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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-2434.8/09 8th draft

ATTY/TYPIST: BP:mos

BRIEF DESCRIPTION: Making 2009-11 transportation appropriations.

1 AN ACT Relating to transportation funding and appropriations;  
2 amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090,  
3 47.12.244, 46.16.725, 46.68.060, 46.63.170, 47.68.090, 46.68.220, and  
4 43.19.534; creating new sections; making appropriations and authorizing  
5 expenditures for capital improvements; and declaring an emergency.

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

7 **2009-11 FISCAL BIENNIUM**

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

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

- 1 (a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending  
 2 June 30, 2010.
- 3 (b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending  
 4 June 30, 2011.
- 5 (c) "FTE" means full-time equivalent.
- 6 (d) "Lapse" or "revert" means the amount shall return to an  
 7 unappropriated status.
- 8 (e) "Provided solely" means the specified amount may be spent only  
 9 for the specified purpose. Unless otherwise specifically authorized in  
 10 this act, any portion of an amount provided solely for a specified  
 11 purpose that is not expended subject to the specified conditions and  
 12 limitations to fulfill the specified purpose shall lapse.
- 13 (f) "Reappropriation" means appropriation and, unless the context  
 14 clearly provides otherwise, is subject to the relevant conditions and  
 15 limitations applicable to appropriations.
- 16 (g) "LEAP" means the legislative evaluation and accountability  
 17 program committee.

18 **GENERAL GOVERNMENT AGENCIES--OPERATING**

19 NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION**  
 20 **COMMISSION**

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

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

23 Motor Vehicle Account--State Appropriation . . . . . \$3,389,000  
 24 Puget Sound Ferry Operations Account--State  
 25 Appropriation . . . . . \$100,000  
 26 TOTAL APPROPRIATION . . . . . \$3,489,000

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

29 (1) \$1,699,000 of the motor vehicle account--state appropriation is  
 30 provided solely for the office of regulatory assistance integrated  
 31 permitting project.

32 (2) Within existing resources, the office of financial management  
 33 shall complete a salary survey to be used for collective bargaining and  
 34 arbitration purposes related to the Washington state ferries.

1 (3) \$1,004,000 of the motor vehicle account--state appropriation is  
2 provided solely for the continued maintenance and support of the  
3 transportation executive information system. Of the amount provided in  
4 this subsection, \$502,000 is for two existing FTEs at the department of  
5 transportation to maintain and support the system.

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

7 Puget Sound Ferry Operations Account--State  
8 Appropriation . . . . . \$424,000

9 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**  
10 **COMMISSION**

11 Motor Vehicle Account--State Appropriation . . . . . \$986,000

12 The appropriation in this section is subject to the following  
13 conditions and limitations: The entire appropriation in this section  
14 is provided solely for road maintenance purposes.

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

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

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

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

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

26 NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**  
27 **HISTORIC PRESERVATION**

28 Motor Vehicle Account--State Appropriation . . . . . \$422,000

29 The appropriation in this section is subject to the following  
30 conditions and limitations: The entire appropriation is provided  
31 solely for staffing costs to be dedicated to state transportation  
32 activities. Staff hired to support transportation activities must have  
33 practical experience with complex construction projects.

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

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

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

6            (1) As part of its 2009-11 fiscal biennium work plan, the joint  
7 legislative audit and review committee shall conduct an analysis of the  
8 cost of credit card payment options at the department of  
9 transportation. For programs where a credit card payment option is  
10 offered, the review must include:

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

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

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

17            (d) Identification of whether there are customer service,  
18 administrative, and revenue collection benefits resulting from credit  
19 card usage; and

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

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

24            (2) As part of its 2009-11 fiscal biennium work plan, the joint  
25 legislative audit and review committee shall audit the capital cost  
26 accounting practices of the Washington state ferries. The audit must  
27 review the following and provide a report on its findings and any  
28 related recommendations to the legislature by January 2011:

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

33            (b) Implementation of the life-cycle cost model required under RCW  
34 47.60.345 to determine if it was developed as required and is  
35 maintained and updated when asset inspections are made; and

36            (c) Washington state ferries' implementation of the cost allocation  
37 methodology evaluated under section 205, chapter 518, Laws of 2007,

1 assessing whether actual costs are allocated consistently with the  
2 methodology, whether there are sufficient internal controls to ensure  
3 proper allocation, and the adequacy of staff training.

4 **TRANSPORTATION AGENCIES--OPERATING**

5 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**  
6 **COMMISSION**

7 Highway Safety Account--State Appropriation . . . . . \$2,542,000  
8 Highway Safety Account--Federal Appropriation . . . . . \$18,660,000  
9 School Zone Safety Account--State Appropriation . . . . . \$3,890,000  
10 TOTAL APPROPRIATION . . . . . \$25,092,000

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

13 (1) \$1,336,000 of the highway safety account--state appropriation  
14 and \$550,000 of the school zone safety account--state appropriation are  
15 provided solely for funding traffic safety task forces.

16 (2) The commission may oversee pilot projects implementing the use  
17 of automated traffic safety cameras to detect speed violations within  
18 cities that have a population over five hundred thousand. However, no  
19 more than three automated traffic safety cameras may be used to detect  
20 speed violations within any one jurisdiction.

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

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

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

30 (3) \$2,670,000 of the highway safety account--federal appropriation  
31 is provided solely for a target zero trooper pilot program, which the  
32 commission shall develop and implement in collaboration with the  
33 Washington state patrol. The pilot program must demonstrate the  
34 effectiveness of intense, high visibility, driving under the influence  
35 enforcement in Washington. The commission shall apply to the national  
36 highway traffic safety administration for federal highway safety grants

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

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

12 Rural Arterial Trust Account--State Appropriation . . . . .	\$920,000
13 Motor Vehicle Account--State Appropriation . . . . .	\$2,129,000
14 County Arterial Preservation Account--State	
15 Appropriation . . . . .	\$1,423,000
16 TOTAL APPROPRIATION . . . . .	\$4,472,000

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

18 Urban Arterial Trust Account--State Appropriation . . . . .	\$1,824,000
19 Transportation Improvement Account--State	
20 Appropriation . . . . .	\$1,827,000
21 TOTAL APPROPRIATION . . . . .	\$3,651,000

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

23 Motor Vehicle Account--State Appropriation . . . . .	\$1,841,000
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24 The appropriation in this section is subject to the following  
 25 conditions and limitations:

26 (1) \$200,000 of the motor vehicle account--state appropriation is  
 27 for a comprehensive analysis, as stated in Senate Bill No. 5689, of  
 28 mid-term and long-term transportation funding mechanisms and methods.  
 29 Elements of the study will include existing data and trends, policy  
 30 objectives, performance and evaluation criteria, incremental transition  
 31 strategies, and possibly, scaled testing. Baseline data and methods  
 32 assessment must be concluded by December 31, 2009. Performance  
 33 criteria must be developed by June 30, 2010, and recommended planning  
 34 level alternative funding strategies must be completed by December 31,  
 35 2010.

1 (2) \$600,000 of the motor vehicle account--state appropriation is  
2 for a continuation of the ferry study conducted during the 2007-09  
3 fiscal biennium. The study must include the following:

4 (a) An analysis of employment issues regarding Washington state  
5 ferries. The committee shall convene a work group, to include the  
6 office of financial management's labor relations office, union  
7 representatives, Washington state ferries representatives, and any  
8 other applicable stakeholders approved by the cochairs to engage in the  
9 analysis. The analysis must summarize the following issues for  
10 consideration by the legislature during the 2010 legislative session:

11 (i) The collective bargaining process, and terms of collective  
12 bargaining agreements and other items regarding the relationship  
13 between the department of transportation and ferry union employees;

14 (ii) Terms of collective bargaining agreements that will allow more  
15 efficient operations of Washington state ferries; and

16 (iii) The role of the marine employees commission; and

17 (b) Recommendations to the legislature on the following items, to  
18 be due by December 15, 2010, except that recommendations on the  
19 reservation system under (b)(vi) of this subsection must be completed  
20 by December 15, 2009:

21 (i) A ferry vessel procurement process;

22 (ii) A ferry vessel maintenance, preservation, and improvement  
23 program;

24 (iii) Using a third party to manage the design and construction of  
25 new vessels;

26 (iv) The establishment of a vessel replacement fund;

27 (v) Third-party project management of major terminal preservation  
28 and improvement projects over fifty million dollars;

29 (vi) A reservation system and electronic fare system; and

30 (vii) Project budgeting for terminal projects.

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

32 Motor Vehicle Account--State Appropriation . . . . . \$2,237,000

33 Multimodal Transportation Account--State Appropriation . . . . \$112,000

34 TOTAL APPROPRIATION . . . . . \$2,349,000

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



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

5 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
6 the transportation commission shall periodically review and, if  
7 necessary, modify the schedule of fares for the Washington state ferry  
8 system. The transportation commission may increase ferry fares,  
9 except no fare schedule modifications may be made prior to September 1,  
10 2009. The commission may only approve ferry fare rate changes that  
11 have the same proportionate change for passengers as for vehicles. The  
12 commission shall work with the Washington state ferries to establish  
13 the administrative policies and infrastructure necessary to support the  
14 imposition of a ferry fare fuel surcharge beginning July 1, 2013. For  
15 purposes of this subsection, "modify" includes increases or decreases  
16 to the schedule.

