

Proposed 2010 Transportation Budget

Representative Judy Clibborn, Chair
House Transportation Committee

February 23, 2010

Budget Overview
Budget Bill (PSHB 2838)
Agency Detail
Project Lists

Section 2
Transportation Budget Bill
PSHB 2838

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 46.68.320 and 47.12.340; amending 2009 c 8 s 2
3 (uncodified); amending 2009 c 470 ss 101, 102, 103, 104, 106, 107, 108,
4 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214,
5 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 302, 303, 304, 306,
6 307, 308, 309, 310, 311, 401, 402, 404, 405, 406, 407, and 603
7 (uncodified); making appropriations and authorizing expenditures for
8 capital improvements; and declaring an emergency.

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

10 **2009-11 FISCAL BIENNIUM**
11 **ECONOMIC STIMULUS FUNDING**

12 **Sec. 1.** 2009 c 8 s 2 (uncodified) is amended to read as follows:
13 **FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND**
14 **REINVESTMENT ACT OF 2009.**

15 Motor Vehicle Account--Federal Appropriation \$341,400,000

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

1 (1) The entire appropriation in this section is (~~provided solely~~)
2 for the projects and amounts listed in ARRA Washington State Project
3 LEAP document 2009, as developed on February 24, 2009. Funds under
4 this section may be reallocated among projects shown in the document to
5 the extent that the department finds it necessary for the purposes of
6 facilitating completion of the projects with the highest priority or to
7 maintain maximum federal funds eligibility.

8 (2) To achieve the legislative objectives provided in section 1(2)
9 of this act with respect to highway projects, it is the intent of the
10 legislature that the appropriation in this section be used for:
11 Transportation 2003 account (nickel account) projects and
12 transportation partnership account (TPA) projects that would have
13 otherwise been delayed due to decreased revenues, so as to advance
14 project completion dates similar to those envisioned in the enacted
15 2008 legislative list of projects; projects that preserve or
16 rehabilitate Washington state highways and roads; and projects that
17 modify roadway alignments and conditions to create safer roads for the
18 traveling public.

19 (3)(a) The department of transportation shall obligate at least
20 fifty percent of the funds no later than one hundred twenty days after
21 surface transportation program funds under the American Recovery and
22 Reinvestment Act of 2009 have been apportioned to the states;

23 (b) The department shall obligate all funds no later than one year
24 after surface transportation program funds under the American Recovery
25 and Reinvestment Act of 2009 have been apportioned to the states;

26 (c) The department shall place the first priority for allocating
27 funds on those projects listed as "First Tier" projects on ARRA
28 Washington State Project LEAP document 2009, as developed on February
29 24, 2009. The department shall place the second priority on projects
30 listed as "Second Tier" projects on the document; and

31 (d) Within each tier of projects on ARRA Washington State Project
32 LEAP document 2009, as developed on February 24, 2009, the department
33 shall place the highest priority for allocating funds on the
34 transportation 2003 account (nickel account) projects and
35 transportation partnership account (TPA) projects listed to advance
36 their completion. The department shall prioritize funding for other
37 projects within the tier according to how soon the contract for the
38 project could be awarded.

1 (4) By June 30, 2009, the department of transportation shall report
2 to the legislative standing committees on transportation and the office
3 of financial management on the status of federal stimulus funds
4 including, but not limited to, identifying the projects shown in ARRA
5 Washington State Project LEAP document 2009, as developed on February
6 24, 2009, for which federal stimulus funding has already been
7 obligated, the amount of federal recovery funds estimated to be
8 obligated to the projects, and the completion status of each project.
9 Subsequent status reports are due to the legislative standing
10 committees on transportation and the office of financial management on
11 August 31, 2009, and December 1, 2009.

12 **GENERAL GOVERNMENT AGENCIES--OPERATING**

13 **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

16 Motor Vehicle Account--State Appropriation ((~~\$422,000~~))
17 \$416,000

18 The appropriation in this section is subject to the following
19 conditions and limitations: The entire appropriation is provided
20 solely for staffing costs to be dedicated to state transportation
21 activities. Staff hired to support transportation activities must have
22 practical experience with complex construction projects.

23 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as
24 follows:

25 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

26 Grade Crossing Protective Account--State
27 Appropriation ((~~\$705,000~~))
28 \$703,000

29 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as
30 follows:

31 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

32 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
33 \$3,382,000

1 Puget Sound Ferry Operations Account--State
 2 Appropriation \$100,000
 3 TOTAL APPROPRIATION (~~(\$3,489,000)~~)
 4 \$3,482,000

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

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

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

15 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as
 16 follows:

17 **FOR THE MARINE EMPLOYEES COMMISSION**
 18 Puget Sound Ferry Operations Account--State
 19 Appropriation (~~(\$446,000)~~)
 20 \$442,000

21 **Sec. 105.** 2009 c 470 s 106 (uncodified) is amended to read as
 22 follows:

23 **FOR THE DEPARTMENT OF AGRICULTURE**
 24 Motor Vehicle Account--State Appropriation (~~(\$1,507,000)~~)
 25 \$1,524,000

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

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

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

35 (3) \$24,400 of the motor vehicle account--state appropriation is
 36 provided solely for the department to implement Engrossed Substitute

1 House Bill No. 2504 (renewable fuel standards). If Engrossed
2 Substitute House Bill No. 2504 is not enacted by June 30, 2010, the
3 amount provided in this subsection lapses.

4 **Sec. 106.** 2009 c 470 s 107 (uncodified) is amended to read as
5 follows:

6 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**
7 Motor Vehicle Account--State Appropriation (~~(\$502,000)~~)
8 \$494,000

9 **Sec. 107.** 2009 c 470 s 108 (uncodified) is amended to read as
10 follows:

11 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

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

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

21 (b) Implementation of the life-cycle cost model required under RCW
22 47.60.345 to determine if it was developed as required and is
23 maintained and updated when asset inspections are made; and

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

29 (2) The joint legislative audit and review committee shall use
30 existing staff and resources to conduct a review of scoping and cost
31 estimates for transportation highway improvement and preservation
32 projects funded in whole, or in part, by transportation partnership
33 account--state and transportation 2003 account (nickel account)--state
34 funds, excluding mega-projects. The review will examine whether the
35 scoping and cost estimates guidelines used by the department of
36 transportation are consistent with general construction industry

1 practices and other appropriate standards. The review will include an
2 analysis of a sample of scope and cost estimates for future projects.
3 A report on the committee's findings and recommendations must be
4 submitted to the house of representatives and senate transportation
5 committees by December 2009.

6 (3) 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 (4) The joint legislative audit and review committee shall use
25 existing staff and resources to conduct a review of options regarding
26 department of transportation storm water permit responsibilities. The
27 review must include the following options: Conducting all work within
28 the department of transportation; contracting out for services; and
29 centralizing efforts for all state agencies.

30 **TRANSPORTATION AGENCIES--OPERATING**

31 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as
32 follows:

33 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

34 Highway Safety Account--State Appropriation (~~(\$2,542,000)~~)
35 \$2,536,000

1	Highway Safety Account--Federal Appropriation	((\$16,540,000))
2		<u>\$34,498,000</u>
3	School Zone Safety Account--State Appropriation	\$3,340,000
4	Highway Safety Account--Local Appropriation	\$50,000
5	TOTAL APPROPRIATION	((\$22,472,000))
6		<u>\$40,424,000</u>

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

9 (1) \$2,670,000 of the highway safety account--federal appropriation
10 is provided solely for a target zero trooper pilot program, which the
11 commission shall develop and implement in collaboration with the
12 Washington state patrol. The pilot program must demonstrate the
13 effectiveness of intense, high visibility, driving under the influence
14 enforcement in Washington. The commission shall apply to the national
15 highway traffic safety administration for federal highway safety grants
16 to cover the cost of the pilot program. If the pilot program is
17 approved for funding by the national highway traffic safety
18 administration, and sufficient federal grants are received, the
19 commission shall provide grants to the Washington state patrol for the
20 purchase of twenty-one fully equipped patrol vehicles in fiscal year
21 2010, and up to twenty-four months of salaries and benefits for
22 eighteen troopers and three sergeants beginning in fiscal year 2011.
23 The legislature anticipates that an additional \$1,830,000 will be
24 appropriated from the highway safety account--federal in the 2011-13
25 fiscal biennium to conclude this pilot program.

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

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

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

37 (c) By January 1, 2011, the commission shall provide a report to

1 the legislature regarding the use, public acceptance, outcomes, and
2 other relevant issues regarding automated traffic safety cameras
3 demonstrated by the projects.

4 (3) \$18,000,000 of the highway safety account--federal
5 appropriation is for unanticipated federal funds that may be received
6 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
7 commission shall provide a report on the use of the funds to the
8 transportation committees of the legislature and the office of
9 financial management.

10 **Sec. 202.** 2009 c 470 s 202 (uncodified) is amended to read as
11 follows:

12 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

13 Rural Arterial Trust Account--State Appropriation	((\$920,000))
	<u>\$903,000</u>
15 Motor Vehicle Account--State Appropriation	((\$2,129,000))
	<u>\$2,097,000</u>
17 County Arterial Preservation Account--State	
18 Appropriation	((\$1,423,000))
	<u>\$1,405,000</u>
20 TOTAL APPROPRIATION	((\$4,472,000))
	<u>\$4,405,000</u>

22 **Sec. 203.** 2009 c 470 s 203 (uncodified) is amended to read as
23 follows:

24 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

25 Urban Arterial Trust Account--State Appropriation	((\$1,824,000))
	<u>\$1,803,000</u>
27 Transportation Improvement Account--State	
28 Appropriation	((\$1,827,000))
	<u>\$1,806,000</u>
30 TOTAL APPROPRIATION	((\$3,651,000))
	<u>\$3,609,000</u>

32 **Sec. 204.** 2009 c 470 s 204 (uncodified) is amended to read as
33 follows:

34 **FOR THE JOINT TRANSPORTATION COMMITTEE**

35 Motor Vehicle Account--State Appropriation	((\$1,901,000))
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1 amendment and the 1978 federal secretary of transportation's
2 environmental decision on Interstate 90. The department and sound
3 transit must provide periodic reports to the joint transportation
4 committee, the sound transit board of directors, and the governor, and
5 report final recommendations by November 1, 2009.

6 (4) In accordance with the joint legislative audit and review
7 committee recommendation in the refunded fuel tax for nonhighway use
8 study, the joint transportation committee shall perform a review of the
9 fuel tax refunds for nonhighway or off-road use of gasoline and diesel
10 fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070. The
11 review is to determine the optimal method to refund the actual amount
12 of fuel tax collected from nonhighway or off-road users and provide an
13 implementation plan to meet the policy objective of equity with a
14 future transportation funding package. The results and recommendations
15 of the joint transportation committee review must be presented to the
16 house of representatives and senate transportation committees by
17 December 31, 2010.

18 (5)(a) \$350,000 of the multimodal transportation account--state
19 appropriation is provided solely for the joint transportation committee
20 to conduct a study to establish a statewide blueprint for public
21 transportation that will serve to guide state investments in public
22 transportation. At a minimum, the study should include an assessment
23 of unmet operating and capital needs of public transportation agencies,
24 the state role in funding those unmet needs, and the priorities for
25 state investments. The report should include efficiency and
26 accountability measures that inform future state investment in public
27 transportation to maximize mobility, social, economic, and
28 environmental benefits provided to the state.

29 (b) The statewide blueprint for public transportation should serve
30 to guide state investments to support public transportation and address
31 unmet needs to improve service, access to public transportation, and
32 connectivity between public transportation providers across
33 jurisdictional boundaries. The blueprint must be consistent with the
34 state's transportation system policy goals provided in RCW 47.04.280
35 and the statewide transportation plan provided in RCW 47.01.071(4).

