model by December 31, 2009.

27 (6) \$3,965,000 of the Puget Sound capital construction account--
28 state appropriation is provided solely for the following vessel
29 projects: Waste heat recovery pilot project; steering gear ventilation
30 pilot project; and a new propulsion system for the MV Yakima. Before
31 beginning these projects, the Washington state ferries must ensure the
32 vessels' out-of-service time does not negatively impact service to the
33 system.

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

37 (8) The department shall provide to the office of financial
38 management and the legislature quarterly reports providing the status

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

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

13	Essential Rail Assistance Account--State Appropriation	\$675,000
14	Transportation Infrastructure Account--State	
15	Appropriation	\$9,416,000
16	Multimodal Transportation Account--State	
17	Appropriation	\$97,610,000
18	Multimodal Transportation Account--Federal	
19	Appropriation	\$16,054,000
20	Multimodal Transportation Account--Private/Local	
21	Appropriation	\$81,000
22	TOTAL APPROPRIATION	\$123,836,000

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

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

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

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

6 (c)(i) Within the amounts provided in this section, \$1,679,350 of
7 the multimodal transportation account--state appropriation and \$175,000
8 of the essential rail assistance account--state appropriation are for
9 statewide - emergent freight rail assistance projects as follows: Port
10 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
11 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
12 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
13 700610A) \$337,978; Clark County owned railroad/Vancouver - track
14 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved
15 locomotive facility (BIN 711010B) \$366,813.

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

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

35 (d) \$8,100,000 of the transportation infrastructure account--state
36 appropriation is provided solely for grants to any intergovernmental
37 entity or local rail district to which the department of transportation
38 assigns the management and oversight responsibility for the business

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

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

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

1 office of financial management and the transportation committees of the
2 legislature.

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

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

7 (ii) Self-sustaining economic development that creates family-wage
8 jobs;

9 (iii) Preservation of transportation corridors that would otherwise
10 be lost;

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

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

15 (vi) Mitigation of impacts of increased rail traffic on
16 communities.

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

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

1 within the rail capital program to advance funding for other projects
2 currently identified on the project list referenced in subsection
3 (1)(a) of this section. State funds may be redirected only upon
4 consultation with the transportation committees of the legislature and
5 the office of financial management, and approval by the director of the
6 office of financial management. The department shall spend the federal
7 funds before the state funds, and shall consult the office of financial
8 management and the transportation committees of the legislature
9 regarding project scope changes.

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

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

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

24	Highway Infrastructure Account--State Appropriation	\$207,000
25	Highway Infrastructure Account--Federal	
26	Appropriation	\$1,602,000
27	Freight Mobility Investment Account--State	
28	Appropriation	\$13,048,000
29	Transportation Partnership Account--State	
30	Appropriation	\$8,363,000
31	Motor Vehicle Account--State Appropriation	\$11,641,000
32	Motor Vehicle Account--Federal Appropriation	\$37,069,000
33	Freight Mobility Multimodal Account--State	
34	Appropriation	\$13,918,000
35	Freight Mobility Multimodal Account--Local	
36	Appropriation	\$3,135,000
37	Multimodal Transportation Account--Federal	

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

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

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

19 (2) \$2,879,000 of the passenger ferry account--state appropriation
20 is provided solely for near and long-term costs of capital improvements
21 in a business plan approved by the governor for passenger ferry
22 service.

23 (3) \$3,000,000 of the motor vehicle account--federal appropriation
24 is provided solely for the Coal Creek parkway project (L1000025).

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

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

32 (6) Federal funds may be transferred from program Z to programs I
33 and P and state funds shall be transferred from programs I and P to
34 program Z to replace those federal funds in a dollar-for-dollar match.
35 Fund transfers authorized under this subsection shall not affect
36 project prioritization status. Appropriations shall initially be
37 allotted as appropriated in this act. The department may not transfer
38 funds as authorized under this subsection without approval of the

1 office of financial management. The department shall submit a report
2 on those projects receiving fund transfers to the office of financial
3 management and the transportation committees of the legislature by
4 December 1, 2009, and December 1, 2010.