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

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

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

35 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**  
36 **INVESTMENT BOARD**

37 Motor Vehicle Account--State Appropriation . . . . . \$695,000

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

6 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD**  
7 **OPERATIONS BUREAU**

8	State Patrol Highway Account--State	
9	Appropriation . . . . .	\$228,024,000
10	State Patrol Highway Account--Federal	
11	Appropriation . . . . .	\$10,602,000
12	State Patrol Highway Account--Private/Local	
13	Appropriation . . . . .	\$859,000
14	TOTAL APPROPRIATION . . . . .	\$239,485,000

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

17 (1) Washington state patrol officers engaged in off-duty uniformed  
18 employment providing traffic control services to the department of  
19 transportation or other state agencies may use state patrol vehicles  
20 for the purpose of that employment, subject to guidelines adopted by  
21 the chief of the Washington state patrol. The Washington state patrol  
22 shall be reimbursed for the use of the vehicle at the prevailing state  
23 employee rate for mileage and hours of usage, subject to guidelines  
24 developed by the chief of the Washington state patrol.

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

31 (3) The Washington state patrol shall discuss the implementation of  
32 the pilot program described under section 219(3) of this act with any  
33 union representing the affected employees.

34 (4) The Washington state patrol shall assign necessary personnel  
35 and equipment to implement and operate the pilot program described  
36 under section 219(3) of this act using the portion of the automated  
37 traffic safety camera fines deposited into the state patrol highway

1 account, but not to exceed \$370,000. If the fines deposited into the  
2 state patrol highway account from automated traffic safety camera  
3 infractions do not reach \$370,000, the department of transportation  
4 shall remit funds necessary to the Washington state patrol to ensure  
5 the completion of the pilot program.

6 (5) Within existing resources, the Washington state patrol shall  
7 make every reasonable effort to increase the enrollment in each academy  
8 class that commences during the 2009-11 fiscal biennium to fifty-five  
9 cadets.

10 (6) The Washington state patrol shall collaborate with the  
11 Washington traffic safety commission to develop and implement the  
12 target zero trooper pilot program referenced in section 201(3) of this  
13 act.

14 NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--**  
15 **INVESTIGATIVE SERVICES BUREAU**

16 State Patrol Highway Account--State Appropriation . . . . . \$1,563,000

17 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**  
18 **TECHNICAL SERVICES BUREAU**

19 State Patrol Highway Account--State Appropriation . . . . . \$105,371,000

20 State Patrol Highway Account--Private/Local  
21 Appropriation . . . . . \$2,008,000

22 TOTAL APPROPRIATION . . . . . \$107,379,000

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

25 (1) The Washington state patrol shall work with the risk management  
26 division in the office of financial management in compiling the  
27 Washington state patrol's data for establishing the agency's risk  
28 management insurance premiums to the tort claims account. The office  
29 of financial management and the Washington state patrol shall submit a  
30 report to the legislative transportation committees by December 31st of  
31 each year on the number of claims, estimated claims to be paid, method  
32 of calculation, and the adjustment in the premium.

33 (2) \$8,673,000 of the total appropriation is provided solely for  
34 automobile fuel in the 2009-11 fiscal biennium.

35 (3) \$8,638,000 of the total appropriation is provided solely for  
36 the purchase of pursuit vehicles.

1 (4) \$5,254,000 of the total appropriation is provided solely for  
2 vehicle repair and maintenance costs of vehicles used for highway  
3 purposes.

4 (5) \$384,000 of the total appropriation is provided solely for the  
5 purchase of mission vehicles used for highway purposes in the  
6 commercial vehicle and traffic investigation sections of the Washington  
7 state patrol.

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

12 NEW SECTION. **Sec. 210. FOR THE WASHINGTON STATE PATROL--CRIMINAL**  
13 **HISTORY AND BACKGROUND CHECKS.** In accordance with RCW 10.97.100 and  
14 chapter 43.43 RCW, the Washington state patrol is authorized to perform  
15 criminal history and background checks for state and local agencies and  
16 nonprofit and other private entities and disseminate the records  
17 resulting from these activities. The Washington state patrol is  
18 required to charge a fee for these activities, for which it is the  
19 policy of the state of Washington that the fees cover the direct and  
20 indirect costs of performing the criminal history and background checks  
21 and disseminating the information. For each type of criminal history  
22 and background check and dissemination of these records, the Washington  
23 state patrol shall, as nearly as practicable, set fees at levels  
24 sufficient to cover the direct and indirect costs. Pursuant to RCW  
25 43.135.055, during the 2009-11 fiscal biennium, the Washington state  
26 patrol may increase fees if the increases are necessary to fully fund  
27 the cost of supervision and regulation.

28 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF LICENSING**  
29 Marine Fuel Tax Refund Account--State Appropriation . . . . . \$32,000  
30 Motorcycle Safety Education Account--State  
31 Appropriation . . . . . \$4,373,000  
32 Wildlife Account--State Appropriation . . . . . \$837,000  
33 Highway Safety Account--State Appropriation . . . . . \$145,053,000  
34 Highway Safety Account--Federal Appropriation . . . . . \$8,000  
35 Highway Safety Account--Local Appropriation . . . . . \$91,000  
36 Motor Vehicle Account--State Appropriation . . . . . \$78,805,000

1	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,372,000
2	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
3	Department of Licensing Services Account--State	
4	Appropriation . . . . .	\$3,867,000
5	Washington State Patrol Highway Account--State	
6	Appropriation . . . . .	\$738,000
7	Ignition Interlock Device Revolving Account--State	
8	Appropriation . . . . .	\$2,490,000
9	TOTAL APPROPRIATION . . . . .	\$237,908,000

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

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

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

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

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

- 28       (A) Taxpayer reporting and payment processes;
- 29       (B) The international fuel tax agreement;
- 30       (C) Proportional registration under the provisions of the
- 31 international registration plan and chapter 46.87 RCW;
- 32       (D) Computer systems;
- 33       (E) Best management practices and efficiencies;
- 34       (F) Costs; and
- 35       (G) Personnel matters;

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

38       (iv) An implementation plan and schedule.

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

5 (2) \$55,845,431 of the highway safety account--state appropriation  
6 is provided solely for the driver examining program. The department  
7 shall not close any licensing service offices other than the following  
8 anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East  
9 Seattle; (e) Greenwood; (f) Othello; and (g) West Tacoma. The  
10 department shall, on a quarterly basis, report to the transportation  
11 committees of the legislature the following monthly data by licensing  
12 service office locations: (a) Lease costs; (b) salary and benefit  
13 costs; (c) other expenditures; (d) FTEs; (e) number of transactions  
14 completed, by type of transaction; and (f) office hours. The  
15 department may begin a pilot project of no more than five kiosks.

16 (3) \$11,688,000 of the highway safety account--state appropriation  
17 is provided solely for costs associated with: Issuing enhanced  
18 drivers' licenses and identicards at the thirteen operating enhanced  
19 licensing services offices; extended hours at those licensing services  
20 offices; cross-border tourism education; and other education campaigns.  
21 This is the maximum amount the department may expend for this purpose.

22 (4) \$2,490,000 of the ignition interlock device revolving account--  
23 state appropriation is provided solely for the department to assist  
24 indigent persons with the costs of installing, removing, and leasing  
25 the device, and applicable licensing pursuant to RCW 46.68.340.

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

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

34 (7) The department may seek federal funds to implement a driver's  
35 license and identicard biometric matching system pilot program to  
36 verify the identity of applicants for, and holders of, drivers'  
37 licenses and identicards. If funds are received, the department shall

1 report any benefits or problems identified during the course of the  
2 pilot program to the transportation committees of the legislature upon  
3 the completion of the program.

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

8 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**  
9 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

10 High Occupancy Toll Lanes Operations Account--State

11	Appropriation . . . . .	\$2,867,000
12	Motor Vehicle Account--State Appropriation . . . . .	\$585,000
13	Tacoma Narrows Toll Bridge Account--State	
14	Appropriation . . . . .	\$27,358,000
15	TOTAL APPROPRIATION . . . . .	\$30,810,000

16 The appropriations in this section are subject to the following  
17 conditions and limitations: The department shall make detailed  
18 quarterly expenditure reports available to the transportation  
19 commission and to the public on the department's web site using current  
20 department resources. The reports must include a summary of revenue  
21 generated by tolls on the Tacoma Narrows bridge and an itemized  
22 depiction of the use of that revenue.

23 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**  
24 **INFORMATION TECHNOLOGY--PROGRAM C**

25 Transportation Partnership Account--State

26	Appropriation . . . . .	\$2,675,000
27	Motor Vehicle Account--State Appropriation . . . . .	\$69,811,000
28	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
29	Multimodal Transportation Account--State	
30	Appropriation . . . . .	\$363,000
31	Transportation 2003 Account (Nickel Account)--State	
32	Appropriation . . . . .	\$2,676,000
33	TOTAL APPROPRIATION . . . . .	\$75,765,000

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

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

8 (2) The department shall provide updated information on six project  
9 milestones for all active projects, funded in part or in whole with  
10 2005 transportation partnership account funds or 2003 nickel account  
11 funds, on a quarterly basis in the transportation executive information  
12 system (TEIS). The department shall also provide updated information  
13 on six project milestones for projects, funded with preexisting funds  
14 and that are agreed to by the legislature, office of financial  
15 management, and the department, on a quarterly basis in TEIS.