36 (c) To provide input to the study, the joint transportation
37 committee shall convene a public transit advisory panel. The cochairs

1 of the committee shall appoint and convene the advisory panel to be
2 comprised of members as provided in this subsection:

3 (i) One member from each of the two largest caucuses of the senate;

4 (ii) One member from each of the two largest caucuses of the house
5 of representatives;

6 (iii) One representative of the department of transportation's
7 public transportation division;

8 (iv) Two representatives of users of public transportation systems,
9 one of which must represent persons with special needs;

10 (v) Three representatives from transit agencies from a list
11 recommended by the Washington state transit association;

12 (vi) Two representatives from regional transportation planning
13 organizations, one representing eastern Washington and one representing
14 western Washington;

15 (vii) Three representatives of employers at or owners of major work
16 sites in Washington;

17 (viii) The chief executive officer, or the chief executive
18 officer's designee, of a regional transit authority;

19 (ix) Two representatives of organizations that address primarily
20 environmental issues;

21 (x) One member of a collective bargaining organization that
22 primarily represents the interests of transit agency employees; and

23 (xi) Other individuals deemed appropriate.

24 Nonlegislative members of the advisory panel must seek
25 reimbursement for travel and other membership expenses through their
26 respective agencies or organizations.

27 (d) The joint transportation committee shall submit a report on the
28 study to the standing transportation committees of the legislature by
29 December 15, 2010.

30 (6) \$50,000 of the total appropriation is for the joint
31 transportation committee to convene a work group to evaluate the costs
32 associated with the Washington state ferries reservation system
33 pursuant to the 2009 predesign study. The work group must consist of
34 at least one member of the house of representatives, one member of the
35 senate, and one transportation commissioner, as well as experts in the
36 field of information technology. Members of the work group must have
37 experience and knowledge regarding information technology, reservation
38 systems, and related communication systems software, technology, and

1 implementation. The work group shall report recommendations on costs
2 of the reservation and communication systems outlined in the 2009
3 reservation predesign study. The report must also include a review and
4 investigation of outsourcing the call center functions planned for the
5 ferry reservation system. The report is due to the legislative
6 transportation committees by September 1, 2010.

7 (7) The joint transportation committee shall work with the
8 department of licensing, the office of the code reviser, staff to the
9 legislative transportation committees, and other stakeholders to
10 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
11 evaluation must identify the unintended impacts of Senate Bill No. 6379
12 on policy and revenue collection, if any. The joint transportation
13 committee shall issue its evaluation, including corrective draft
14 legislation if needed, by December 1, 2010.

15 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as
16 follows:

17 **FOR THE TRANSPORTATION COMMISSION**

18 Motor Vehicle Account--State Appropriation	((\$2,237,000))
	<u>\$2,222,000</u>
20 Multimodal Transportation Account--State Appropriation	\$112,000
21 TOTAL APPROPRIATION	((\$2,349,000))
	<u>\$2,334,000</u>

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

25 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
26 the transportation commission shall periodically review and, if
27 necessary, modify the schedule of fares for the Washington state ferry
28 system. The transportation commission may increase ferry fares,
29 except no fare schedule modifications may be made prior to September 1,
30 2009. For purposes of this subsection, "modify" includes increases or
31 decreases to the schedule. The commission may only approve ferry fare
32 rate changes that have the same proportionate change for passengers as
33 for vehicles.

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

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

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

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

16 (5) \$350,000 of the motor vehicle account--state appropriation is
17 provided solely for consultant support services to assist the
18 commission in updating the statewide transportation plan. The updated
19 plan must be submitted to the legislature by December 1, 2010.

20 (6) If the commission considers implementing a ferry fuel
21 surcharge, it must first submit an analysis and business plan to the
22 office of financial management and either the joint transportation
23 committee or the transportation committees of the legislature. The
24 commission may implement a ferry fuel surcharge after further direction
25 from the 2011 legislature.

26 (7) The commission shall work with the department of
27 transportation's economic partnerships (Program K) in conducting a best
28 practices review of nontoll, public-private partnerships. The purpose
29 of this review is to identify the policies and procedures that would be
30 appropriate for application in Washington state. The commission must
31 report its findings and recommendations to the house of representatives
32 and senate transportation committees by January 2011.

33 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as
34 follows:

35	FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	
36	Motor Vehicle Account--State Appropriation	((\$695,000))
37		<u>\$692,000</u>

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 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as
7 follows:

8 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

9 State Patrol Highway Account--State	
10 Appropriation	((\$228,024,000))
	<u>\$224,357,000</u>
12 State Patrol Highway Account--Federal	
13 Appropriation	((\$10,602,000))
	<u>\$10,723,000</u>
15 State Patrol Highway Account--Private/Local	
16 Appropriation	((\$859,000))
	<u>\$867,000</u>
18 TOTAL APPROPRIATION	((\$239,485,000))
	<u>\$235,947,000</u>

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

22 (1) Washington state patrol officers engaged in off-duty uniformed
23 employment providing traffic control services to the department of
24 transportation or other state agencies may use state patrol vehicles
25 for the purpose of that employment, subject to guidelines adopted by
26 the chief of the Washington state patrol. The Washington state patrol
27 shall be reimbursed for the use of the vehicle at the prevailing state
28 employee rate for mileage and hours of usage, subject to guidelines
29 developed by the chief of the Washington state patrol, and Cessna
30 pilots funded from the state patrol highway account who are certified
31 to fly the King Airs may pilot those aircraft for general fund purposes
32 with the general fund reimbursing the state patrol highway account an
33 hourly rate to cover the costs incurred during the flights since the
34 aviation section will no longer be part of the Washington state patrol
35 cost allocation system as of July 1, 2009.

36 (2) The patrol shall not account for or record locally provided DUI
37 cost reimbursement payments as expenditure credits to the state patrol

1 highway account. The patrol shall report the amount of expected
2 locally provided DUI cost reimbursements to the office of financial
3 management and transportation committees of the legislature by
4 September 30th of each year.

5 (3) During the 2009-11 fiscal biennium, the Washington state patrol
6 shall continue to perform traffic accident investigations on Thurston
7 county roads, and shall work with the county to transition the traffic
8 accident investigations on Thurston county roads to the county by July
9 1, 2011.

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

14 (5) The Washington state patrol shall collaborate with the
15 Washington traffic safety commission to develop and implement the
16 target zero trooper pilot program referenced in section 201 of this
17 act.

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

21 (+7)) The Washington state patrol shall assign cadets and necessary
22 ~~((personnel and))~~ computer equipment to implement and operate the pilot
23 program described under section 218(2) of this act using the portion of
24 the automated traffic safety camera fines deposited into the state
25 patrol highway account, but not to exceed \$370,000. If the fines
26 deposited into the state patrol highway account from automated traffic
27 safety camera infractions do not reach \$370,000, the department of
28 transportation shall remit funds necessary to the Washington state
29 patrol to ensure the completion of the pilot program. The Washington
30 state patrol shall not assign troopers to operate or deploy the pilot
31 program equipment used in the roadway construction zones.

32 (7) \$121,000 of the state patrol highway account--federal
33 appropriation is for unanticipated federal funds that may be received
34 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
35 Washington state patrol shall provide a report on the use of the funds
36 to the transportation committees of the legislature and the office of
37 financial management.

1 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is
2 provided solely for vehicle repair and maintenance costs of vehicles
3 used for highway 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 (7) \$345,000 of the state patrol highway account--state
13 appropriation is provided solely for the implementation of Engrossed
14 Substitute House Bill No. 1445 (domestic partners/Washington state
15 patrol retirement system). If Engrossed Substitute House Bill No. 1445
16 is not enacted by June 30, 2009, the amount provided in this subsection
17 shall lapse.

18 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF LICENSING**

21	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
22	Motorcycle Safety Education Account--State	
23	Appropriation	((\$4,373,000))
24		<u>\$4,361,000</u>
25	Wildlife Account--State Appropriation	((\$837,000))
26		<u>\$823,000</u>
27	Highway Safety Account--State Appropriation	((\$145,085,000))
28		<u>\$144,301,000</u>
29	Highway Safety Account--Federal Appropriation	((\$8,000))
30		<u>\$946,000</u>
31	Motor Vehicle Account--State Appropriation	((\$78,805,000))
32		<u>\$78,486,000</u>
33	Motor Vehicle Account--Private/Local Appropriation . . .	((\$1,372,000))
34		<u>\$1,559,000</u>
35	Motor Vehicle Account--Federal Appropriation	\$242,000
36	Department of Licensing Services Account--State	
37	Appropriation	((\$3,867,000))

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) \$55,845,000 of the highway safety account--state appropriation
6 is provided solely for the driver examining program. In order to
7 reduce costs and make the most efficient use of existing resources, the
8 department may consolidate licensing service offices by closing the
9 vehicle services counter at the highways licensing building in Olympia
10 and up to twenty-five licensing service offices.

11 (a) When closing offices, the department may redistribute staff
12 from consolidated offices to neighboring offices and local community
13 supercenters.

14 (b) In order to mitigate the effects of office consolidations on
15 customers, the department shall, within existing resources, provide the
16 following enhanced services:

17 (i) Extended daily and weekend hours in regional supercenter
18 offices;

19 (ii) Staffed greeter stations to improve office work flow; and

20 (iii) Self-service stations for online transaction access,
21 including vehicle renewal transactions.

22 (c) In areas that are not consolidated, the department will work to
23 reduce costs by identifying opportunities to share facilities with
24 subagent offices and state, county, or local government offices and by
25 analyzing hours and days of operation to meet demand.

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

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

35 (3) \$11,688,000 of the highway safety account--state appropriation
36 is provided solely for costs associated with: Issuing enhanced
37 drivers' licenses and identicards at the enhanced licensing services

1 offices; extended hours at those licensing services offices; cross-
2 border tourism education; and other education campaigns. This is the
3 maximum amount the department may expend for this purpose.

4 (4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device
5 revolving account--state appropriation is provided solely for the
6 department to assist indigent persons with the costs of installing,
7 removing, and leasing the device, and applicable licensing pursuant to
8 RCW 46.68.340.

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

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

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

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

28 (9) Consistent with the authority delegated to the director of
29 licensing under RCW 46.01.100, the department may adopt a new
30 organizational structure that includes the following programs: (a)
31 Driver and vehicle services, which must encompass services relating to
32 driver licensing customers, vehicle industry and fuel tax licensees,
33 and vehicle and vessel licensing and registration; and (b) driver
34 policy and programs, which must encompass policy development for all
35 driver-related programs, including driver examining, driver records,
36 commercial driver's license testing and auditing, driver training
37 schools, motorcycle safety, technical services, hearings, driver

1 special investigations, drivers' data management, central issuance
2 contract management, and state and federal initiatives.

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

6 (a) The department shall develop a set of metrics that measure that
7 performance and report to the transportation committees of the house of
8 representatives and the senate and to the office of financial
9 management on the development of these measurements along with
10 recommendations to the 2010 legislature on which measurements must
11 become a part of the next omnibus transportation appropriations act;

12 (b) The department shall study the process in place at the
13 licensing services office and present to the 2010 legislature
14 recommendations for process changes to improve efficiencies for both
15 the department and the customer; and

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

21 (11) \$25,000 of the motor vehicle account--state appropriation is
22 provided solely for the department to provide an overview to at least
23 five hundred limousine chauffeurs of the laws and rules governing
24 limousine carriers and the provision of limousine carrier service once
25 the modifications to these laws and rules made by Engrossed Substitute
26 House Bill No. 1775 take effect. This is the maximum amount the
27 department may expend for this purpose. If Engrossed Substitute House
28 Bill No. 1775 is not enacted by June 30, 2010, the amount provided in
29 this subsection lapses.

30 (12) \$187,000 of the motor vehicle account--private/local
31 appropriation and \$250,000 of the motor vehicle account--state
32 appropriation are provided solely for the implementation of Substitute
33 House Bill No. 2855 (transit agency financing). The state
34 appropriation of \$250,000 is provided solely for the department to
35 purchase an address lookup system computer software upgrade for use in
36 collecting vehicle fees on behalf of public transportation systems as
37 provided under Substitute House Bill No. 2855. The department shall
38 not purchase an address lookup system until at least one public

1 transportation system has decided to either impose or seek voter
2 approval of a vehicle fee pursuant to Substitute House Bill No. 2855.
3 If Substitute House Bill No. 2855 is not enacted by June 30, 2010, the
4 amount provided in this subsection lapses.