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

11 (8) \$14,182,113 of the multimodal transportation account--state
12 appropriation, \$8,753,895 of the motor vehicle account--federal
13 appropriation, and \$4,000,000 of the transportation partnership
14 account--state appropriation are provided solely for the pedestrian and
15 bicycle safety program projects and safe routes to schools program
16 projects identified in LEAP Transportation Document 2009-A, pedestrian
17 and bicycle safety program projects and safe routes to schools program
18 projects, as developed March 30, 2009, LEAP Transportation Document
19 2007-A, pedestrian and bicycle safety program projects and safe routes
20 to schools program projects, as developed April 20, 2007, and LEAP
21 Transportation Document 2006-B, pedestrian and bicycle safety program
22 projects and safe routes to schools program projects, as developed
23 March 8, 2006. Projects must be allocated funding based on order of
24 priority. The department shall review all projects receiving grant
25 awards under this program at least semiannually to determine whether
26 the projects are making satisfactory progress. Any project that has
27 been awarded funds, but does not report activity on the project within
28 one year of the grant award must be reviewed by the department to
29 determine whether the grant should be terminated. The department shall
30 promptly close out grants when projects have been completed, and
31 identify where unused grant funds remain because actual project costs
32 were lower than estimated in the grant award.

33 (9) Except as provided otherwise in this section, the entire
34 appropriations in this section are provided solely for the projects and
35 activities as listed by fund, project, and amount in LEAP
36 Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as
37 developed March 30, 2009.

1 (10) For the 2009-11 project appropriations, unless otherwise
2 provided in this act, the director of financial management may
3 authorize a transfer of appropriation authority between projects
4 managed by the freight mobility strategic investment board in order for
5 the board to manage project spending and efficiently deliver all
6 projects in the respective program.

7 **TRANSFERS AND DISTRIBUTIONS**

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

12	Highway Bond Retirement Account Appropriation	\$695,338,000
13	Ferry Bond Retirement Account Appropriation	\$33,770,000
14	Transportation Improvement Board Bond Retirement	
15	Account--State Appropriation	\$21,023,000
16	Nondebt-Limit Reimbursable Account Appropriation	\$15,790,000
17	Transportation Partnership Account--State	
18	Appropriation	\$4,656,000
19	Motor Vehicle Account--State Appropriation	\$658,000
20	Transportation 2003 Account (Nickel Account)--State	
21	Appropriation	\$2,605,000
22	Special Category C Account--State Appropriation	\$82,000
23	Urban Arterial Trust Account--State Appropriation	\$56,000
24	Transportation Improvement Account--State Appropriation	\$26,000
25	Multimodal Transportation Account--State Appropriation	\$161,000
26	TOTAL APPROPRIATION	\$773,958,000

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

30	Transportation Partnership Account--State Appropriation	\$629,000
31	Motor Vehicle Account--State Appropriation	\$89,000
32	Transportation 2003 Account (Nickel Account)--State	
33	Appropriation	\$352,000
34	Special Category C Account--State Appropriation	\$11,000

1 Urban Arterial Trust Account--State Appropriation \$8,000
2 Transportation Improvement Account--State Appropriation \$4,000
3 Multimodal Transportation Account--State Appropriation \$22,000
4 TOTAL APPROPRIATION \$1,131,000

5 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**
6 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
7 **MVFT BONDS AND TRANSFERS**

8 Motor Vehicle Account--State Appropriation:
9 For transfer to the Puget Sound Capital Construction
10 Account \$122,000,000

11 The department of transportation is authorized to sell up to
12 \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and
13 terminal acquisition, major and minor improvements, and long lead-time
14 materials acquisition for the Washington state ferries.

15 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
16 **FOR DISTRIBUTION**

17 Motor Vehicle Account Appropriation for
18 motor vehicle fuel tax distributions to cities
19 and counties \$488,843,000

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

21 Motor Vehicle Account--State
22 Appropriation: For motor vehicle fuel tax
23 refunds and statutory transfers \$1,310,279,000

24 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**
25 **TRANSFERS**

26 Motor Vehicle Account--State
27 Appropriation: For motor vehicle fuel tax
28 refunds and transfers \$129,178,000

29 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**
30 **TRANSFERS**

31 (1) Tacoma Narrows Toll Bridge Account--State
32 Appropriation: For transfer to the Motor Vehicle
33 Account--State \$5,288,000