16 (3) \$1,216,000 of the transportation partnership account--state  
17 appropriation and \$1,216,000 of the transportation 2003 account (nickel  
18 account)--state appropriation are provided solely for the department to  
19 develop a project management and reporting system which is a collection  
20 of integrated tools for capital construction project managers to use to  
21 perform all the necessary tasks associated with project management.  
22 The department shall integrate commercial off-the-shelf software with  
23 existing department systems and enhanced approaches to data management  
24 to provide web-based access for multi-level reporting and improved  
25 business workflows and reporting. On a quarterly basis, the department  
26 shall report to the office of financial management and the  
27 transportation committees of the legislature on the status of the  
28 development and integration of the system. At a minimum, the reports  
29 shall indicate the status of the work as it compares to the work plan,  
30 any discrepancies, and proposed adjustments necessary to bring the  
31 project back on schedule or budget if necessary.

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

36 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**



1 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**  
2 Motor Vehicle Account--State Appropriation . . . . . \$25,501,000

3 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**  
4 **AVIATION--PROGRAM F**

5 Aeronautics Account--State Appropriation . . . . . \$6,009,000  
6 Aeronautics Account--Federal Appropriation . . . . . \$2,150,000  
7 TOTAL APPROPRIATION . . . . . \$8,159,000

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

- 10 (1) \$50,000 of the aeronautics account--state appropriation is a  
11 reappropriation provided solely to pay any outstanding obligations of  
12 the aviation planning council, which expires July 1, 2009.  
13 (2) \$150,000 of the aeronautics account--state appropriation is a  
14 reappropriation provided solely to complete runway preservation  
15 projects.

16 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**  
17 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

18 Transportation Partnership Account--State  
19 Appropriation . . . . . \$100,000  
20 Motor Vehicle Account--State Appropriation . . . . . \$48,032,000  
21 Motor Vehicle Account--Federal Appropriation . . . . . \$500,000  
22 Multimodal Transportation Account--State  
23 Appropriation . . . . . \$250,000  
24 Transportation 2003 Account (Nickel Account)--State  
25 Appropriation . . . . . \$100,000  
26 TOTAL APPROPRIATION . . . . . \$48,982,000

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

- 29 (1) \$750,000 of the motor vehicle account--state appropriation is  
30 provided solely to begin compliance with new storm water permit  
31 requirements mandated by the department of ecology.  
32 (2) \$100,000 of the transportation partnership account--state  
33 appropriation and \$100,000 of the transportation 2003 account (nickel  
34 account)--state appropriation are provided solely to the department to  
35 transition the roles and responsibilities of the statewide project  
36 management group consultants to the department. The department shall

1 provide an updated copy of the capital construction strategic plan to  
2 the legislative transportation committees and to the office of  
3 financial management on June 30, 2009, and each year thereafter. The  
4 department shall coordinate its work with other budget and performance  
5 efforts, including Roadmap, the findings of the critical applications  
6 modernization and integration strategies study, including proposed next  
7 steps, and the priorities of government process.

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

18 (4) The appropriations in this section reflect a reduction of  
19 department administrative costs and the more efficient use of  
20 department resources, resulting from the regional realignment  
21 identified in Engrossed Substitute Senate Bill No. 5682.

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

35 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**  
36 **ECONOMIC PARTNERSHIPS--PROGRAM K**

37 Motor Vehicle Account--State Appropriation . . . . . \$615,000

1 Multimodal Transportation Account--State Appropriation . . . . \$200,000  
2 TOTAL APPROPRIATION . . . . . \$815,000

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

5 (1) \$200,000 of the multimodal transportation account--state  
6 appropriation is provided solely for the department to develop and  
7 implement public private partnerships at high priority terminals as  
8 identified in the January 12, 2009, final report on joint development  
9 opportunities at Washington state ferries terminals. The department  
10 shall first consider a mutually beneficial agreement at the Edmonds  
11 terminal.

12 (2) \$50,000 of the motor vehicle account--state appropriation is  
13 provided solely for the department to investigate the potential to  
14 generate revenue from web site sponsorships and similar ventures and,  
15 if feasible, pursue partnership opportunities.

16 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**  
17 **HIGHWAY MAINTENANCE--PROGRAM M**

18 Motor Vehicle Account--State Appropriation . . . . . \$347,799,000  
19 Motor Vehicle Account--Federal Appropriation . . . . . \$2,000,000  
20 Motor Vehicle Account--Private/Local Appropriation . . . . . \$5,797,000  
21 TOTAL APPROPRIATION . . . . . \$355,596,000

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

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

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

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

1 (4) \$2,000,000 of the motor vehicle account--federal appropriation  
2 is for unanticipated federal funds that may be received during the  
3 2009-11 fiscal biennium. Upon receipt of the funds, the department  
4 shall provide a report on the use of the funds to the transportation  
5 committees of the legislature and the office of financial management.

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

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

11 (b) The department is reimbursed from the narrows bridge lights  
12 organization within three months from the date any maintenance work is  
13 performed. If the narrows bridge lights organization is unable to  
14 reimburse the department for any future costs incurred, the lights must  
15 be removed at the expense of the narrows bridge lights organization  
16 subject to the terms of the contract.

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

20 (7) \$650,000 of the motor vehicle account--state appropriation is  
21 provided solely for increased asphalt costs. If Senate Bill No. 5976  
22 is not enacted by June 30, 2009, the amount provided in this subsection  
23 shall lapse.

24 (8) \$16,800,000 of the motor vehicle account--state appropriation  
25 is provided solely for high priority maintenance backlog. Addressing  
26 the maintenance backlog must result in increased levels of service.

27 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**  
28 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

29 Motor Vehicle Account--State Appropriation . . . . .	\$51,699,000
30 Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
31 Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
32 TOTAL APPROPRIATION . . . . .	\$53,876,000

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

35 (1) \$346,000 of the motor vehicle account--state appropriation is  
36 provided solely for the department to continue a pilot tow truck  
37 incentive program and to expand the program to other areas of the

1 state. The department may provide incentive payments to towing  
2 companies that meet clearance goals on accidents that involve heavy  
3 trucks. The department shall report to the office of financial  
4 management and the transportation committees of the legislature on the  
5 effectiveness of the clearance goals and submit recommendations to  
6 improve the pilot program with the department's 2010 supplemental  
7 budget submittal.

8 (2) \$2,400,000 of the motor vehicle account--state appropriation is  
9 provided solely for low-cost enhancements. The department shall give  
10 priority to low-cost enhancement projects that improve safety or  
11 provide congestion relief. The department shall prioritize low-cost  
12 enhancement projects on a statewide rather than regional basis. By  
13 September 1st of each even-numbered year, the department shall provide  
14 a report to the legislature listing all low-cost enhancement projects  
15 prioritized on a statewide rather than regional basis completed in the  
16 prior year.

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

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

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

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

34 (d) The owner of the vehicle is not responsible for the violation  
35 if the owner of the vehicle, within fourteen days of receiving  
36 notification of the violation, mails to the patrol, a declaration under  
37 penalty of perjury, stating that the vehicle involved was, at the time,

1 stolen or in the care, custody, or control of some person other than  
2 the registered owner, or any other extenuating circumstances;

3 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
4 infractions detected through the use of automated traffic safety  
5 cameras are not part of the registered owner's driving record under RCW  
6 46.52.101 and 46.52.120. Additionally, infractions generated by the  
7 use of automated traffic safety cameras must be processed in the same  
8 manner as parking infractions for the purposes of RCW 3.50.100,  
9 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
10 fine issued under this subsection (3) for an infraction generated  
11 through the use of an automated traffic safety camera is one hundred  
12 thirty-seven dollars. The court shall remit thirty-two dollars of the  
13 fine to the state treasurer for deposit into the state patrol highway  
14 account; and

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

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



1 transportation committee by December 1, 2010, regarding the use of  
2 recycled concrete and asphalt. The report must include, at a minimum,  
3 how much recycled concrete and asphalt was used and the resulting cost  
4 savings to the state.

5 (4) The appropriations in this section reflect a reduction of  
6 department administrative costs and the more efficient use of  
7 department resources, resulting from the regional realignment  
8 identified in Engrossed Substitute Senate Bill No. 5682.