5 (13) \$10,000 of the highway safety account--state appropriation is
6 provided solely for the implementation of Substitute House Bill No.
7 2433 (drivers' licenses and identicards). The department shall seek
8 reimbursement of ten thousand dollars from the selective service system
9 for expenditures associated with this subsection. If Substitute House
10 Bill No. 2433 is not enacted by June 30, 2010, the amount provided in
11 this subsection lapses.

12 (14) \$81,000 of the motor vehicle account--state appropriation is
13 provided solely for the implementation of Substitute House Bill No.
14 2488 (vehicle and vessel quick title). If Substitute House Bill No.
15 2488 is not enacted by June 30, 2010, the amount provided in this
16 subsection lapses.

17 (15) \$112,000 of the highway safety account--state appropriation is
18 provided solely for the implementation of Substitute House Bill No.
19 2939 (driver abstract indicating not at fault). If Substitute House
20 Bill No. 2939 is not enacted by June 30, 2010, the amount provided in
21 this subsection lapses.

22 (16) \$938,000 of the highway safety account--federal appropriation
23 and \$100,000 of the highway safety account--state appropriation are for
24 unanticipated federal funds that may be received during the 2009-11
25 fiscal biennium. Upon receipt of the funds, the department shall
26 provide a report on the use of the funds to the transportation
27 committees of the legislature and the office of financial management.

28 (17) \$869,000 of the department of licensing services account--
29 state appropriation is provided solely for purchasing equipment for the
30 field licensing service offices and subagent offices.

31 **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
34 **MAINTENANCE--PROGRAM B**

35 High Occupancy Toll Lanes Operations Account--State
36 Appropriation ((\$2,867,000))
37 \$2,852,000

1 ~~House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.~~
2 ~~2326 or other legislation authorizing bonds for the state route number~~
3 ~~520 corridor projects. If the conditions of this subsection are not~~
4 ~~satisfied, the amount provided in this subsection shall lapse)).~~

5 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as
6 follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM**
8 **C**

9 Transportation Partnership Account--State

10	Appropriation	\$2,675,000
11	Motor Vehicle Account--State Appropriation	(\$67,811,000)
12		<u>\$68,660,000</u>
13	Motor Vehicle Account--Federal Appropriation	\$240,000
14	Multimodal Transportation Account--State	
15	Appropriation	\$363,000
16	Transportation 2003 Account (Nickel Account)--State	
17	Appropriation	\$2,676,000
18	TOTAL APPROPRIATION	(\$73,765,000)
19		<u>\$74,614,000</u>

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

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

29 (2) \$1,216,000 of the transportation partnership account--state
30 appropriation and \$1,216,000 of the transportation 2003 account (nickel
31 account)--state appropriation are provided solely for the department to
32 develop a project management and reporting system which is a collection
33 of integrated tools for capital construction project managers to use to
34 perform all the necessary tasks associated with project management.
35 The department shall integrate commercial off-the-shelf software with
36 existing department systems and enhanced approaches to data management
37 to provide web-based access for multi-level reporting and improved

1 business work flows and reporting. On a quarterly basis, the
2 department shall report to the office of financial management and the
3 transportation committees of the legislature on the status of the
4 development and integration of the system. At a minimum, the reports
5 shall indicate the status of the work as it compares to the work plan,
6 any discrepancies, and proposed adjustments necessary to bring the
7 project back on schedule or budget if necessary.

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

12 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as
13 follows:

14 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**
15 **AND CONSTRUCTION--PROGRAM D--OPERATING**

16 Motor Vehicle Account--State Appropriation ((~~\$25,501,000~~))
17 \$26,426,000

18 The appropriation in this section is subject to the following
19 conditions and limitations: \$1,003,000 of the motor vehicle account--
20 state appropriation is provided solely for the department's compliance
21 with its national pollution discharge elimination system permit.

22 **Sec. 214.** 2009 c 470 s 214 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

25 Aeronautics Account--State Appropriation ((~~\$6,009,000~~))
26 \$5,980,000
27 Aeronautics Account--Federal Appropriation \$2,150,000
28 TOTAL APPROPRIATION ((~~\$8,159,000~~))
29 \$8,130,000

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

32 (1) \$50,000 of the aeronautics account--state appropriation is a
33 reappropriation provided solely to pay any outstanding obligations of
34 the aviation planning council, which expires July 1, 2009.

35 (2) \$150,000 of the aeronautics account--state appropriation is a

1 reappropriation provided solely to complete runway preservation
2 projects.

3 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
6 **SUPPORT--PROGRAM H**

7	Motor Vehicle Account--State Appropriation	((\$48,032,000))
8		<u>\$47,836,000</u>
9	Motor Vehicle Account--Federal Appropriation	\$500,000
10	Multimodal Transportation Account--State	
11	Appropriation	\$250,000
12	((Water Pollution Account--State Appropriation	\$2,000,000))
13	TOTAL APPROPRIATION	((\$50,782,000))
14		<u>\$48,586,000</u>

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

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

27 ((+3)) (2) The legislature recognizes that the Dryden pit site
28 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
29 real property under the jurisdiction of the department of
30 transportation, and that the public would benefit significantly from
31 the complete enjoyment of the natural scenic beauty and recreational
32 opportunities available at the site. Therefore, pursuant to RCW
33 47.12.080, the legislature declares that transferring the property to
34 the department of fish and wildlife is consistent with the public
35 interest in order to preserve the area for the use of the public. The
36 department of transportation shall, as soon as is practicable, transfer
37 and convey the Dryden pit site to the department of fish and wildlife

1 for adequate consideration in the amount of no less than \$600,000, the
2 proceeds of which must be deposited in the motor vehicle fund. By July
3 1, 2009, the department shall submit a status report regarding the
4 transaction to the chairs of the legislative transportation committees.

5 ~~((+5) \$750,000))~~ (3) \$1,286,000 of the motor vehicle account--state
6 appropriation is provided solely for the department's compliance with
7 its national pollution discharge elimination system permit.

8 ~~((+6))~~ (4) The department shall provide updated information on six
9 project milestones for all active projects, funded in part or in whole
10 with 2005 transportation partnership account funds or 2003 nickel
11 account funds, on a quarterly basis in the transportation executive
12 information system (TEIS). The department shall also provide updated
13 information on six project milestones for projects, funded with
14 preexisting funds and that are agreed to by the legislature, office of
15 financial management, and the department, on a quarterly basis in TEIS.

16 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
19 **K**

20	Motor Vehicle Account--State Appropriation	((\$615,000))
21		<u>\$602,000</u>
22	Multimodal Transportation Account--State Appropriation	\$200,000
23	TOTAL APPROPRIATION	((\$815,000))
24		<u>\$802,000</u>

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

27 (1) \$200,000 of the multimodal transportation account--state
28 appropriation is provided solely for the department to develop and
29 implement public private partnerships at high priority terminals as
30 identified in the January 12, 2009, final report on joint development
31 opportunities at Washington state ferries terminals. The department
32 shall first consider a mutually beneficial agreement at the Edmonds
33 terminal.

34 (2) \$50,000 of the motor vehicle account--state appropriation is
35 provided solely for the department to investigate the potential to
36 generate revenue from web site sponsorships and similar ventures and,
37 if feasible, pursue partnership opportunities.

1 (b) The department is reimbursed from the narrows bridge lights
2 organization within three months from the date any maintenance work is
3 performed. If the narrows bridge lights organization is unable to
4 reimburse the department for any future costs incurred, the lights must
5 be removed at the expense of the narrows bridge lights organization
6 subject to the terms of the contract.

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

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

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

18 (~~(10) \$750,000~~) (9) \$1,890,000 of the motor vehicle account--
19 state appropriation is provided solely for the department's compliance
20 with its national pollution discharge elimination system permit.

21 (10) The department shall work with human trafficking victim
22 advocates to develop informational posters for placement in rest areas.
23 The department shall adopt policies for the placement of these posters
24 in rest areas, and these policies must address, at a minimum, placement
25 of the posters in bathroom stalls. The posters may be in a variety of
26 languages and include toll-free telephone numbers that a person may
27 call for assistance, including the number for the national human
28 trafficking resource center at (888) 373-7888.

29 (11) \$317,000 of the motor vehicle account--state appropriation is
30 provided solely for maintaining a new active traffic management system
31 on Interstate 5, Interstate 90, and SR 520. The department shall track
32 the costs associated with these systems on a corridor basis and report
33 to the legislative transportation committees on the cost and benefits
34 of the system.

35 (12) \$286,000 of the motor vehicle account--state appropriation is
36 provided solely for storm water assessment fees charged by local
37 governments.

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

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

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

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

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

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

8 (4) \$173,000 of the motor vehicle account--state appropriation is
9 provided solely for the department to continue a pilot tow truck
10 incentive program and to expand the program to other areas of the
11 state. The department may provide incentive payments to towing
12 companies that meet clearance goals on accidents that involve heavy
13 trucks. The department shall report to the office of financial
14 management and the transportation committees of the legislature on the
15 effectiveness of the clearance goals and submit recommendations to
16 improve the pilot program with the department's 2010 supplemental
17 omnibus transportation appropriations act submittal.

18 (5) \$92,000 of the motor vehicle account--state appropriation is
19 provided solely for operating a new active traffic management system on
20 Interstate 5, Interstate 90, and SR 520. The department shall track
21 the costs associated with these systems on a corridor basis and report
22 to the legislative transportation committees on the cost and benefits
23 of the system.

24 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
27 **SUPPORT--PROGRAM S**

28	Motor Vehicle Account--State Appropriation	((\$29,153,000))
29		<u>\$28,720,000</u>
30	Motor Vehicle Account--Federal Appropriation	\$30,000
31	Multimodal Transportation Account--State	
32	Appropriation	\$973,000
33	State Route Number 520 Corridor Account--State	
34	Appropriation	\$264,000
35	TOTAL APPROPRIATION	((\$30,420,000))
36		<u>\$29,987,000</u>

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

15 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as
 16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,
 18 AND RESEARCH--PROGRAM T**

19	Motor Vehicle Account--State Appropriation	(((\$24,724,000))
20		<u>\$25,783,000</u>
21	Motor Vehicle Account--Federal Appropriation	(((\$19,116,000))
22		<u>\$22,116,000</u>
23	Multimodal Transportation Account--State	
24	Appropriation	(((\$696,000))
25		<u>\$1,096,000</u>
26	Multimodal Transportation Account--Federal	
27	Appropriation	\$2,809,000
28	Multimodal Transportation Account--Private/Local	
29	Appropriation	\$100,000
30	TOTAL APPROPRIATION	(((\$47,445,000))
31		<u>\$51,904,000</u>

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

34 (1) \$150,000 of the motor vehicle account--federal appropriation is
 35 provided solely for the costs to develop an electronic map-based
 36 computer application that will enable law enforcement officers and

1 others to more easily locate collisions and other incidents in the
2 field.

3 (2) \$400,000 of the (~~motor vehicle account~~) multimodal
4 transportation account--state appropriation is provided solely for a
5 diesel multiple unit feasibility and initial planning study. The study
6 must evaluate potential service on the Stampede Pass line from Maple
7 Valley to Auburn via Covington. The study must evaluate the potential
8 demand for service, the business model and capital needs for launching
9 and running the line, and the need for improvements in switching,
10 signaling, and tracking. A report on the study must be submitted to
11 the legislature by June 30, 2010.