1 (2) Motor Vehicle Account--State Appropriation:
2 For transfer to the Puget Sound Ferry Operations
3 Account--State \$12,000,000
4 (3) Recreational Vehicle Account--State
5 Appropriation: For transfer to the Motor Vehicle
6 Account--State \$1,645,000
7 (4) License Plate Technology Account--State
8 Appropriation: For transfer to the Motor Vehicle
9 Account--State \$2,750,000
10 (5) Multimodal Transportation Account--State
11 Appropriation: For transfer to the Puget Sound
12 Ferry Operations Account--State \$20,000,000
13 (6) Waste Tire Removal Account--State Appropriation:
14 For transfer to the Motor Vehicle Account--State \$6,800,000
15 (7) Highway Safety Account--State Appropriation:
16 For transfer to the Multimodal Transportation
17 Account--State \$15,000,000
18 (8) Department of Licensing Services Account--State
19 Appropriation: For transfer to the Motor Vehicle
20 Account--State \$1,500,000
21 (9) State Patrol Highway Account--State Appropriation:
22 For transfer to the Motor Vehicle Account--State \$10,000,000
23 (10) Motor Vehicle Account--State Appropriation:
24 For transfer to the High Occupancy Toll Lanes Operations
25 Account \$1,000,000
26 (11) Advanced Right-of-Way Account: For transfer
27 to the Motor Vehicle Account--State \$14,000,000
28 (12) Regional Mobility Grant Program Account--State
29 Appropriation: For transfer to the Multimodal
30 Transportation Account--State \$30,000,000
31 (13) Multimodal Transportation Account--State
32 Appropriation: For transfer to the Puget Sound Capital
33 Construction Account--State \$1,500,000

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

1 Department of Licensing Services Account--State (\$30,000)
 2 Multimodal Transportation Account--State (\$138,000)
 3 Tacoma Narrows Toll Bridge Account--State (\$24,000)

4 Appropriations are adjusted to reflect changes to appropriations to
 5 reflect savings resulting from pension funding. The office of
 6 financial management shall update agency appropriations schedules to
 7 reflect the changes to funding levels in this section as identified by
 8 agency and fund in LEAP document Z9-2009.

9 NEW SECTION. **Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT--**
 10 **REVISED EMPLOYER HEALTH BENEFIT RATES**

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

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

33 **IMPLEMENTING PROVISIONS**

1 NEW SECTION. **Sec. 601. INFORMATION SYSTEMS PROJECTS.** Agencies

2 shall comply with the following requirements regarding information
3 systems projects when specifically directed to do so by this act.

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

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

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

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

19 (c) Assessment of overall information processing performance,
20 resources, and capabilities;

21 (d) Ensuring appropriate transfer of technological expertise for
22 the operation of any new systems developed using external resources;
23 and

24 (e) Progress toward enabling electronic access to public
25 information.

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

31 (4) The agency shall produce a feasibility study for information
32 technology projects at the direction of the information services board
33 and in accordance with published department of information services
34 policies and guidelines. At a minimum, such studies shall include a
35 statement of: (a) The purpose or impetus for change; (b) the business
36 value to the agency, including an examination and evaluation of
37 benefits, advantages, and cost; (c) a comprehensive risk assessment
38 based on the proposed project's impact on both citizens and state

1 operations, its visibility, and the consequences of doing nothing; (d)
2 the impact on agency and statewide information infrastructure; and (e)
3 the impact of the proposed enhancements to an agency's information
4 technology capabilities on meeting service delivery demands.

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

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

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

1 of the relevant feasibility study, project management plan, and quality
2 assurance plan by the department of information services and the office
3 of financial management.

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

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

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

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

33 By January 1, 2010, each transportation agency shall have a plan
34 and begin its implementation for moving from legacy communication
35 systems that are outdated and costly and implement new voice over
36 internet protocol communications systems. Each agency is required to
37 begin implementing a holistic communications and collaboration strategy

1 to take advantage of information technology infrastructure savings in
2 the areas of capital and operating costs, decrease statewide
3 communication costs, and increase communications and collaboration
4 capabilities.

5 NEW SECTION. **Sec. 603. FUND TRANSFERS.** (1) The transportation
6 2003 projects or improvements and the 2005 transportation partnership
7 projects or improvements are listed in LEAP Transportation Document
8 2009-1, which consists of a list of specific projects by fund source
9 and amount over a sixteen year period. Current fiscal biennium funding
10 for each project is a line item appropriation, while the outer year
11 funding allocations represent a sixteen year plan. The department is
12 expected to use the flexibility provided in this section to assist in
13 the delivery and completion of all transportation partnership account
14 and transportation 2003 (nickel) account projects on the LEAP lists
15 referenced in this act. For the 2009-11 project appropriations, unless
16 otherwise provided in this act, the director of financial management
17 may authorize a transfer of appropriation authority between projects
18 funded with transportation 2003 account (nickel account)
19 appropriations, transportation partnership account appropriations, or
20 multimodal transportation account appropriations, in order to manage
21 project spending and efficiently deliver all projects in the respective
22 program under the following conditions and limitations:

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

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

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

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

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

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

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

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

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

14 NEW SECTION. **Sec. 604. MEGA-PROJECT REPORTING.** Mega-projects are
15 defined as individual or groups of related projects that cost
16 \$1,000,000,000 or more. These projects include, but are not limited
17 to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane
18 corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office
19 of financial management shall track mega-projects and report the
20 financial status and schedule of these projects at least once a year to
21 the transportation committees of the legislature. The design of mega-
22 projects must be evaluated considering cost, capacity, safety, mobility
23 needs, and how well the design of the facility fits within its urban
24 environment.