9 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**  
10 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

11	Motor Vehicle Account--State Appropriation . . . . .	\$87,331,000
12	Multimodal Transportation Account--State Appropriation . . . . .	\$561,000
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. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 9 **PUBLIC TRANSPORTATION--PROGRAM V**

10 Regional Mobility Grant Program Account--State  
 11 Appropriation . . . . . \$61,248,000  
 12 Multimodal Transportation Account--State  
 13 Appropriation . . . . . \$64,765,000  
 14 Multimodal Transportation Account--Federal  
 15 Appropriation . . . . . \$2,582,000  
 16 Multimodal Transportation Account--Private/Local  
 17 Appropriation . . . . . \$1,027,000  
 18 TOTAL APPROPRIATION . . . . . \$129,622,000

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

21 (1) \$25,000,000 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) \$5,500,000 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) \$19,500,000 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) \$8,500,000 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) \$8,500,000 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 (3) \$7,000,000 of the multimodal transportation account--state  
19 appropriation is provided solely for a vanpool grant program for: (a)  
20 Public transit agencies to add vanpools or replace vans; and (b)  
21 incentives for employers to increase employee vanpool use. The grant  
22 program for public transit agencies will cover capital costs only; no  
23 operating costs for public transit agencies are eligible for funding  
24 under this grant program. No additional employees may be hired from  
25 the funds provided in this section for the vanpool grant program, and  
26 supplanting of transit funds currently funding vanpools is not allowed.  
27 Additional criteria for selecting grants must include leveraging funds  
28 other than state funds.

29 (4) \$40,000,000 of the regional mobility grant program account--  
30 state appropriation is provided solely for the regional mobility grant  
31 projects identified on the LEAP Transportation Document 2009-B, as  
32 developed March 23, 2009. The department shall review all projects  
33 receiving grant awards under this program at least semiannually to  
34 determine whether the projects are making satisfactory progress. Any  
35 project that has been awarded funds, but does not report activity on  
36 the project within one year of the grant award, shall be reviewed by  
37 the department to determine whether the grant should be terminated.  
38 The department shall promptly close out grants when projects have been

1 completed, and any remaining funds available to the office of transit  
2 mobility shall be used only to fund projects on the LEAP Transportation  
3 Document 2009-B, as developed March 23, 2009. The department shall  
4 provide annual status reports on December 15, 2009, and December 15,  
5 2010, to the office of financial management and the transportation  
6 committees of the legislature regarding the projects receiving the  
7 grants. It is the intent of the legislature to appropriate funds  
8 through the regional mobility grant program only for projects that will  
9 be completed on schedule.

10 (5) \$3,318,000 of the multimodal transportation account--state  
11 appropriation and \$21,248,000 of the regional mobility grant program  
12 account--state appropriation are reappropriated and provided solely for  
13 the regional mobility grant projects identified on the LEAP  
14 Transportation Document 2007-B, as developed April 20, 2007. The  
15 department shall continue to review all projects receiving grant awards  
16 under this program at least semiannually to determine whether the  
17 projects are making satisfactory progress. The department shall  
18 promptly close out grants when projects have been completed, and any  
19 remaining funds available to the office of transit mobility shall be  
20 used only to fund projects on the LEAP Transportation Document 2007-B,  
21 as developed April 20, 2007, or the LEAP Transportation Document  
22 2009-B, as developed March 23, 2009. It is the intent of the  
23 legislature to appropriate funds through the regional mobility grant  
24 program only for projects that will be completed on schedule.

25 (6) \$2,309,000 of the multimodal transportation account--state  
26 appropriation is provided solely for the tri-county connection service  
27 for Island, Skagit, and Whatcom transit agencies.

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

33 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**  
34 **MARINE--PROGRAM X**  
35 Puget Sound Ferry Operations Account--State  
36 Appropriation . . . . . \$395,905,000

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

3 (1) \$52,463,000 of the Puget Sound ferry operations account--state  
4 appropriation is provided solely for auto ferry vessel operating fuel  
5 in the 2009-11 fiscal biennium.

6 (2) \$1,100,000 of the Puget Sound ferry operations account--state  
7 appropriation is provided solely for a marketing program. The  
8 department shall present a marketing program proposal to the  
9 transportation committees of the legislature during the 2010  
10 legislative session before expending these funds.

11 (3) The Washington state ferries shall continue to provide service  
12 to Sidney, British Columbia.

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

18 (5) When purchasing uniforms that are required by collective  
19 bargaining agreements, the department shall contract with the lowest  
20 cost provider.

21 (6) The department shall prepare and submit a zero-based budget  
22 proposal of the operating ferries program for the 2011-13 fiscal  
23 biennium.

24 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**  
25 **RAIL--PROGRAM Y--OPERATING**

26 Multimodal Transportation Account--State  
27 Appropriation . . . . . \$34,933,000

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

30 (1) \$29,091,000 of the multimodal transportation account--state  
31 appropriation is provided solely for the Amtrak service contract and  
32 Talgo maintenance contract associated with providing and maintaining  
33 the state-supported passenger rail service. Upon completion of the  
34 rail platform project in the city of Stanwood, the department shall  
35 provide daily Amtrak Cascades service to the city.

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

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

3 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--**  
4 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

5	Motor Vehicle Account--State Appropriation . . . . .	\$8,739,000
6	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,567,000
7	TOTAL APPROPRIATION . . . . .	\$11,306,000

8 **TRANSPORTATION AGENCIES--CAPITAL**

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

10	State Patrol Highway Account--State Appropriation . . . . .	\$3,126,000
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11 The appropriation in this section is subject to the following  
12 conditions and limitations:

13 (1) \$1,626,000 is provided solely for the following minor works  
14 projects: \$450,000 for academy roofs; \$318,000 for academy drive  
15 course repairs; \$150,000 for HVAC controls replacement; \$168,000 for  
16 upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades;  
17 \$90,000 for South King detachment window replacement; \$200,000 for  
18 replacement of the Naselle tower, shelter, and fence; and \$200,000 for  
19 unforeseen emergency repairs.

20 (2) \$1,500,000 is provided solely for the construction of regional  
21 waste water treatment systems for the Shelton academy of the Washington  
22 state patrol.

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

24	Rural Arterial Trust Account--State Appropriation . . . . .	\$51,000,000
25	Motor Vehicle Account--State Appropriation . . . . .	\$1,048,000
26	County Arterial Preservation Account--State	
27	Appropriation . . . . .	\$31,400,000
28	TOTAL APPROPRIATION . . . . .	\$83,448,000

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

31 (1) \$1,048,000 of the motor vehicle account--state appropriation  
32 may be used for county ferry projects as developed pursuant to RCW  
33 47.56.725(4).

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

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

10 Small City Pavement and Sidewalk Account--State  
11 Appropriation . . . . . \$5,779,000  
12 Urban Arterial Trust Account--State Appropriation . . . . \$122,400,000  
13 Transportation Improvement Account--State  
14 Appropriation . . . . . \$85,643,000  
15 TOTAL APPROPRIATION . . . . . \$213,822,000

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

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

21 (2) The urban arterial trust account--state appropriation includes  
22 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW  
23 47.26.420.

24 NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**  
25 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

26 Motor Vehicle Account--State Appropriation . . . . . \$6,581,000

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

29 (1) \$290,000 of the motor vehicle account--state appropriation is  
30 provided solely for reconstruction of the Wandermere facility that was  
31 destroyed in the 2008-09 winter storms.

32 (2) \$2,000,000 of the motor vehicle account--state appropriation is  
33 for facilities maintenance backlog projects.

34 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**

1   **IMPROVEMENTS--PROGRAM I**  
2   Multimodal Transportation Account--State  
3       Appropriation . . . . . \$1,000  
4   Transportation Partnership Account--State  
5       Appropriation . . . . . \$1,703,910,000  
6   Motor Vehicle Account--State Appropriation . . . . . \$80,489,000  
7   Motor Vehicle Account--Federal Appropriation . . . . . \$485,506,000  
8   Motor Vehicle Account--Private/Local  
9       Appropriation . . . . . \$65,496,000  
10   Special Category C Account--State Appropriation . . . . . \$15,000,000  
11   Transportation 2003 Account (Nickel Account)--State  
12       Appropriation . . . . . \$807,817,000  
13   Freight Mobility Multimodal Account--State  
14       Appropriation . . . . . \$4,422,000  
15   Tacoma Narrows Toll Bridge Account--State Appropriation . . . . \$788,000  
16       TOTAL APPROPRIATION . . . . . \$3,163,429,000

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

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

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

1 supporting the state route number 520 bridge replacement and HOV  
2 project.

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

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

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

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

27 (7) The department shall, on a quarterly basis beginning July 1,  
28 2009, provide to the office of financial management and the legislature  
29 reports providing the status on each active project funded in part or  
30 whole by the transportation 2003 account (nickel account) or the  
31 transportation partnership account. Funding provided at a programmatic  
32 level for transportation partnership account and transportation 2003  
33 account (nickel account) projects relating to bridge rail, guard rail,  
34 fish passage barrier removal, and roadside safety projects should be  
35 reported on a programmatic basis. Projects within this programmatic  
36 level funding should be completed on a priority basis and scoped to be  
37 completed within the current programmatic budget. Other projects may  
38 be reported on a programmatic basis. The department shall work with



1 the office of financial management and the transportation committees of  
2 the legislature to agree on report formatting and elements. Elements  
3 must include, but not be limited to, project scope, schedule, and  
4 costs, and must be developed according to an earned value method of  
5 project monitoring. The department shall also provide the information  
6 required under this subsection on a quarterly basis via the  
7 transportation executive information systems (TEIS).