12 (3) \$243,000 of the motor vehicle account--state appropriation and
13 \$81,000 of the motor vehicle account--federal appropriation are
14 provided solely for the development of a freight database to help guide
15 freight investment decisions and track project effectiveness. The
16 database must be based on truck movement tracked through geographic
17 information system technology. TransNow shall contribute additional
18 federal funds that are not appropriated in this act. The department
19 shall work with the freight mobility strategic investment board to
20 implement this database.

21 (4) \$2,000,000 of the motor vehicle account--state appropriation is
22 provided solely for scoping projects for further design and developing
23 cost estimates to ensure that a well-vetted project list is available
24 for future program funding discussions.

25 (a) It is the intent of the legislature that the funding provided
26 in this subsection support the development of transportation solutions
27 that benefit all state residents. It is further the intent of the
28 legislature that the buying power of future revenue packages is
29 maximized.

30 (b) The funds provided in this subsection must be allocated to the
31 following areas of priority within the state highway system:

32 (i) Mobility, for the purposes of:

33 (A) Building on prior investments in the nickel and transportation
34 partnership act programs;

35 (B) Addressing the impacts of diversion from tolled facilities;

36 (C) Relieving bottlenecks and other locations that operate below
37 seventy percent of posted speeds; and

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

3 (1) \$25,000,000 of the multimodal transportation account--state
4 appropriation is provided solely for a grant program for special needs
5 transportation provided by transit agencies and nonprofit providers of
6 transportation.

7 (a) \$5,500,000 of the amount provided in this subsection is
8 provided solely for grants to nonprofit providers of special needs
9 transportation. Grants for nonprofit providers shall be based on need,
10 including the availability of other providers of service in the area,
11 efforts to coordinate trips among providers and riders, and the cost
12 effectiveness of trips provided.

13 (b) \$19,500,000 of the amount provided in this subsection is
14 provided solely for grants to transit agencies to transport persons
15 with special transportation needs. To receive a grant, the transit
16 agency must have a maintenance of effort for special needs
17 transportation that is no less than the previous year's maintenance of
18 effort for special needs transportation. Grants for transit agencies
19 shall be prorated based on the amount expended for demand response
20 service and route deviated service in calendar year 2007 as reported in
21 the "Summary of Public Transportation - 2007" published by the
22 department of transportation. No transit agency may receive more than
23 thirty percent of these distributions.

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

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

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

37 (3) \$7,000,000 of the multimodal transportation account--state
38 appropriation is provided solely for a vanpool grant program for: (a)

1 Public transit agencies to add vanpools or replace vans; and (b)
2 incentives for employers to increase employee vanpool use. The grant
3 program for public transit agencies will cover capital costs only;
4 operating costs for public transit agencies are not eligible for
5 funding under this grant program. Additional employees may not be
6 hired from the funds provided in this section for the vanpool grant
7 program, and supplanting of transit funds currently funding vanpools is
8 not allowed. The department shall encourage grant applicants and
9 recipients to leverage funds other than state funds. At least
10 \$1,600,000 of this amount must be used for vanpool grants in congested
11 corridors.

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

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

1 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
2 as developed April 24, 2009. It is the intent of the legislature to
3 appropriate funds through the regional mobility grant program only for
4 projects that will be completed on schedule.

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

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

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

37 (a) \$80,000 of the amount provided in this subsection is provided

1 solely for implementation of the work group related to federal
2 requirements in section 1, chapter . . . (Engrossed Substitute House
3 Bill No. 2072), Laws of 2009.

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

16 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
17 June 30, 2009, the amount provided in this subsection (8) lapses. If
18 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
19 but a commitment from other sources to fully fund the pilot project
20 described in (b) of this subsection has not been obtained by September
21 30, 2009, the amount provided in (b) of this subsection lapses.

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

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

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

32 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as
33 follows:

34	FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
35	Puget Sound Ferry Operations Account--State
36	Appropriation ((\$400,592,000))
37	<u>\$425,232,000</u>

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

3 (1) (~~(\$53,110,560)~~) \$79,918,140 of the Puget Sound ferry operations
4 account--state appropriation is provided solely for auto ferry vessel
5 operating fuel in the 2009-11 fiscal biennium. (~~(This appropriation is~~
6 ~~contingent upon the enactment of section 716 of this act.)~~)

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

11 (3) If, after the department's review of fares and pricing
12 policies, the department proposes a fuel surcharge, the department must
13 evaluate other cost savings and fuel price stabilization strategies
14 that would be implemented before the imposition of a fuel surcharge.
15 The department shall report to the legislature and transportation
16 commission on its progress of implementing new fuel forecasting and
17 budgeting practices, price hedging contracts for fuel purchases, and
18 fuel conservation strategies by November 30, 2010.

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

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

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

35 (7) The office of financial management budget instructions require
36 agencies to recast enacted budgets into activities. The Washington
37 state ferries shall include a greater level of detail in its 2011-13

1 omnibus transportation appropriations act request, as determined
2 jointly by the office of financial management, the Washington state
3 ferries, and the legislative transportation committees.

4 (8) \$3,000,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for commercial insurance for ferry
6 assets. The office of financial management, after consultation with
7 the transportation committees of the legislature, must present a
8 business plan for the Washington state ferry system's insurance
9 coverage to the 2010 legislature. The business plan must include a
10 cost-benefit analysis of Washington state ferries' current commercial
11 insurance purchased for ferry assets and a review of self-insurance for
12 noncatastrophic events.

13 (9) \$1,100,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for a marketing program. The
15 department shall present a marketing program proposal to the
16 transportation committees of the legislature during the 2010
17 legislative session before implementing this program. Of this amount,
18 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
19 Coupeville for mitigation expenses related to only one vessel operating
20 on the Port Townsend/Keystone ferry route. The moneys provided to the
21 city of Port Townsend and town of Coupeville are not contingent upon
22 the required marketing proposal.

23 (10) \$350,000 of the Puget Sound ferry operations account--state
24 appropriation is provided solely for two extra trips per day during the
25 summer of 2009 season, beyond the current schedule, on the Port
26 Townsend/Keystone route.

27 (11) When purchasing uniforms that are required by collective
28 bargaining agreements, the department shall contract with the lowest
29 cost provider.

30 (12) The legislature finds that measuring the performance of
31 Washington state ferries requires the measurement of quality,
32 timeliness, and unit cost of services delivered to customers.
33 Consequently, the department must develop a set of metrics that measure
34 that performance and report to the transportation committees of the
35 legislature and to the office of financial management on the
36 development of these measurements along with recommendations to the
37 2010 legislature on which measurements must become a part of the next
38 omnibus transportation appropriations act.

1 (13) As a priority task, the department is directed to propose a
2 comprehensive incident and accident investigation policy and
3 appropriate procedures, and to provide the proposal to the legislature
4 by November 1, 2009, using existing resources and staff expertise. In
5 addition to consulting with ferry system unions and the United States
6 coast guard, the Washington state ferries is encouraged to solicit
7 independent outside expertise on incident and accident investigation
8 best practices as they may be found in other organizations with a
9 similar concern for marine safety. It is the intent of the legislature
10 to enact the policies into law and to publish that law and procedures
11 as a manual for Washington state ferries' accident/incident
12 investigations. Until that time, the Washington state ferry system
13 must exercise particular diligence to assure that any incident or
14 accident investigations are conducted within the spirit of the
15 guidelines of this act. The proposed policy must contain, at a
16 minimum:

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

19 (b) The process for appointing an investigating officer or officers
20 and a description of the authorities and responsibilities of the
21 investigating officer or officers. The investigating officer or
22 officers must:

23 (i) Have the appropriate training and experience as determined by
24 the policy;

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

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

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

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

37 (c) The process of working with the affected employee or employees

1 in accordance with the employee's or employees' respective collective
2 bargaining agreement and the appropriate union officials, within
3 protocols afforded to all public employees;

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

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

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

13 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
16 Multimodal Transportation Account--State
17 Appropriation ((~~\$34,933,000~~))
18 \$37,392,000

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

21 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation
22 account--state appropriation is provided solely for the Amtrak service
23 contract and Talgo maintenance contract associated with providing and
24 maintaining the state-supported passenger rail service. The department
25 is directed to continue to pursue efforts to reduce costs and increase
26 ridership and to review fares or fare schedules. Within thirty days of
27 each annual ridership/revenue reconciliation under the Amtrak service
28 contract, the department shall report annual credits to the office of
29 financial management and the legislative transportation committees.
30 Annual credits for increased revenue due to higher ridership or fare
31 schedule adjustments, or both, must be used to offset corresponding
32 amounts of the multimodal transportation account--state appropriation,
33 which must be placed in reserve. Upon completion of the rail platform
34 project in the city of Stanwood, the department shall provide daily
35 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 **Sec. 224.** 2009 c 470 s 225 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
6 **OPERATING**

7	Motor Vehicle Account--State Appropriation	((\$8,739,000))
8		<u>\$8,682,000</u>
9	Motor Vehicle Account--Federal Appropriation	\$2,567,000
10	TOTAL APPROPRIATION	((\$11,306,000))
11		<u>\$11,249,000</u>

12 **TRANSPORTATION AGENCIES--CAPITAL**

13 **Sec. 301.** 2009 c 470 s 302 (uncodified) is amended to read as
14 follows:

15 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

16	Rural Arterial Trust Account--State Appropriation . . .	((\$51,000,000))
17		<u>\$67,500,000</u>
18	Motor Vehicle Account--State Appropriation	\$1,048,000
19	County Arterial Preservation Account--State	
20	Appropriation	\$31,400,000
21	TOTAL APPROPRIATION	((\$83,448,000))
22		<u>\$99,948,000</u>

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

25 (1) \$1,048,000 of the motor vehicle account--state appropriation
26 may be used for county ferry projects as developed pursuant to RCW
27 47.56.725(4).

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

1 information concerning such selected projects in its next annual report
2 to the legislature.

3 (3) \$16,500,000 of the rural arterial trust account--state
4 appropriation is provided solely for additional grants for county road
5 projects as approved by the county road administration board.

6 **Sec. 302.** 2009 c 470 s 303 (uncodified) is amended to read as
7 follows:

8 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

9 Small City Pavement and Sidewalk Account--State

10 Appropriation ((~~\$5,779,000~~))
11 \$3,927,000

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

13 Transportation Improvement Account--State

14 Appropriation ((~~\$85,643,000~~))
15 \$81,643,000

16 TOTAL APPROPRIATION ((~~\$213,822,000~~))
17 \$207,970,000

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

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

23 (2) The urban arterial trust account--state appropriation includes
24 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
25 47.26.420.

26 **Sec. 303.** 2009 c 470 s 304 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
29 submittal for the 2011-13 fiscal biennium, the department shall provide
30 an annual update to the report provided to the legislature and the
31 office of financial management in 2008 that:

32 (1) Compares the original project cost estimates approved in the
33 2003 and 2005 project lists to the completed cost of the project, or
34 the most recent legislatively approved budget and total project costs
35 for projects not yet completed;

- 1 (2) Identifies highway projects that may be reduced in scope and
- 2 still achieve a functional benefit;
- 3 (3) Identifies highway projects that have experienced scope
- 4 increases and that can be reduced in scope;
- 5 (4) Identifies highway projects that have lost significant local or
- 6 regional contributions that were essential to completing the project;
- 7 and
- 8 (5) Identifies contingency amounts allocated to projects.