25 NEW SECTION. **Sec. 605.** Executive Order number 05-05,
26 archaeological and cultural resources, was issued effective November
27 10, 2005. Agencies and higher education institutions that issue grants
28 or loans for capital projects shall comply with the requirements set
29 forth in this executive order.

30 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

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

33 There is hereby created in the motor vehicle fund the RV account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (i) The costs are capital costs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 710.** RCW 70.95.521 and 2007 c 518 s 708 are each amended to
2 read as follows:

3 The waste tire removal account is created in the state treasury.
4 All receipts from tire fees imposed under RCW 70.95.510 must be
5 deposited in the account. Moneys in the account may be spent only
6 after appropriation. Expenditures from the account may be used for the
7 cleanup of unauthorized waste tire piles and measures that prevent
8 future accumulation of unauthorized waste tire piles. During the 2007-
9 2009 and 2009-2011 fiscal (~~biennium~~) biennia, the legislature may
10 transfer from the waste tire removal account to the motor vehicle fund
11 such amounts as reflect the excess fund balance of the waste tire
12 removal account.

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

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

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

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

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

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

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

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

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

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

7 (4) Except as provided in chapter 72, Laws of 2008, in order to
8 assess the effects and impact of the proliferation of special license
9 plates, the legislature declares a temporary moratorium on the issuance
10 of any additional plates until July 1, (~~2009~~) 2011. During this
11 period of time, the special license plate review board created in RCW
12 46.16.705 and the department of licensing are prohibited from
13 accepting, reviewing, processing, or approving any applications.
14 Additionally, no special license plate may be enacted by the
15 legislature during the moratorium, unless the proposed license plate
16 has been approved by the board before February 15, 2005.

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

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

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

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

34 (a) The appropriate local legislative authority must first enact an
35 ordinance allowing for their use to detect one or more of the
36 following: Stoplight, railroad crossing, or school speed zone

1 violations. At a minimum, the local ordinance must contain the
2 restrictions described in this section and provisions for public notice
3 and signage. Cities and counties using automated traffic safety
4 cameras before July 24, 2005, are subject to the restrictions described
5 in this section, but are not required to enact an authorizing
6 ordinance.

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

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

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

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

35 ((+e)) (f) The registered owner of a vehicle is responsible for an
36 infraction under RCW 46.63.030(1)(e) unless the registered owner
37 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
38 car business, satisfies the conditions under subsection (3) of this

1 section. If appropriate under the circumstances, a renter identified
2 under subsection (3)(a) of this section is responsible for an
3 infraction.

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

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

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

24 (2) Infractions detected through the use of automated traffic
25 safety cameras are not part of the registered owner's driving record
26 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
27 by the use of automated traffic safety cameras under this section shall
28 be processed in the same manner as parking infractions, including for
29 the purposes of RCW ~~((3.46.120,))~~ 3.50.100, 35.20.220, 46.16.216, and
30 46.20.270(3). However, the amount of the fine issued for an infraction
31 generated through the use of an automated traffic safety camera shall
32 not exceed the amount of a fine issued for other parking infractions
33 within the jurisdiction.

34 (3) If the registered owner of the vehicle is a rental car
35 business, the law enforcement agency shall, before a notice of
36 infraction being issued under this section, provide a written notice to
37 the rental car business that a notice of infraction may be issued to

1 the rental car business if the rental car business does not, within
2 eighteen days of receiving the written notice, provide to the issuing
3 agency by return mail:

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

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

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

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

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

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

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

36 The department of licensing services account is created in the
37 motor vehicle fund. All receipts from service fees received under RCW

1 46.01.140(4)(b) shall be deposited into the account. Moneys in the
2 account may be spent only after appropriation. Expenditures from the
3 account may be used only for information and service delivery systems
4 for the department, and for reimbursement of county licensing
5 activities. During the 2007-2009 and 2009-2011 fiscal (~~biennium~~)
6 biennia, the legislature may transfer from the department of licensing
7 services account such amounts as reflect the excess fund balance of the
8 account.

9 **MISCELLANEOUS**

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

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

(End of bill)

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