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

13 (9) The department shall apply for the competitive portion of  
14 federal transit administration funds for eligible transit-related costs  
15 of the SR 520 bridge replacement and HOV project and the Columbia river  
16 crossing project. The federal funds described in this subsection shall  
17 not include those federal transit administration funds distributed by  
18 formula.

19 (10) The transportation 2003 account (nickel account)--state  
20 appropriation includes up to \$747,568,000 in proceeds from the sale of  
21 bonds authorized by RCW 47.10.861.

22 (11) The transportation partnership account--state appropriation  
23 includes up to \$1,350,695,000 in proceeds from the sale of bonds  
24 authorized in RCW 47.10.873.

25 (12) The special category C account--state appropriation includes  
26 up to \$11,558,000 in proceeds from the sale of bonds authorized in RCW  
27 47.10.812.

28 (13) The motor vehicle account--state appropriation includes up to  
29 \$15,000,000 in bond proceeds authorized in RCW 47.10.843.

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

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

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

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

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

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

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

15 (g) Conduct public work sessions and open houses to provide  
16 information to citizens, including users of the bridge and business and  
17 freight interests, regarding implementation of tolls on the Interstate  
18 5 and to solicit citizen views on the following items:

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

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

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

25 (h) Provide a report to the governor and the legislature by January  
26 2010.

27 (15) \$400,000 of the motor vehicle account--state appropriation is  
28 provided solely for the department to conduct a state route number 2  
29 route development plan that will identify essential improvements needed  
30 between the port of Everett/Naval station and approaching the state  
31 route number 9 interchange near the city of Snohomish.

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

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

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

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

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

14 (iv) Provide a report to the governor and the legislature by  
15 January 2010.

16 (17) Within the amounts provided in this section, \$38,000,000 of  
17 the transportation partnership account--state appropriation is for  
18 project 600010A, as identified in the LEAP transportation document in  
19 subsection (1) of this section: NSC-North Spokane corridor design and  
20 right-of-way - new alignment. Expenditure of these funds is for  
21 preliminary engineering and right-of-way purchasing to prepare for four  
22 lanes to be built from where existing construction ends at Francis  
23 Avenue for three miles to the Spokane river.

24 (18) \$2,000,000 of the motor vehicle account--federal appropriation  
25 is provided solely for project 100224I, as identified in the LEAP  
26 transportation document in subsection (1) of this section: US 2 high  
27 priority safety project. Expenditure of these funds is for safety  
28 projects on state route number 2 between Skykomish and Gold Bar, which  
29 may include median rumble strips, traffic cameras, and electronic  
30 message signs.

31 (19) \$2,000,000 of the motor vehicle account--federal appropriation  
32 is provided solely for improvements on SR 516 from Wax Road to 185th  
33 Avenue.

34 (20) \$250,000 of the motor vehicle account--federal appropriation  
35 is provided solely for the addition of a right turn lane to improve  
36 visibility and traffic flow on US 195 at Cheney-Spokane Road.

37 (21) Project number 330215A in the LEAP transportation document  
38 described in subsection (1) of this section is expanded to include

1 safety and congestion improvements from Key Peninsula Highway to Purdy  
2 Vicinity. The department shall consult with the Washington traffic  
3 safety commission to ensure that this project includes improvement at  
4 intersections and along the roadway to reduce the frequency and  
5 severity of collisions related to roadway conditions and traffic  
6 congestion.

7 (22) The appropriations in this section reflect a reduction of  
8 department administrative costs and the more efficient use of  
9 department resources, resulting from the regional realignment  
10 identified in Engrossed Substitute Senate Bill No. 5682.

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

14 (24) Within the motor vehicle account--state appropriations in  
15 programs I and P, the department may transfer funds between programs I  
16 and P, except for funds that are otherwise restricted in this section  
17 and section 306 of this act.

18 (25) The department shall continue to work with the local partners  
19 in developing transportation solutions necessary for the economic  
20 growth in the Red Mountain American Viticulture Area of Benton county.

21 (26) If the SR 26 - Intersection and Illumination Improvements are  
22 not completed by June 30, 2009, the department shall ensure that the  
23 improvements are completed as soon as practicable after June 30, 2009,  
24 and shall submit monthly progress reports on the improvements beginning  
25 July 1, 2009.

26 (27) The department must prepare a comprehensive tolling study of  
27 the state route number 167 corridor to determine the feasibility of  
28 administering tolls within the corridor. The department shall  
29 regularly report to the Washington transportation commission regarding  
30 the progress of the study for the purpose of guiding the commission's  
31 potential toll setting on the facility. The elements of the study must  
32 include, at a minimum:

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

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

36 (c) Economic considerations for future system investments.

37 (28) The department shall conduct a public outreach process to  
38 identify and respond to community concerns regarding the Belfair

1 bypass, including project costs. The department shall use this process  
2 to consider and develop design alternatives that alter the project's  
3 scope so that the community's needs are met within the project budget,  
4 and preferably at costs below the current budget. The department shall  
5 provide a report on the process and outcomes to the legislature by June  
6 30, 2010.

7 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**  
8 **PRESERVATION--PROGRAM P**

9 Transportation Partnership Account--State

10	Appropriation . . . . .	\$88,688,000
11	Motor Vehicle Account--State Appropriation . . . . .	\$94,531,000
12	Motor Vehicle Account--Federal Appropriation . . . . .	\$520,097,000
13	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$6,417,000
14	Transportation 2003 Account (Nickel Account)--State	
15	Appropriation . . . . .	\$7,237,000
16	Puyallup Tribal Settlement Account--State	
17	Appropriation . . . . .	\$6,500,000
18	TOTAL APPROPRIATION . . . . .	\$723,470,000

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

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

29 (2) \$2,033,304 of the motor vehicle account--federal appropriation  
30 and \$230,361 of the motor vehicle account--state appropriation are  
31 provided solely for project 602110F, as identified in the LEAP  
32 transportation document in subsection (1) of this section: SR  
33 21/Keller ferry boat - replace ferry boat. The Keller ferry boat  
34 replacement must consist of a tug and barge.

35 (3) The department shall apply for surface transportation program  
36 (STP) enhancement funds to be expended in lieu of or in addition to

1 state funds for eligible costs of projects in Programs I and P,  
2 including, but not limited to, the SR 518, SR 520, Columbia river  
3 crossing, and Alaskan Way viaduct projects.

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

17 (5) The department shall, on a quarterly basis beginning July 1,  
18 2009, provide to the office of financial management and the legislature  
19 reports providing the status on each active project funded in part or  
20 whole by the transportation 2003 account (nickel account) or the  
21 transportation partnership account. Funding provided at a programmatic  
22 level for transportation partnership account projects relating to  
23 seismic bridges should be reported on a programmatic basis. Projects  
24 within this programmatic level funding should be completed on a  
25 priority basis and scoped to be completed within the current  
26 programmatic budget. Other projects may be reported on a programmatic  
27 basis. The department shall work with the office of financial  
28 management and the transportation committees of the legislature to  
29 agree on report formatting and elements. Elements must include, but  
30 not be limited to, project scope, schedule, and costs, and must be  
31 developed according to an earned value method of project monitoring.  
32 The department shall also provide the information required under this  
33 subsection on a quarterly basis via the transportation executive  
34 information systems (TEIS).

35 (6) The department of transportation shall continue to implement  
36 the lowest life cycle cost planning approach to pavement management  
37 throughout the state to encourage the most effective and efficient use

1 of pavement preservation funds. Emphasis should be placed on  
2 increasing the number of roads addressed on time and reducing the  
3 number of roads past due.

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

7 (8) \$1,500,000 of the motor vehicle account--federal appropriation  
8 is provided solely for the environmental impact statement and  
9 preliminary planning for the replacement of the SR 9 Snohomish river  
10 bridge.

11 (9) The appropriations in this section reflect a reduction of  
12 department administrative costs and the more efficient use of  
13 department resources, resulting from the regional realignment  
14 identified in Engrossed Substitute Senate Bill No. 5682.

15 (10) The motor vehicle account--state appropriation includes up to  
16 \$15,000,000 in bond proceeds authorized in RCW 47.10.843.

17 (11) Within the motor vehicle account--state appropriations in  
18 programs I and P, the department may transfer funds between programs I  
19 and P, except for funds that are otherwise restricted in this section  
20 and section 305 of this act.

21 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**  
22 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

23	Motor Vehicle Account--State Appropriation . . . . .	\$6,396,000
24	Motor Vehicle Account--Federal Appropriation . . . . .	\$9,262,000
25	TOTAL APPROPRIATION . . . . .	\$15,658,000

26 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**  
27 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

28	Puget Sound Capital Construction Account--State	
29	Appropriation . . . . .	\$97,946,000
30	Puget Sound Capital Construction Account--Federal	
31	Appropriation . . . . .	\$37,330,000
32	Transportation 2003 Account (Nickel Account)--State	
33	Appropriation . . . . .	\$67,076,000
34	Transportation Partnership Account--State	
35	Appropriation . . . . .	\$80,731,000
36	TOTAL APPROPRIATION . . . . .	\$283,083,000

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

3 (1) \$104,498,000 of the Puget Sound capital construction account--  
4 state appropriation, \$37,330,000 of the Puget Sound capital  
5 construction account--federal appropriation, \$80,731,000 of the  
6 transportation partnership account--state appropriation, and  
7 \$67,044,000 of the transportation 2003 account (nickel account)--state  
8 appropriation are provided solely for ferry capital projects, project  
9 support, and administration as listed in LEAP Transportation Document  
10 ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed  
11 March 30, 2009. Of the total appropriation, a maximum of \$10,627,000  
12 may be used for administrative support, a maximum of \$8,184,000 may be  
13 used for terminal project support, and a maximum of \$4,497,000 may be  
14 used for vessel project support.