9 **Sec. 304.** 2009 c 470 s 306 (uncodified) is amended to read as
 10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

12	Multimodal Transportation Account--State	
13	Appropriation	((\$1,000))
14		<u>\$98,000</u>
15	Transportation Partnership Account--State	
16	Appropriation	((\$1,723,834,000))
17		<u>\$1,664,141,000</u>
18	Motor Vehicle Account--State Appropriation	((\$80,735,000))
19		<u>\$82,934,000</u>
20	Motor Vehicle Account--Federal Appropriation	((\$410,341,000))
21		<u>\$569,507,000</u>
22	Motor Vehicle Account--Private/Local	
23	Appropriation	((\$65,494,000))
24		<u>\$70,713,000</u>
25	Special Category C Account--State Appropriation	((\$24,549,000))
26		<u>\$25,221,000</u>
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	((\$703,708,000))
29		<u>\$713,205,000</u>
30	Freight Mobility Multimodal Account--State	
31	Appropriation	((\$4,422,000))
32		<u>\$4,574,000</u>
33	Tacoma Narrows Toll Bridge Account--State	
34	Appropriation	((\$788,000))
35		<u>\$789,000</u>
36	State Route Number 520 Corridor Account--State	
37	Appropriation	((\$106,000,000))

1 \$231,763,000
2 TOTAL APPROPRIATION ((\$3,119,872,000))
3 \$3,362,945,000

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

6 (1) Except as provided otherwise in this section, the entire
7 transportation 2003 account (nickel account) appropriation and the
8 entire transportation partnership account appropriation are provided
9 solely for the projects and activities as listed by fund, project, and
10 amount in LEAP Transportation Document ((2009-1)) 2010-1 as developed
11 ((April 24, 2009)) February 23, 2010, Program - Highway Improvement
12 Program (I). However, limited transfers of specific line-item project
13 appropriations may occur between projects for those amounts listed
14 subject to the conditions and limitations in sections 603 and 501 of
15 this act.

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

1 ~~(3) \$162,900,000~~) \$163,385,000 of the transportation partnership
2 account--state appropriation and (~~(\$106,000,000)~~) \$231,763,000 of the
3 state route number 520 corridor account--state appropriation are
4 provided solely for the state route number 520 bridge replacement and
5 HOV project. The department shall submit an application for the
6 eastside transit and HOV project to the supplemental discretionary
7 grant program for regionally significant projects as provided in the
8 American Recovery and Reinvestment Act of 2009. (~~Eastside state route~~
9 ~~number 520 improvements shall be designed and constructed to~~
10 ~~accommodate a future full interchange at 124th Avenue Northeast.~~
11 ~~Concurrent with the eastside transit and HOV project, the department~~
12 ~~shall conduct engineering design of a full interchange at 124th Avenue~~
13 ~~Northeast. The amount provided in this subsection from the state route~~
14 ~~number 520 corridor account state appropriation is contingent on the~~
15 ~~enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)~~
16 ~~either Engrossed Substitute House Bill No. 2326 or other legislation~~
17 ~~authorizing bonds for the state route number 520 corridor projects. If~~
18 ~~the conditions of this subsection are not satisfied, the state route~~
19 ~~number 520 corridor account state appropriation shall lapse.~~

20 ~~(4))~~ (3) As required under section 305(6), chapter 518, Laws of
21 2007, the department shall report by January 2010 to the transportation
22 committees of the legislature on the findings of the King county noise
23 reduction solutions pilot project.

24 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided
25 solely for the purpose of project impact mitigation, and shall not be
26 used to develop or otherwise participate in the environmental
27 assessment process.

28 ~~((+6))~~ (5) The department shall apply for surface transportation
29 program (STP) enhancement funds to be expended in lieu of or in
30 addition to state funds for eligible costs of projects in Programs I
31 and P including, but not limited to, the SR 518, SR 520, Columbia river
32 crossing, and Alaskan Way viaduct projects.

33 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning
34 July 1, 2009, provide to the office of financial management and the
35 legislature reports providing the status on each active project funded
36 in part or whole by the transportation 2003 account (nickel account) or
37 the transportation partnership account. Funding provided at a
38 programmatic level for transportation partnership account and

1 transportation 2003 account (nickel account) projects relating to
2 bridge rail, guard rail, fish passage barrier removal, and roadside
3 safety projects should be reported on a programmatic basis. Projects
4 within this programmatic level funding should be completed on a
5 priority basis and scoped to be completed within the current
6 programmatic budget. (~~The department shall work with the office of
7 financial management and the transportation committees of the
8 legislature to agree on report formatting and elements. Elements must
9 include, but not be limited to, project scope, schedule, and costs.
10 For~~) Report formatting and elements must be consistent with the
11 October 2009 quarterly project report. On a representative sample of
12 new construction contracts valued at fifteen million dollars or more,
13 the department must also use an earned value method of project
14 monitoring. (~~The department shall also provide the information
15 required under this subsection on a quarterly basis via the
16 transportation executive information systems (TEIS).~~

17 ~~(+8)~~) (7) The transportation 2003 account (nickel account)--state
18 appropriation includes up to (~~(\$628,000,000)~~) \$652,314,000 in proceeds
19 from the sale of bonds authorized by RCW 47.10.861.

20 ~~((+9))~~) (8) The transportation partnership account--state
21 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,345,621,000 in
22 proceeds from the sale of bonds authorized in RCW 47.10.873.

23 ~~((+10))~~) (9) The special category C account--state appropriation
24 includes up to (~~(\$22,127,000)~~) \$25,122,000 in proceeds from the sale of
25 bonds authorized in RCW 47.10.812.

26 ~~((+11))~~) (10) The motor vehicle account--state appropriation
27 includes up to (~~(\$31,500,000)~~) \$39,000,000 in proceeds from the sale of
28 bonds authorized in RCW 47.10.843.

29 ~~((+12))~~) (11) The department must prepare a tolling study for the
30 Columbia river crossing project. While conducting the study, the
31 department must coordinate with the Oregon department of transportation
32 to perform the following activities:

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

36 (b) Evaluate the most advanced tolling technology to maintain
37 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 (~~(13)~~) (12)(a) By January 2010, the department must prepare a
28 traffic and revenue study for Interstate 405 in King county and
29 Snohomish county that includes funding for improvements and high
30 occupancy toll lanes, as defined in RCW 47.56.401, for traffic
31 management. The department must develop a plan to operate up to two
32 high occupancy toll lanes in each direction on Interstate 405.

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

35 (i) Confer with the mayors and city councils of jurisdictions in
36 the vicinity of the project regarding the implementation of high
37 occupancy toll lanes and the impacts that the implementation of these

1 high occupancy toll lanes might have on the operation of the corridor
2 and adjacent local streets;

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

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

9 (iv) Provide a report to the governor and the legislature by
10 January 2010.

11 ~~((+14) \$9,199,985))~~ (13) \$6,488,000 of the motor vehicle account--
12 state appropriation ~~((is))~~ and \$5,000 of the motor vehicle account--
13 federal appropriation are provided solely for project 100224I, ~~((as~~
14 ~~identified in the LEAP transportation document in subsection (1) of~~
15 ~~this section+))~~ US 2 high priority safety project. Expenditure of
16 these funds is for safety projects on state route number 2 between
17 Monroe and Gold Bar, which may include median rumble strips, traffic
18 cameras, and electronic message signs.

19 ~~((+15))~~ (14) Expenditures for the state route number 99 Alaskan
20 Way viaduct replacement project must be made in conformance with
21 Engrossed Substitute Senate Bill No. 5768.

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

31 ~~((+17))~~ (16) The legislature is committed to the timely completion
32 of R8A which supports the construction of sound transit's east link.
33 Following the completion of the independent analysis of the
34 methodologies to value the reversible lanes on Interstate 90 which may
35 be used for high capacity transit as directed in section 204 of this
36 act, the department shall complete the process of negotiations with
37 sound transit. Such agreement shall be completed no later than
38 December 1, 2009.

1 ~~((+18+))~~ (17) \$250,000 of the motor vehicle account--state
2 appropriation is provided solely for the design and construction of a
3 right turn lane to improve visibility and traffic flow on state route
4 number 195 and Cheney-Spokane Road (project L1000001).

5 ~~((+19)---\$846,700))~~ (18) \$730,000 of the motor vehicle account--
6 federal appropriation and ~~((+17,280))~~ \$16,000 of the motor vehicle
7 account--state appropriation are provided solely for the Westview
8 school noise wall (project WESTV).

9 ~~((+20)---\$1,360))~~ (19) \$2,000 of the motor vehicle account--state
10 appropriation and ~~((+35,786))~~ \$131,000 of the motor vehicle account--
11 federal appropriation are provided solely for interchange design and
12 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

13 ~~((+21)---\$20,011,125))~~ (20) \$21,566,000 of the transportation
14 partnership account--state appropriation, ~~((+2,550))~~ \$26,000 of the
15 motor vehicle account--state appropriation, ~~((+30,003,473))~~ \$30,000,000
16 of the motor vehicle account--private/local appropriation, and
17 ~~((+1,482,066))~~ \$4,334,000 of the motor vehicle account--federal
18 appropriation are provided solely for project 400506A, the I-5/Columbia
19 river crossing/Vancouver project. The funding described in this
20 subsection includes a ~~((+30,003,473))~~ \$30,000,000 contribution from the
21 state of Oregon.

22 ~~((+22+))~~ (21) It is important that the public and policymakers have
23 accurate and timely access to information related to the Alaskan Way
24 viaduct replacement project as it proceeds to, and during, the
25 construction of all aspects of the project including, but not limited
26 to, information regarding costs, schedules, contracts, project status,
27 and neighborhood impacts. Therefore, it is the intent of the
28 legislature that the state, city, and county departments of
29 transportation establish a single source of accountability for
30 integration, coordination, tracking, and information of all requisite
31 components of the replacement project, which must include, at a
32 minimum:

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

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

37 ~~((+23+))~~ (22) The state route number 520 corridor account--state
38 appropriation includes up to ~~((+106,000,000))~~ \$231,763,000 in proceeds

1 from the sale of bonds authorized in Engrossed Substitute House Bill
2 No. 2326 or in legislation authorizing bonds for the state route number
3 520 corridor projects. ~~((If Engrossed Substitute House Bill No. 2326,
4 or legislation authorizing bonds for the state route number 520
5 corridor projects, is not enacted by June 30, 2009, the amount provided
6 in this subsection shall lapse.~~

7 ~~(+24))~~ (23) The department shall evaluate a potential deep bore
8 culvert for the state route number 305/Bjorgen creek fish barrier
9 project identified as project 330514A in LEAP Transportation Document
10 ALL PROJECTS ~~((2009-2))~~ 2010-2, as developed ~~((April 24, 2009))~~
11 February 23, 2010. The department shall evaluate whether a deep bore
12 culvert will be a less costly alternative than a traditional culvert
13 since a traditional culvert would require extensive road detours during
14 construction.

15 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation
16 document described in subsection (1) of this section is expanded to
17 include safety and congestion improvements from the Key Peninsula
18 Highway to the vicinity of Purdy. The department shall consult with
19 the Washington traffic safety commission to ensure that this project
20 includes improvements at intersections and along the roadway to reduce
21 the frequency and severity of collisions related to roadway conditions
22 and traffic congestion.

23 ~~((+26) \$10,600,000))~~ (25) \$8,890,000 of the transportation
24 partnership account--state appropriation is provided solely for project
25 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
26 2 and 3 project, as indicated in the LEAP transportation document
27 referenced in subsection (1) of this section. ~~((Funds shall be used
28 solely for preliminary engineering on stages 2 and 3 of this project.~~

29 ~~(+27))~~ (26) The department shall continue to work with the local
30 partners in developing transportation solutions necessary for the
31 economic growth in the Red Mountain American Viticulture Area of Benton
32 county.

33 ~~((+28))~~ (27) For highway construction projects where the
34 department considers agricultural lands of long-term commercial
35 significance, as defined in RCW 36.70A.030, in reviewing and selecting
36 sites to meet environmental mitigation requirements under the national
37 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
38 environmental policy act (chapter 43.21C RCW), the department shall, to

1 the greatest extent possible, consider using public land first. If
2 public lands are not available that meet the required environmental
3 mitigation needs, the department may use other sites while making every
4 effort to avoid any net loss of agricultural lands that have a
5 designation of long-term commercial significance.

6 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation
7 and motor vehicle account--federal appropriation, the department may
8 transfer funds between programs I and P, except for funds that are
9 otherwise restricted in this act.

10 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000
11 of the transportation partnership account--state appropriation is
12 provided solely for the department to prepare a comprehensive tolling
13 study of the state route number 167 corridor to determine the
14 feasibility of administering tolls within the corridor, identified as
15 project number 316718A in the LEAP transportation document described in
16 subsection (1) of this section. The department shall report to the
17 joint transportation committee by September 30, 2010. The department
18 shall regularly report to the Washington transportation commission
19 regarding the progress of the study for the purpose of guiding the
20 commission's potential toll setting on the facility. The elements of
21 the study must include, at a minimum:

- 22 (a) The potential for value pricing to generate revenues for needed
- 23 transportation facilities within the corridor;
- 24 (b) Maximizing the efficient operation of the corridor; and
- 25 (c) Economic considerations for future system investments.

26 ~~((+31))~~ (30) Within the amounts provided in this section, \$200,000
27 of the transportation partnership account--state appropriation is
28 provided solely for the department to prepare a comprehensive tolling
29 study of the state route number 509 corridor to determine the
30 feasibility of administering tolls within the corridor, identified as
31 project number 850901F in the LEAP transportation document described in
32 subsection (1) of this section. The department shall report to the
33 joint transportation committee by September 30, 2010. The department
34 shall regularly report to the Washington transportation commission
35 regarding the progress of the study for the purpose of guiding the
36 commission's potential toll setting on the facility. The elements of
37 the study must include, at a minimum:

- 1 (a) The potential for value pricing to generate revenues for needed
2 transportation facilities within the corridor;
3 (b) Maximizing the efficient operation of the corridor; and
4 (c) Economic considerations for future system investments.

5 ~~((32) Within the amounts provided in this section, \$28,000,000 of
6 the transportation partnership account state appropriation is for
7 project 600010A, as identified in the LEAP transportation document in
8 subsection (1) of this section: NSC North Spokane corridor design and
9 right of way — new alignment. Expenditure of these funds is for
10 preliminary engineering and right of way purchasing to prepare for four
11 lanes to be built from where existing construction ends at Francis
12 Avenue for three miles to the Spokane river. Additionally, any savings
13 realized on project 600001A, as identified in the LEAP transportation
14 document in subsection (1) of this section: US 395/NSC Francis Avenue
15 to Farwell Road — New Alignment, must be applied to project 600010A.~~

16 ~~(33))~~ (31) \$400,000 of the motor vehicle account--state
17 appropriation is provided solely for the department to conduct a state
18 route number 2 route development plan (project L2000016) that will
19 identify essential improvements needed between the port of
20 Everett/Naval station and approaching the state route number 9
21 interchange near the city of Snohomish.

22 ~~((34))~~ (32) If the SR 26 - Intersection and Illumination
23 Improvements are not completed by June 30, 2009, the department shall
24 ensure that the improvements are completed as soon as practicable after
25 June 30, 2009, and shall submit monthly progress reports on the
26 improvements beginning July 1, 2009.

27 ~~((35))~~ (33) \$200,000 of the transportation partnership account--
28 state appropriation, identified on project number 400506A in the LEAP
29 transportation document described in subsection (1) of this section, is
30 provided solely for the department to work with the department of
31 archaeology and historic preservation to ensure that the cultural
32 resources investigation is properly conducted on the Columbia river
33 crossing project. This project must be conducted with active
34 archaeological management and result in one report that spans the
35 single cultural area in Oregon and Washington. Additionally, the
36 department shall establish a scientific peer review of independent
37 archaeologists that are knowledgeable about the region and its cultural
38 resources.

1 ~~((36))~~ (34) The department shall work with the department of
2 archaeology and historic preservation to ensure that the cultural
3 resources investigation is properly conducted on all mega-highway
4 projects and large ferry terminal projects. These projects must be
5 conducted with active archaeological management. Additionally, the
6 department shall establish a scientific peer review of independent
7 archaeologists that are knowledgeable about the region and its cultural
8 resources.

9 ~~((37))~~ (35) Within the amounts provided in this section,
10 \$1,500,000 of the motor vehicle account--state appropriation is
11 provided solely for necessary work along the south side of SR 532,
12 identified as project number 053255C in the LEAP transportation
13 document described in subsection (1) of this section.

14 ~~((38))~~ (36) \$10,000,000 of the transportation partnership
15 account--state appropriation is provided solely for the Spokane street
16 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
17 Replacement project as indicated in the LEAP transportation document
18 referenced in subsection (1) of this section.

19 ~~((39))~~ (37) The department shall conduct a public outreach
20 process to identify and respond to community concerns regarding the
21 portion of John's Creek Road that connects state route number 3 and
22 state route number 101. The process must include representatives from
23 Mason county, the legislature, area businesses, and community members.
24 The department shall use this process to consider, develop, and design
25 a project scope so that the community's needs are met for the lowest
26 cost. The department shall provide a report on the process and
27 outcomes to the legislature by June 30, 2010.

28 ~~((40))~~ (38) The department shall apply for the competitive
29 portion of federal transit administration funds for eligible transit-
30 related costs of the state route number 520 bridge replacement and HOV
31 project and the Columbia river crossing project. The federal funds
32 described in this subsection must not include those federal transit
33 administration funds distributed by formula. The department shall
34 provide a report regarding this effort to the legislature by January 1,
35 2010.

36 (39) \$5,500,000 of the motor vehicle account--federal appropriation
37 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown
38 project, identified as project L1000034.

1 (40) \$2,244,000 of the motor vehicle account--federal appropriation
2 and \$122,000 of the motor vehicle account--state appropriation are
3 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
4 Build New Highway project, identified as project 501210T.

5 (41) \$790,000 of the motor vehicle account--federal appropriation
6 is provided solely for the Express Lanes System Concept Study project,
7 identified as project 800020A.

8 (42) Any redistributed federal funds received by the department
9 must, to the greatest extent possible, be first applied to offset
10 planned expenditures of state funds, and second to offset planned
11 expenditures of federal funds, on projects as identified in the LEAP
12 transportation documents described in this act. If the redistributed
13 federal funds cannot be used in this manner, the department must
14 consult with the joint transportation committee prior to obligating any
15 redistributed federal funds.

16 (43) If traffic impacts resulting from new development in the
17 vicinity of 40th Avenue West and state route number 526 require
18 mitigation, the department may not proceed with improvements at state
19 route number 526 and 84th Street SW until intersection improvements are
20 made at 40th Avenue West and state route number 526.

21 (44) \$226,000 of the motor vehicle account--federal appropriation
22 and \$9,000 of the motor vehicle account--state appropriation are
23 provided solely for the SR 16/Rosedale Street NW to 96th Street NW -
24 Frontage Road project (301639C). These funds must not be expended
25 before an agreement stating that the county will take ownership of the
26 road has been signed. The frontage road must be built for driving
27 speeds of no more than thirty-five miles per hour.

28 (45) The department shall work with the Washington state
29 transportation commission, the Oregon state department of
30 transportation, and the Oregon state transportation commission to
31 analyze and review potential options for a bistate, toll setting
32 framework. As part of the analysis, the department shall undertake the
33 following actions: Review statutory provisions and the governance
34 structures of toll facilities in the United States that are located
35 within two or more states; review relevant federal law regarding
36 transportation facilities that are located within two or more states;
37 consult with the state treasurers in Washington and Oregon regarding
38 the appropriate structure for the issuance of debt for toll facilities

1 that are located within two states; report findings and recommendations
2 to the Columbia river project sponsor's council by October 1, 2010; and
3 provide a final report to the governor and the legislature by December
4 20, 2011.

5 (46) \$67,000,000 of the transportation partnership account--state
6 appropriation is provided solely for the implementation of express lane
7 tolling on Interstate 405 as described in Substitute House Bill No.
8 2941.

9 (47)(a) \$150,000 of the motor vehicle account--state appropriation
10 is provided solely for the department to prepare a comprehensive
11 tolling study of the Interstate 5 express lanes to determine the
12 feasibility of administering tolls within the corridor. The department
13 shall regularly report to the Washington transportation commission
14 regarding the progress of the study. The elements of the study must
15 include, at a minimum:

16 (i) The potential for value pricing to generate revenues for needed
17 transportation facilities;

18 (ii) Maximizing the efficient operation of the corridor;

19 (iii) Economic considerations for future system investments; and

20 (iv) An analysis of the impacts to the regional transportation
21 system.

22 (b) The department shall submit a final report on the study to the
23 joint transportation committee by June 30, 2011.

24 (48) The multimodal transportation account--state appropriation
25 includes up to \$98,000 in proceeds from the sale of bonds authorized in
26 RCW 47.10.867.

27 **Sec. 305.** 2009 c 470 s 307 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

30 Transportation Partnership Account--State

31	Appropriation	((\$103,077,000))
32		\$77,329,000
33	Motor Vehicle Account--State Appropriation	((\$88,142,000))
34		\$96,884,000
35	Motor Vehicle Account--Federal Appropriation	((\$524,954,000))
36		\$556,705,000
37	Motor Vehicle Account--Private/Local Appropriation	((\$6,417,000))

1 rehabilitation, bridge replacement, bridge demolition, and related
2 mitigation. The department's participation, including prior
3 expenditures, may not exceed \$39,953,000. (~~Funds may not be expended~~
4 ~~unless~~) The city of Tacoma (~~agrees to take~~) has taken ownership of
5 the bridge in its entirety, and (~~provides that~~) the payment of these
6 funds extinguishes any real or implied agreements regarding future
7 bridge expenditures.

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

13 (6) The department shall, on a quarterly basis beginning July 1,
14 2009, provide to the office of financial management and the legislature
15 reports providing the status on each active project funded in part or
16 whole by the transportation 2003 account (nickel account) or the
17 transportation partnership account. Funding provided at a programmatic
18 level for transportation partnership account projects relating to
19 seismic bridges should be reported on a programmatic basis. Projects
20 within this programmatic level funding should be completed on a
21 priority basis and scoped to be completed within the current
22 programmatic budget. The department shall work with the office of
23 financial management and the transportation committees of the
24 legislature to agree on report formatting and elements. Elements must
25 include, but not be limited to, project scope, schedule, and costs.
26 For new construction contracts valued at fifteen million dollars or
27 more, the department must also use an earned value method of project
28 monitoring. The department shall also provide the information required
29 under this subsection on a quarterly basis via the transportation
30 executive information systems (TEIS).

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

37 (8)(a) The department shall conduct an analysis of state highway

1 pavement replacement needs for the next ten years. The report must
2 include:

3 (i) The current backlog of asphalt and concrete pavement
4 preservation projects;

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

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

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

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

14 (b) Additionally, the department shall work with the department of
15 ecology, the county road administration board, and the transportation
16 improvement board to explore and explain the potential use of permeable
17 asphalt and concrete pavement in state highway construction as an
18 alternative method of storm water mitigation and the potential effects
19 on highway pavement replacement needs.

20 (c) The department shall submit the report to the office of
21 financial management and the transportation committees of the
22 legislature by (~~December~~) September 1, 2010, in order to inform the
23 development of the 2011-13 omnibus transportation appropriations act.

24 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
25 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
26 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
27 transportation partnership account--state appropriation are provided
28 solely for the SR 104/Hood Canal bridge - replace east half project,
29 identified as project 310407B in the LEAP transportation document
30 described in subsection (1) of this section.

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

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

1 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
2 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
3 state appropriation are provided solely for the environmental impact
4 statement and preliminary planning for the replacement of the state
5 route number 9 Snohomish river bridge (project L2000018).

6 (13) \$12,503,000 of the motor vehicle account--federal
7 appropriation and \$497,000 of the motor vehicle account--state
8 appropriation are provided solely for the SR 410/Nile Valley Landslide
9 - Establish Interim Detour project (541002R).

10 (14) \$4,239,000 of the motor vehicle account--federal appropriation
11 and \$661,000 of the motor vehicle account--state appropriation are
12 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
13 Route project (541002T).