15 (2) \$67,044,000 of the transportation 2003 account (nickel  
16 account)--state appropriation and \$53,137,000 of the transportation  
17 partnership account--state appropriation are provided solely for the  
18 acquisition of four new Island Homes class ferry vessels subject to the  
19 conditions and limitations in RCW 47.56.780, the first two of which  
20 shall be placed on the Port Townsend-Keystone route. The department  
21 shall add additional passenger capacity to two of these vessels to make  
22 them more flexible within the system in the future, if doing so does  
23 not require additional staffing on the vessels.

24 (3) \$6,300,000 of the Puget Sound capital construction account--  
25 state appropriation is provided solely for emergency capital costs.

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

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

34 (6) The department shall provide to the office of financial  
35 management and the legislature quarterly reports providing the status  
36 on each project listed in this section and in the project lists  
37 submitted pursuant to this act and on any additional projects for which  
38 the department has expended funds during the 2009-11 fiscal biennium.



1 Elements must include, but not be limited to, project scope, schedule,  
 2 and costs. The department shall also provide the information required  
 3 under this subsection via the transportation executive information  
 4 systems (TEIS). The quarterly report regarding the status of projects  
 5 identified on the list referenced in subsection (1) of this section  
 6 must be developed according to an earned value method of project  
 7 monitoring.

8 (7) \$4,670,000 of the total appropriation is provided solely for a  
 9 systemwide reservation system. The department shall complete a  
 10 predesign study and present the study to the joint transportation  
 11 committee by November 1, 2009. The department may not implement the  
 12 statewide reservation system unless the department is authorized to do  
 13 so in the 2010 supplemental omnibus transportation appropriations act.

14 (8) The Puget Sound capital construction account--state  
 15 appropriation includes up to \$95,000,000 in proceeds from the sale of  
 16 bonds authorized in RCW 47.10.843.

17 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**  
 18 **RAIL--PROGRAM Y--CAPITAL**

19	Essential Rail Assistance Account--State Appropriation . . . .	\$675,000
20	Transportation Infrastructure Account--State	
21	Appropriation . . . . .	\$9,416,000
22	Multimodal Transportation Account--State	
23	Appropriation . . . . .	\$50,000,000
24	Multimodal Transportation Account--Federal	
25	Appropriation . . . . .	\$16,054,000
26	Multimodal Transportation Account--Private/Local	
27	Appropriation . . . . .	\$81,000
28	TOTAL APPROPRIATION . . . . .	\$76,226,000

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

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

1 amounts listed subject to the conditions and limitations in section 603  
2 of this act.

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

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

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

16 (c)(i) Within the amounts provided in this section, \$1,712,022 of  
17 the multimodal transportation account--state appropriation and \$175,000  
18 of the essential rail assistance account--state appropriation are for  
19 statewide - emergent freight rail assistance projects as follows: Port  
20 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)  
21 \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)  
22 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN  
23 700610A) \$370,650; Clark County owned railroad/Vancouver - track  
24 rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved  
25 locomotive facility (BIN 711010B) \$366,813.

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

36 (iii) Within the amounts provided in this section, \$337,978 of the  
37 multimodal transportation account--state appropriation is for a  
38 statewide - emergent freight rail assistance project grant for the

1 Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
2 provided that the grantee first documents to the satisfaction of the  
3 department sufficient commitments from the new shipper or shippers to  
4 locate in the publicly owned industrial park west of Creston to ensure  
5 that the net present value of the public benefits of the project is  
6 greater than the grant amount.

7 (d) Within the amounts provided in this section, \$8,100,000 of the  
8 transportation infrastructure account--state appropriation is for  
9 grants to any intergovernmental entity or local rail district to which  
10 the department of transportation assigns the management and oversight  
11 responsibility for the business and economic development elements of  
12 existing operating leases on the Palouse River and Coulee City (PCC)  
13 rail lines. The PCC rail line system is made up of the CW, P&L, and PV  
14 Hooper rail lines. Business and economic development elements include  
15 such items as levels of service and business operating plans, but must  
16 not include the state's oversight of railroad regulatory compliance,  
17 rail infrastructure condition, or real property management issues. The  
18 PCC rail system must be managed in a self-sustaining manner and best  
19 efforts must be used to ensure that it does not require state capital  
20 or operating subsidy beyond the level of state funding expended on it  
21 to date. The assignment of the stated responsibilities to an  
22 intergovernmental entity or rail district must be on terms and  
23 conditions as the department of transportation and the  
24 intergovernmental entity or rail district mutually agree. The grant  
25 funds may be used only to refurbish the rail lines. It is the intent  
26 of the legislature to make the funds appropriated in this section  
27 available as grants to an intergovernmental entity or local rail  
28 district for the purposes stated in this section at least until June  
29 30, 2012, and to reappropriate as necessary any portion of the  
30 appropriation in this section that is not used by June 30, 2011.

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

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

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

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

16 (ii) Self-sustaining economic development that creates family-wage  
17 jobs;

18 (iii) Preservation of transportation corridors that would otherwise  
19 be lost;

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

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

24 (vi) Mitigation of impacts of increased rail traffic on  
25 communities.

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

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

33 (5) At the earliest possible date, the department shall apply, and  
34 assist ports and local jurisdictions in applying, for any federal  
35 funding that may be available for any projects that may qualify for  
36 such federal funding. State projects must be (a) currently identified  
37 on the project list referenced in subsection (1)(a) of this section or  
38 (b) projects for which no state match is required to complete the

1 project. Local or port projects must not require additional state  
2 funding in order to complete the project, with the exception of (c)  
3 state funds currently appropriated for the project if currently  
4 identified on the project list referenced in subsection (1)(a) of this  
5 section or (d) potential grants awarded in the competitive grant  
6 process for the essential rail assistance program. If the department  
7 receives any federal funding, the department is authorized to obligate  
8 and spend the federal funds in accordance with federal law. To the  
9 extent permissible by federal law, federal funds may be used (e) in  
10 addition to state funds appropriated for projects currently identified  
11 on the project list referenced in subsection (1)(a) of this section in  
12 order to advance funding from future biennia for such projects or (f)  
13 in lieu of state funds; however, the state funds must be redirected  
14 within the rail capital program to advance funding for other projects  
15 currently identified on the project list referenced in subsection  
16 (1)(a) of this section. State funds may be redirected only upon  
17 consultation with the transportation committees of the legislature and  
18 the office of financial management, and approval by the director of the  
19 office of financial management. The department shall spend the federal  
20 funds before the state funds, and shall consult the office of financial  
21 management and the transportation committees of the legislature  
22 regarding project scope changes.

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

32 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**  
33 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

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

1	Appropriation . . . . .	\$13,048,000
2	Transportation Partnership Account--State	
3	Appropriation . . . . .	\$8,363,000
4	Motor Vehicle Account--State Appropriation . . . . .	\$7,999,000
5	Motor Vehicle Account--Federal Appropriation . . . . .	\$36,069,000
6	Freight Mobility Multimodal Account--State	
7	Appropriation . . . . .	\$13,918,000
8	Freight Mobility Multimodal Account--Local	
9	Appropriation . . . . .	\$3,135,000
10	Multimodal Transportation Account--Federal	
11	Appropriation . . . . .	\$2,098,000
12	Multimodal Transportation Account--State	
13	Appropriation . . . . .	\$26,390,000
14	Transportation 2003 Account (Nickel Account)--State	
15	Appropriation . . . . .	\$709,000
16	Passenger Ferry Account--State Appropriation . . . . .	\$2,879,000
17	TOTAL APPROPRIATION . . . . .	\$116,417,000

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

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

29 (2) \$2,879,000 of the passenger ferry account--state appropriation  
30 is provided solely for near and long-term costs of capital improvements  
31 in a business plan approved by the governor for passenger ferry  
32 service.

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

36 (4) The department shall apply for surface transportation program  
37 (STP) enhancement funds to be expended in lieu of or in addition to

1 state funds for eligible costs of projects in local programs, program  
2 Z capital.