14 (15) Any redistributed federal funds received by the department
15 must, to the greatest extent possible, be first applied to offset
16 planned expenditures of state funds, and second, to offset planned
17 expenditures of federal funds, on projects as identified in the LEAP
18 transportation documents described in this act. If the redistributed
19 federal funds cannot be used in this manner, the department must
20 consult with the joint transportation committee prior to obligating any
21 redistributed federal funds.

22 **Sec. 306.** 2009 c 470 s 308 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
25 **CAPITAL**

26	Motor Vehicle Account--State Appropriation	((\$6,394,000))
27		<u>\$8,158,000</u>
28	Motor Vehicle Account--Federal Appropriation	((\$9,262,000))
29		<u>\$18,037,000</u>
30	<u>Motor Vehicle Account--Private/Local Appropriation</u>	<u>\$173,000</u>
31	TOTAL APPROPRIATION	((\$15,656,000))
32		<u>\$26,368,000</u>

33 **Sec. 307.** 2009 c 470 s 309 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**

1	CONSTRUCTION--PROGRAM W	
2	Puget Sound Capital Construction Account--State	
3	Appropriation	((\$118,752,000))
4		<u>\$127,045,000</u>
5	Puget Sound Capital Construction Account--Federal	
6	Appropriation	((\$38,306,000))
7		<u>\$60,364,000</u>
8	Puget Sound Capital Construction Account--Local	
9	Appropriation	((\$8,492,000))
10		<u>\$200,000</u>
11	Transportation 2003 Account (Nickel Account)--State	
12	Appropriation	\$51,734,000
13	Transportation Partnership Account--State	
14	Appropriation	((\$67,234,000))
15		<u>\$66,879,000</u>
16	Multimodal Transportation Account--State	
17	Appropriation	((\$170,000))
18		<u>\$149,000</u>
19	TOTAL APPROPRIATION	((\$284,688,000))
20		<u>\$306,371,000</u>

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

23 (1) ((~~\$118,752,000~~)) \$127,045,000 of the Puget Sound capital
24 construction account--state appropriation, ((~~\$38,306,000~~)) \$60,364,000
25 of the Puget Sound capital construction account--federal appropriation,
26 ((~~\$8,492,000~~)) \$200,000 of the Puget Sound capital construction
27 account--local appropriation, ((~~\$67,234,000~~)) \$66,879,000 of the
28 transportation partnership account--state appropriation, \$51,734,000 of
29 the transportation 2003 account (nickel account)--state appropriation,
30 and ((~~\$170,000~~)) \$149,000 of the multimodal transportation account--
31 state appropriation are provided solely for ferry capital projects,
32 project support, and administration as listed in LEAP Transportation
33 Document ALL PROJECTS ((~~2009-2~~)) 2010-2 as developed ((~~April 24, 2009~~))
34 February 23, 2010, Program - Ferries Construction Program (W). Of the
35 total appropriation, a maximum of \$10,627,000 may be used for
36 administrative support, a maximum of \$8,184,000 may be used for
37 terminal project support, and a maximum of \$4,497,000 may be used for
38 vessel project support.

1 (2) \$51,734,000 of the transportation 2003 account (nickel
2 account)--state appropriation (~~and~~), \$63,100,000 of the
3 transportation partnership account--state appropriation, and
4 \$10,164,000 of the Puget Sound capital construction account--state
5 appropriation are provided solely for the acquisition of three new
6 Island Home class ferry vessels subject to the conditions of RCW
7 47.56.780. The department shall pursue a contract for the second and
8 third Island Home class ferry vessels with an option to purchase a
9 fourth Island Home class ferry vessel. However, if sufficient
10 resources are available to build one 144-auto vessel prior to
11 exercising the option to build the fourth Island Home class ferry
12 vessel, procurement of the fourth Island Home class ferry vessel will
13 be postponed and the department shall pursue procurement of a 144-auto
14 vessel.

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

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

21 (c) Cost savings from the following initiatives will be included in
22 the funding of these vessels: The department's review and update of
23 the vessel life-cycle cost model as required under this section; and
24 the implementation of technology efficiencies as required under section
25 602 of this act.

26 (3) (~~(\$2,450,000)~~) \$8,450,000 of the Puget Sound capital
27 construction account--state appropriation (~~is~~) and \$2,450,000 of the
28 transportation partnership account--state appropriation are provided
29 solely (~~for contingencies associated with closing out the existing~~
30 ~~contract~~) for the (~~technical~~) detailed construction design of the
31 144-auto vessel and the storage and maintenance of vessel owner-
32 furnished equipment already procured, including construction
33 engineering as needed. The department shall use as much of the already
34 procured equipment as is practicable on the Island Home class ferry
35 vessel if it is likely to be obsolete before it is used in procured
36 144-auto vessels.

37 (4) \$6,300,000 of the Puget Sound capital construction account--
38 state appropriation is provided solely for emergency capital costs.

1 (5) (~~The Anacortes terminal may be replaced if additional federal~~
2 ~~funds are sought and received by the department. If federal funds~~
3 ~~received are not sufficient to replace the terminal, only usable,~~
4 ~~discrete phases of the project, up to the amount of federal funds~~
5 ~~received, may be constructed with the funds.)) \$3,000,000 of the Puget
6 Sound capital construction account--federal appropriation is provided
7 solely for completing the Anacortes terminal design up to the maximum
8 allowable construction cost phase. These funds may be spent only after
9 the following conditions have been met: (a) A value engineering
10 process is conducted on the existing design and the concept of a
11 smaller terminal building; (b) the office of financial management
12 participates in the value engineering process; (c) the office of
13 financial management concurs with the recommendations of the value
14 engineering process; and (d) the office of financial management gives
15 its approval to proceed with the design work.~~

16 (6) \$3,965,000 of the Puget Sound capital construction account--
17 state appropriation is provided solely for the following vessel
18 projects: Waste heat recovery pilot project for the Issaquah; jumbo
19 Mark 1 class steering gear ventilation pilot project; and ((a new
20 propulsion system for the MV Yakima)) improvements to the Yakima and
21 Kaleetan propulsion controls to allow for two engine operation. Before
22 beginning these projects, the Washington state ferries must ensure the
23 vessels' out-of-service time does not negatively impact service to the
24 system.

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

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

1 must be developed according to an earned value method of project
2 monitoring.

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

10 (10) (~~(\$3,763,000)~~) \$5,570,000 of the total appropriation is
11 provided solely for the Washington state ferries to develop a
12 reservation system. The department shall complete a predesign study
13 and present the study to the joint transportation committee by November
14 1, 2009. This analysis must include an evaluation of the compatibility
15 of the Washington state ferries' electronic fare system, proposed
16 reservation system, and the implementation of smart card. Of the
17 amount provided in this subsection, \$5,270,000 must be retained in
18 unallotted status, and may only be released by the office of financial
19 management after consultation with the joint transportation committee
20 following the committee's review of the evaluation of reservation
21 system costs referenced in section 204(6) of this act. The department
22 may not implement a statewide reservation system until the department
23 is authorized to do so in the 2010 supplemental omnibus transportation
24 appropriations act.

25 (11) \$1,200,000 of the total appropriation is provided solely for
26 improving the toll booth configuration at the Port Townsend and
27 Keystone ferry terminals.

28 (12) \$3,249,915 of the total appropriation is provided solely for
29 continued permitting and archaeological work in order to determine the
30 feasibility of relocating the Mukilteo ferry terminal. In order to
31 ensure that the cultural resources investigation is properly conducted
32 in a coordinated fashion, the department shall work with the department
33 of archaeology and historic preservation and shall conduct work with
34 active archaeological management. The department shall seek additional
35 federal funding for this project.

36 (13) The department shall develop a proposed ferry vessel
37 maintenance, preservation, and improvement program and present it to

1 the transportation committees of the legislature by July 1, 2010. The
2 proposal must:

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

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

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

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

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

18 (iv) A review of the department's vessel maintenance, preservation,
19 and improvement program contracting process and contractual
20 requirements;

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

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

26 (vii) Coordination with required United States coast guard dry
27 dockings;

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

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

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

35 (14) \$247,000 of the Puget Sound capital construction account--
36 state appropriation is provided solely for the Washington state ferries
37 to review and update its vessel life-cycle cost model and report the
38 results to the house of representatives and senate transportation

1 committees of the legislature by ((December)) March 1, 2009. This
2 review will evaluate the impact of the planned out-of-service periods
3 scheduled for each vessel on the ability of the overall system to
4 deliver uninterrupted service and will assess the risk of service
5 disruption from unscheduled maintenance or longer than planned
6 maintenance periods.

7 (15) The department shall work with the department of archaeology
8 and historic preservation to ensure that the cultural resources
9 investigation is properly conducted on all large ferry terminal
10 projects. These projects must be conducted with active archaeological
11 management. Additionally, the department shall establish a scientific
12 peer review of independent archaeologists that are knowledgeable about
13 the region and its cultural resources.

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

17 (17) The multimodal transportation account--state appropriation
18 includes up to \$149,000 in proceeds from the sale of bonds authorized
19 in RCW 47.10.867.

20 (18) The Puget Sound capital construction account--state
21 appropriation reflects the reduction of three terminal positions due to
22 decreased terminal activity and funding.

23 **Sec. 308.** 2009 c 470 s 310 (uncodified) is amended to read as
24 follows:

25 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**
26 Essential Rail Assistance Account--State

27	Appropriation	(((\$675,000))
28		<u>\$389,000</u>
29	Transportation Infrastructure Account--State	
30	Appropriation	(((\$13,100,000))
31		<u>\$11,700,000</u>
32	Multimodal Transportation Account--State	
33	Appropriation	(((\$68,530,000))
34		<u>\$99,002,000</u>
35	Multimodal Transportation Account--Federal	
36	Appropriation	(((\$16,054,000))
37		<u>\$619,527,000</u>

1	Multimodal Transportation Account--Private/Local	
2	Appropriation	\$81,000
3	TOTAL APPROPRIATION	((\$98,440,000))
4		<u>\$730,699,000</u>

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

7 (1)(a) Except as provided otherwise in this section, the entire
8 appropriations in this section are provided solely for the projects and
9 activities as listed by fund, project, and amount in LEAP
10 Transportation Document ALL PROJECTS ((~~2009-2~~)) 2010-2 as developed
11 ((~~April 24, 2009~~)) February 23, 2010, Program - Rail Capital Program
12 (Y). However, limited transfers of specific line-item project
13 appropriations may occur between projects for those amounts listed
14 subject to the conditions and limitations in sections 603 and 501 of
15 this act.

16 (b)(i) Within the amounts provided in this section, \$116,000 of the
17 transportation infrastructure account--state appropriation is for a
18 low-interest loan through the freight rail investment bank program to
19 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

20 (ii) Within the amounts provided in this section, \$1,200,000 of the
21 transportation infrastructure account--state appropriation is for a
22 low-interest loan through the freight rail investment bank program to
23 the Port of Everett (BIN 722810A) for a new rail track to connect a
24 cement loading facility to the mainline.

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

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

33 (c)(i) Within the amounts provided in this section, ((~~\$1,712,022~~))
34 \$1,713,000 of the multimodal transportation account--state
35 appropriation and ((~~\$175,000~~)) \$389,000 of the essential rail
36 assistance account--state appropriation are for statewide - emergent
37 freight rail assistance projects as follows: Port of Ephrata/Ephrata -
38 additional spur rehabilitation (BIN 722710A) ((~~\$362,746~~)) \$363,000;

1 Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000;
2 CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
3 ((\$370,650)) \$371,000; (~~Clark County~~) Chelatchie Prairie owned
4 railroad/Vancouver - track rehabilitation (BIN 710110A) ((\$366,813))
5 \$423,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN
6 711010B) ((\$366,813)) \$525,000.