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

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

20 (7) \$18,182,113 of the multimodal transportation account--state  
21 appropriation, \$8,753,895 of the motor vehicle account--federal  
22 appropriation, and \$4,000,000 of the transportation partnership  
23 account--state appropriation are provided solely for the pedestrian and  
24 bicycle safety program projects and safe routes to schools program  
25 projects identified in LEAP Transportation Document 2009-A, pedestrian  
26 and bicycle safety program projects and safe routes to schools program  
27 projects, as developed March 23, 2009, LEAP Transportation Document  
28 2007-A, pedestrian and bicycle safety program projects and safe routes  
29 to schools program projects, as developed April 20, 2007, and LEAP  
30 Transportation Document 2006-B, pedestrian and bicycle safety program  
31 projects and safe routes to schools program projects, as developed  
32 March 8, 2006. Projects must be allocated funding based on order of  
33 priority. The department shall review all projects receiving grant  
34 awards under this program at least semiannually to determine whether  
35 the projects are making satisfactory progress. Any project that has  
36 been awarded funds, but does not report activity on the project within  
37 one year of the grant award must be reviewed by the department to  
38 determine whether the grant should be terminated. The department shall

1 promptly close out grants when projects have been completed, and  
2 identify where unused grant funds remain because actual project costs  
3 were lower than estimated in the grant award.

4 (8) Except as provided otherwise in this section, the entire  
5 appropriations in this section are provided solely for the projects and  
6 activities as listed by fund, project, and amount in LEAP  
7 Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as  
8 developed March 30, 2009.

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

15 (10) \$500,000 of the freight mobility investment account--state  
16 appropriation is provided solely for the Myra Road at Dalles Road  
17 Intersection Project (5LP071F).

18 **TRANSFERS AND DISTRIBUTIONS**

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

23	Highway Bond Retirement Account--State Appropriation . . .	\$688,557,000
24	Ferry Bond Retirement Account--State Appropriation . . . .	\$33,770,000
25	Transportation Improvement Board Bond Retirement	
26	Account--State Appropriation . . . . .	\$22,961,000
27	Nondebt-Limit Reimbursable Account--State	
28	Appropriation . . . . .	\$15,790,000
29	Transportation Partnership Account--State	
30	Appropriation . . . . .	\$4,998,000
31	Motor Vehicle Account--State Appropriation . . . . .	\$466,000
32	Transportation 2003 Account (Nickel Account)--State	
33	Appropriation . . . . .	\$2,766,000
34	Special Category C Account--State Appropriation . . . . .	\$142,000
35	Urban Arterial Trust Account--State Appropriation . . . . .	\$56,000
36	Transportation Improvement Account--State Appropriation . . . .	\$26,000



1 TOTAL APPROPRIATION . . . . . \$769,532,000

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

5 Transportation Partnership Account--State Appropriation . . . \$675,000  
6 Motor Vehicle Account--State Appropriation . . . . . \$63,000  
7 Transportation 2003 Account (Nickel Account)--State  
8 Appropriation . . . . . \$374,000  
9 Special Category C Account--State Appropriation . . . . . \$19,000  
10 Urban Arterial Trust Account--State Appropriation . . . . . \$8,000  
11 Transportation Improvement Account--State Appropriation . . . . \$4,000  
12 TOTAL APPROPRIATION . . . . . \$1,143,000

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

16 Motor Vehicle Account--State Appropriation:  
17 For transfer to the Puget Sound Capital Construction  
18 Account . . . . . \$95,000,000

19 The department of transportation is authorized to sell up to  
20 \$95,000,000 in bonds authorized by RCW 47.10.843 for vessel and  
21 terminal acquisition, major and minor improvements, and long lead-time  
22 materials acquisition for the Washington state ferries.

23 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**  
24 **FOR DISTRIBUTION**

25 Motor Vehicle Account Appropriation for  
26 motor vehicle fuel tax distributions to cities  
27 and counties . . . . . \$526,320,000

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

29 Motor Vehicle Account--State  
30 Appropriation: For motor vehicle fuel tax  
31 refunds and statutory transfers . . . . . \$937,181,000

32 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**

1 **TRANSFERS**

2 Motor Vehicle Account--State  
3 Appropriation: For motor vehicle fuel tax  
4 refunds and transfers . . . . . \$346,657,000

5 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**  
6 **TRANSFERS**

7 (1) Tacoma Narrows Toll Bridge Account--State  
8 Appropriation: For transfer to the Motor Vehicle  
9 Account--State . . . . . \$5,288,000

10 (2) Motor Vehicle Account--State Appropriation:  
11 For transfer to the Puget Sound Ferry Operations  
12 Account--State . . . . . \$20,000,000

13 (3) Recreational Vehicle Account--State  
14 Appropriation: For transfer to the Motor Vehicle  
15 Account--State . . . . . \$2,000,000

16 (4) License Plate Technology Account--State  
17 Appropriation: For transfer to the Highway Safety  
18 Account--State . . . . . \$2,750,000

19 (5) Multimodal Transportation Account--State  
20 Appropriation: For transfer to the Puget Sound  
21 Ferry Operations Account--State . . . . . \$10,000,000

22 (6) Highway Safety Account--State Appropriation:  
23 For transfer to the Multimodal Transportation  
24 Account--State . . . . . \$18,750,000

25 (7) Department of Licensing Services Account--State  
26 Appropriation: For transfer to the Motor Vehicle  
27 Account--State . . . . . \$2,000,000

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

33 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS.** In addition to  
34 the amounts appropriated in this act for revenue for distribution,  
35 state contributions to the law enforcement officers' and firefighters'  
36 retirement system, and bond retirement and interest including ongoing

1 bond registration and transfer charges, transfers, interest on  
2 registered warrants, and certificates of indebtedness, there is also  
3 appropriated such further amounts as may be required or available for  
4 these purposes under any statutory formula or under any proper bond  
5 covenant made under law.

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

#### 14 **COMPENSATION**

15 NEW SECTION. **Sec. 501. COMPENSATION.** The appropriations for  
16 state agencies are subject to the following conditions and limitations:  
17 State employee compensation adjustments will be provided in accordance  
18 with funding adjustments provided in the 2009-2011 omnibus  
19 appropriations act.

#### 20 **IMPLEMENTING PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (9) Transportation agencies that do not use all of the services of  
34 the department of information services shall investigate opportunities  
35 to achieve savings on information technology expenditures through: (a)  
36 Holistic virtualization strategies; (b) wide-area network optimization  
37 strategies; (c) replacement of traditional telephone communications  
38 systems with alternative systems; and (d) migration of external voice

1 mail systems to internal voice mail systems coordinated by the agency.  
2 These agencies shall consult with a systems integration firm in order  
3 to assess the potential reduction in information technology  
4 expenditures that can be achieved through the strategies identified in  
5 this subsection. By July 1, 2010, these agencies shall report findings  
6 to the office of financial management and the transportation committees  
7 of the legislature.

8 NEW SECTION. **Sec. 602. MEGA-PROJECT REPORTING.** Mega-projects are  
9 defined as individual or groups of related projects that cost  
10 \$1,000,000,000 or more. These projects include, but are not limited  
11 to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane  
12 corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the Columbia river  
13 crossing. The department of transportation shall track mega-projects  
14 and report the financial status and schedule of these projects at least  
15 once a year to the transportation committees of the legislature and the  
16 office of financial management. The design of mega-projects must be  
17 evaluated considering cost, capacity, safety, mobility needs, and how  
18 well the design of the facility fits within its urban environment.

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

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

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

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

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

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

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

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

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

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

28 NEW SECTION. **Sec. 604.** Executive Order number 05-05,  
29 archaeological and cultural resources, was issued effective November  
30 10, 2005. Agencies and higher education institutions that issue grants  
31 or loans for capital projects shall comply with the requirements set  
32 forth in this executive order.

33 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

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

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

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

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

17           (1) Provisions that specify unsolicited proposals must meet  
18 predetermined criteria;

19           (2) Provisions governing procedures for the cessation of  
20 negotiations and consideration;

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

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

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

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

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



1 (c) Procedures for what will happen if there are insufficient  
2 proposals submitted or if there are no letters of interest submitted in  
3 the appropriate time frame.

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

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

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

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

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

1 highway safety account such amounts as reflect the excess fund balance  
2 of the license plate technology account.

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

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

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

25 (3) The requirements of subsection (1) of this section shall not  
26 apply during the ((2007-2009)) 2009-2011 fiscal biennium.

27 **Sec. 706.** 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. 707.** 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))~~ 2009-2011 fiscal biennium, the  
32 ~~((legislature may transfer))~~ department shall transfer fourteen million  
33 dollars from the advance right-of-way revolving fund to the motor  
34 vehicle account ~~((amounts as reflect))~~, which reflects the excess fund  
35 balance of the advance right-of-way revolving fund.

1       **Sec. 708.** RCW 46.16.725 and 2008 c 72 s 2 are each amended to read  
2 as follows:

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

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

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

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

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

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

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

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

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

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

4 **Sec. 709.** RCW 46.68.060 and 2007 c 518 s 714 are each amended to  
5 read as follows:

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

17 **Sec. 710.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to  
18 read as follows:

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

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

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

33 (c) During the 2009-2011 fiscal biennium, automated traffic safety  
34 cameras may be used to detect speed violations for the purposes of  
35 section 201(2) of this act if the local legislative authority first



1 enacts an ordinance authorizing the use of cameras to detect speed  
2 violations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **Sec. 711.** RCW 47.68.090 and 1980 c 67 s 1 are each amended to read  
22 as follows:

23 The department of transportation may make available its engineering  
24 and other technical services, with or without charge, to any  
25 municipality or person desiring them in connection with the planning,  
26 acquisition, construction, improvement, maintenance or operation of  
27 airports or air navigation facilities.

28 The department may render financial assistance by grant or loan or  
29 both to any municipality or municipalities acting jointly in the  
30 planning, acquisition, construction, improvement, maintenance, or  
31 operation of an airport owned or controlled, or to be owned or  
32 controlled by such municipality or municipalities, or to any Indian  
33 tribe recognized as such by the federal government or such tribes  
34 acting jointly in the planning, acquisition, construction, improvement,  
35 maintenance or operation of an airport, owned or controlled, or to be  
36 owned or controlled by such tribe or tribes and to be held available  
37 for the general use of the public, out of appropriations made by the

1 legislature for such purposes. Such financial assistance may be  
2 furnished in connection with federal or other financial aid for the  
3 same purposes: PROVIDED, That no grant or loan or both shall be in  
4 excess of two hundred fifty thousand dollars, or five hundred thousand  
5 dollars during the 2009-2011 fiscal biennium, for any one project:  
6 PROVIDED FURTHER, That no grant or loan or both shall be granted unless  
7 the municipality or municipalities acting jointly, or the tribe or  
8 tribes acting jointly shall from their own funds match any funds made  
9 available by the department upon such ratio as the department may  
10 prescribe.

11 The department is authorized to act as agent of any municipality or  
12 municipalities acting jointly or any tribe or tribes acting jointly,  
13 upon the request of such municipality or municipalities, or such tribe  
14 or tribes in accepting, receiving, receipting for and disbursing  
15 federal moneys, and other moneys public or private, made available to  
16 finance, in whole or in part, the planning, acquisition, construction,  
17 improvement, maintenance or operation of an airport or air navigation  
18 facility; and if requested by such municipality or municipalities, or  
19 tribe or tribes, may act as its or their agent in contracting for and  
20 supervising such planning, acquisition, construction, improvement,  
21 maintenance, or operation; and all municipalities and tribes are  
22 authorized to designate the department as their agent for the foregoing  
23 purposes. The department, as principal on behalf of the state, and any  
24 municipality on its own behalf, may enter into any contracts, with each  
25 other or with the United States or with any person, which may be  
26 required in connection with a grant or loan of federal moneys for  
27 airport or air navigation facility purposes. All federal moneys  
28 accepted under this section shall be accepted and transferred or  
29 expended by the department upon such terms and conditions as are  
30 prescribed by the United States. All moneys received by the department  
31 pursuant to this section shall be deposited in the state treasury, and,  
32 unless otherwise prescribed by the authority from which such moneys  
33 were received, shall be kept in separate funds designated according to  
34 the purposes for which the moneys were made available, and held by the  
35 state in trust for such purposes. All such moneys are hereby  
36 appropriated for the purposes for which the same were made available,  
37 to be disbursed or expended in accordance with the terms and conditions  
38 upon which they were made available: PROVIDED, That any landing fee or

1 charge imposed by any Indian tribe or tribes for the privilege of use  
2 of an airport facility planned, acquired, constructed, improved,  
3 maintained, or operated with financial assistance from the department  
4 pursuant to this section must apply equally to tribal and nontribal  
5 members: PROVIDED FURTHER, That in the event any municipality or  
6 municipalities or Indian tribe or tribes, or any distributor of  
7 aircraft fuel as defined by RCW 82.42.020 which operates in any airport  
8 facility which has received financial assistance pursuant to this  
9 section, fails to collect the aircraft fuel excise tax as specified in  
10 chapter 82.42 RCW, all funds or value of technical assistance given or  
11 paid to such municipality or municipalities or Indian tribe or tribes  
12 under the provisions of this section shall revert to the department,  
13 and shall be due and payable to the department immediately.

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

16 The department of licensing services account is created in the  
17 motor vehicle fund. All receipts from service fees received under RCW  
18 46.01.140(4)(b) shall be deposited into the account. Moneys in the  
19 account may be spent only after appropriation. Expenditures from the  
20 account may be used only for information and service delivery systems  
21 for the department, and for reimbursement of county licensing  
22 activities. During the 2007-2009 and 2009-2011 fiscal (~~(biennium)~~)  
23 biennia, the legislature may transfer from the department of licensing  
24 services account such amounts as reflect the excess fund balance of the  
25 account.

26 **Sec. 713.** RCW 43.19.534 and 1993 sp.s. c 20 s 1 are each amended  
27 to read as follows:

28 (1) State agencies, the legislature, and departments shall purchase  
29 for their use all goods and services required by the legislature,  
30 agencies, or departments that are produced or provided in whole or in  
31 part from class II inmate work programs operated by the department of  
32 corrections through state contract. These goods and services shall not  
33 be purchased from any other source unless, upon application by the  
34 department or agency: (1) The department of general administration  
35 finds that the articles or products do not meet the reasonable  
36 requirements of the agency or department, (2) are not of equal or

1 better quality, or (3) the price of the product or service is higher  
2 than that produced by the private sector. However, the criteria  
3 contained in (1), (2), and (3) of this section for purchasing goods and  
4 services from sources other than correctional industries do not apply  
5 to goods and services produced by correctional industries that  
6 primarily replace goods manufactured or services obtained from outside  
7 the state. The department of corrections and department of general  
8 administration shall adopt administrative rules that implement this  
9 section.

10 (2) During the 2009-2011 fiscal biennium, and in conformance with  
11 section 224(5) of this act, this section does not apply to the purchase  
12 of uniforms by the Washington state ferries.

13 NEW SECTION. **Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**  
14 **GENERAL ADMINISTRATION BUILDING TENANT RELOCATION**

15 State Patrol Highway Account--State Appropriation . . . . . \$1,450,000

16 The appropriation in this section is subject to the following  
17 conditions and limitations: The appropriation is provided solely for  
18 allocation to the Washington state patrol for move planning costs,  
19 relocation costs, and increased ongoing lease costs.

20 **MISCELLANEOUS**

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

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

(End of bill)

INDEX	PAGE #
COMPENSATION . . . . .	50
COUNTY ROAD ADMINISTRATION BOARD . . . . .	6, 28
DEPARTMENT OF AGRICULTURE . . . . .	3
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION . . . . .	3
DEPARTMENT OF LICENSING . . . . .	11
TRANSFERS . . . . .	48
DEPARTMENT OF TRANSPORTATION	
AVIATION--PROGRAM F . . . . .	16
CHARGES FROM OTHER AGENCIES--PROGRAM U . . . . .	23
ECONOMIC PARTNERSHIPS--PROGRAM K . . . . .	17
FACILITIES--PROGRAM D--OPERATING . . . . .	15
HIGHWAY MAINTENANCE--PROGRAM M . . . . .	18
IMPROVEMENTS--PROGRAM I . . . . .	29
INFORMATION TECHNOLOGY--PROGRAM C . . . . .	14
LOCAL PROGRAMS--PROGRAM Z--CAPITAL . . . . .	44
LOCAL PROGRAMS--PROGRAM Z--OPERATING . . . . .	28
MARINE--PROGRAM X . . . . .	26
PRESERVATION--PROGRAM P . . . . .	36
PROGRAM D ( DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS )--CAPITAL . . . . .	29
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H . . . . .	16
PUBLIC TRANSPORTATION--PROGRAM V . . . . .	24
RAIL--PROGRAM Y--OPERATING . . . . .	27
RAIL--PROGRAM Y--CAPITAL . . . . .	40
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B . . . . .	14
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL . . . . .	38
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING . . . . .	19
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S . . . . .	22
TRANSPORTATION PLANNING , DATA , AND RESEARCH--PROGRAM T . . . . .	22
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W . . . . .	38
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD . . . . .	8
INFORMATION SYSTEMS PROJECTS . . . . .	50
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE . . . . .	4
JOINT TRANSPORTATION COMMITTEE . . . . .	6
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE . . . . .	4
MARINE EMPLOYEES COMMISSION . . . . .	3
OFFICE OF FINANCIAL MANAGEMENT . . . . .	2

GENERAL ADMINISTRATION BUILDING TENANT RELOCATION . . . . .	69
STATE PARKS AND RECREATION COMMISSION . . . . .	3
STATE TREASURER	
ADMINISTRATIVE TRANSFERS . . . . .	49
BOND RETIREMENT AND INTEREST . . . . .	47, 48
STATE REVENUES FOR DISTRIBUTION . . . . .	48
TRANSFERS . . . . .	48
STATUTORY APPROPRIATIONS . . . . .	49
TRANSPORTATION COMMISSION . . . . .	7
TRANSPORTATION IMPROVEMENT BOARD . . . . .	6, 29
UTILITIES AND TRANSPORTATION COMMISSION . . . . .	2
WASHINGTON STATE PATROL . . . . .	28
CRIMINAL HISTORY AND BACKGROUND CHECKS . . . . .	11
FIELD OPERATIONS BUREAU . . . . .	9
TECHNICAL SERVICES BUREAU . . . . .	10
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU . . . . .	10
WASHINGTON TRAFFIC SAFETY COMMISSION . . . . .	5

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