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

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

26 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)
27 \$8,115,000 of the transportation infrastructure account--state
28 appropriation is for grants to any intergovernmental entity or local
29 rail district to which the department of transportation assigns the
30 management and oversight responsibility for the business and economic
31 development elements of existing operating leases on the Palouse River
32 and Coulee City (PCC) rail lines. \$300,000 of the transportation
33 infrastructure account--state appropriation is provided solely for the
34 fence line replacement project on the CW line. The PCC rail line
35 system is made up of the CW, P&L, and PV Hooper rail lines. Business
36 and economic development elements include such items as levels of
37 service and business operating plans, but must not include the state's
38 oversight of railroad regulatory compliance, rail infrastructure

1 condition, or real property management issues. The PCC rail system
2 must be managed in a self-sustaining manner and best efforts must be
3 used to ensure that it does not require state capital or operating
4 subsidy beyond the level of state funding expended on it to date. The
5 assignment of the stated responsibilities to an intergovernmental
6 entity or rail district must be on terms and conditions as the
7 department of transportation and the intergovernmental entity or rail
8 district mutually agree. The grant funds may be used only to refurbish
9 the rail lines. It is the intent of the legislature to make the funds
10 appropriated in this section available as grants to an
11 intergovernmental entity or local rail district for the purposes stated
12 in this section at least until June 30, 2012, and to reappropriate as
13 necessary any portion of the appropriation in this section that is not
14 used by June 30, 2011.

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

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

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

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

- 1 (ii) Self-sustaining economic development that creates family-wage
- 2 jobs;
- 3 (iii) Preservation of transportation corridors that would otherwise
- 4 be lost;
- 5 (iv) Increased access to efficient and cost-effective transport to
- 6 market for Washington's agricultural and industrial products;
- 7 (v) Better integration and cooperation within the regional,
- 8 national, and international systems of freight distribution; and
- 9 (vi) Mitigation of impacts of increased rail traffic on
- 10 communities.

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

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

1 funds before the state funds, and shall consult the office of financial
2 management and the transportation committees of the legislature
3 regarding project scope changes.

4 (5) The department shall provide quarterly reports to the office of
5 financial management and the transportation committees of the
6 legislature regarding applications that the department submits for
7 federal funds(~~(7)~~) and the status of such applications(~~(, and the~~
8 ~~status of projects identified on the list referenced in subsection~~
9 ~~(1)(a) of this section. The quarterly report regarding the status of~~
10 ~~projects identified on the list referenced in subsection (1)(a) of this~~
11 ~~section must be developed according to an earned value method of~~
12 ~~project monitoring)).~~

13 (6) The department shall, on a quarterly basis, provide to the
14 office of financial management and the legislature reports providing
15 the status on active projects identified in the LEAP transportation
16 document described in subsection (1)(a) of this section. Report
17 formatting and elements must be consistent with the October 2009
18 quarterly project report.

19 (7) The multimodal transportation account--state appropriation
20 includes up to (~~(\$20,000,000)~~) \$34,753,000 in proceeds from the sale of
21 bonds authorized in RCW 47.10.867.

22 (~~(7)~~) (8) When the balance of that portion of the miscellaneous
23 program account apportioned to the department for the grain train
24 program reaches \$1,180,000, the department shall acquire twenty-nine
25 additional grain train railcars.

26 (9) \$590,000,000 of the multimodal transportation account--federal
27 appropriation is provided solely for high-speed rail projects awarded
28 to Washington state from the high-speed intercity passenger rail
29 program under the American recovery and reinvestment act. Funding will
30 allow for two additional round trips between Seattle and Portland, and
31 other rail improvements.

32 (10) \$2,200,000 of the transportation infrastructure account--state
33 appropriation is provided solely for expenditures related to the
34 capital high-speed passenger rail grant that are not federally
35 reimbursable.

36 (11) The Burlington Northern Santa Fe Skagit river bridge is an
37 integral part of the rail system. Constructed in 1916, the bridge does
38 not meet current design standards and is at risk during flood events

1 that occur on the Skagit river. The department shall work with
2 Burlington Northern Santa Fe and local jurisdictions to secure federal
3 funding for the Skagit river bridge and to develop an appropriate
4 replacement plan and schedule.

5 **Sec. 309.** 2009 c 470 s 311 (uncodified) is amended to read as
6 follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
8 **CAPITAL**

9	Highway Infrastructure Account--State Appropriation	\$207,000
10	Highway Infrastructure Account--Federal	
11	Appropriation	\$1,602,000
12	Freight Mobility Investment Account--State	
13	Appropriation	((\$13,548,000))
14		<u>\$13,848,000</u>
15	Transportation Partnership Account--State	
16	Appropriation	\$8,863,000
17	Motor Vehicle Account--State Appropriation	((\$12,954,000))
18		<u>\$13,118,000</u>
19	Motor Vehicle Account--Federal Appropriation	((\$39,572,000))
20		<u>\$43,835,000</u>
21	Freight Mobility Multimodal Account--State	
22	Appropriation	((\$14,920,000))
23		<u>\$15,620,000</u>
24	Freight Mobility Multimodal Account--Local	
25	Appropriation	((\$3,135,000))
26		<u>\$3,258,000</u>
27	Multimodal Transportation Account--Federal	
28	Appropriation	((\$2,098,000))
29		<u>\$2,118,000</u>
30	Multimodal Transportation Account--State	
31	Appropriation	((\$28,262,000))
32		<u>\$28,605,000</u>
33	Transportation 2003 Account (Nickel Account)--State	
34	Appropriation	((\$709,000))
35		<u>\$2,709,000</u>
36	Passenger Ferry Account--State Appropriation	\$2,879,000
37	<u>Puyallup Tribal Settlement Account--State</u>	

1	<u>Appropriation</u>	<u>\$5,830,000</u>
2	TOTAL APPROPRIATION	((\$128,749,000))
3		<u>\$142,492,000</u>

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

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

15 (2) \$2,729,000 of the passenger ferry account--state appropriation
16 is provided solely for near and long-term costs of capital improvements
17 in a business plan approved by the governor for passenger ferry
18 service.

19 (3) \$150,000 of the passenger ferry account--state appropriation is
20 provided solely for the Port of Kingston for a one-time operating
21 subsidy needed to retain a federal grant.

22 (4) \$3,000,000 of the motor vehicle account--federal appropriation
23 is provided solely for the Coal Creek parkway project (L1000025).

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

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

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

1 on those projects receiving fund transfers to the office of financial
2 management and the transportation committees of the legislature by
3 December 1, 2009, and December 1, 2010.

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

10 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
11 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
12 vehicle account--federal appropriation, and \$4,000,000 of the
13 transportation partnership account--state appropriation are provided
14 solely for the pedestrian and bicycle safety program projects and safe
15 routes to schools program projects identified in LEAP Transportation
16 Document 2009-A, pedestrian and bicycle safety program projects and
17 safe routes to schools program projects, as developed March 30, 2009,
18 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
19 program projects and safe routes to schools program projects, as
20 developed April 20, 2007, and LEAP Transportation Document 2006-B,
21 pedestrian and bicycle safety program projects and safe routes to
22 schools program projects, as developed March 8, 2006. Projects must be
23 allocated funding based on order of priority. The department shall
24 review all projects receiving grant awards under this program at least
25 semiannually to determine whether the projects are making satisfactory
26 progress. Any project that has been awarded funds, but does not report
27 activity on the project within one year of the grant award must be
28 reviewed by the department to determine whether the grant should be
29 terminated. The department shall promptly close out grants when
30 projects have been completed, and identify where unused grant funds
31 remain because actual project costs were lower than estimated in the
32 grant award.

33 (10) Except as provided otherwise in this section, the entire
34 appropriations in this section are provided solely for the projects and
35 activities as listed by fund, project, and amount in LEAP
36 Transportation Document ALL PROJECTS (~~(2009-2)~~) 2010-2 as developed
37 (~~(April 24, 2009)~~) February 23, 2010, Programs - Local Program (Z).

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

7 (12) \$913,386 of the motor vehicle account--state appropriation and
8 (~~(\$2,858,216)~~) \$2,858,000 of the motor vehicle account--federal
9 appropriation are provided solely for completion of the US 101
10 northeast peninsula safety rest area and associated roadway
11 improvements east of Port Angeles at the Deer Park scenic view point.
12 The department must surplus any right-of-way previously purchased for
13 this project near Sequim. Approval to proceed with construction is
14 contingent on surplus of previously purchased right-of-way. \$865,000
15 of the motor vehicle account--state appropriation is to be placed into
16 unallotted status until such time as the right-of-way sale is
17 completed.

18 (13) \$5,830,000 of the Puyallup tribal settlement account--state
19 appropriation is provided solely for costs associated with the Murray
20 Morgan/11th Street bridge project. The city of Tacoma may use the
21 Puyallup tribal settlement account appropriation and other appropriated
22 funds for bridge rehabilitation, bridge replacement, bridge demolition,
23 and bridge mitigation. The department's participation, including prior
24 expenditures, may not exceed \$39,953,000. The city of Tacoma has taken
25 ownership of the bridge in its entirety, and the payment of these funds
26 extinguishes any real or implied agreements regarding future bridge
27 expenditures.

28 (14) \$3,702,000 of the motor vehicle account--federal appropriation
29 and \$75,000 of the motor vehicle account--state appropriation are
30 provided solely to reimburse the cities of Kirkland and Redmond for
31 pavement and bridge deck rehabilitation on state route number 908
32 (project 1LP611A). These funds may not be expended unless the cities
33 sign an agreement stating that the cities agree to take ownership of
34 state route number 908 in its entirety and agree that the payment of
35 these funds represents the entire state commitment to the cities for
36 state route number 908 expenditures. The amount provided in this
37 subsection is contingent on the enactment by June 30, 2010, of either
38 Senate Bill No. 6555 or House Bill No. 2918.

1		<u>\$11,750,000</u>
2	(7) Department of Licensing Services Account--State	
3	Appropriation: For transfer to the Motor Vehicle	
4	Account--State	((\$2,000,000))
5		<u>\$1,300,000</u>
6	(8) Advanced Right-of-Way Account: For transfer	
7	to the Motor Vehicle Account--State	\$14,000,000
8	(9) (Motor Vehicle Account--State Appropriation:	
9	For transfer to the Transportation Partnership	
10	Account--State	(\$8,000,000)
11	<u>Highway Safety Account--State Appropriation: For</u>	
12	<u>transfer to the Motor Vehicle Account--State</u>	<u>\$7,500,000</u>
13	<u>(10) Advanced Environmental Mitigation Revolving</u>	
14	<u>Account--State Appropriation: For transfer to the</u>	
15	<u>Multimodal Transportation Account--State</u>	<u>\$5,000,000</u>
16	<u>(11) Transportation Infrastructure Account--State</u>	
17	<u>Appropriation: For transfer to the Multimodal</u>	
18	<u>Transportation Account--State</u>	<u>\$1,500,000</u>
19	<u>(12) Regional Mobility Grant Program Account--State</u>	
20	<u>Appropriation: For transfer to the Multimodal</u>	
21	<u>Transportation Account--State</u>	<u>\$14,275,000</u>
22	<u>(13) Motor Vehicle Account--State Appropriation:</u>	
23	<u>For transfer to the Special Category C Account--State</u>	<u>\$2,500,000</u>

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

29 **IMPLEMENTING PROVISIONS**

30 **Sec. 501.** 2009 c 470 s 603 (uncodified) is amended to read as
31 follows:

32 **FUND TRANSFERS.** (1) The transportation 2003 projects or
33 improvements and the 2005 transportation partnership projects or
34 improvements are listed in LEAP Transportation Document ((~~2009-1~~)
35 2010-1 as developed ((~~April 24, 2009~~)) February 23, 2010, which

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

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

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

21 (c) Each transfer between projects may only occur if the director
22 of financial management finds that any resulting change will not hinder
23 the completion of the projects as approved by the legislature. Until
24 the legislature reconvenes to consider the 2010 supplemental budget,
25 any unexpended 2007-09 appropriation balance as approved by the office
26 of financial management, in consultation with the legislative staff of
27 the house of representatives and senate transportation committees, may
28 be considered when transferring funds between projects;

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

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

35 (f) Transfers may not be made while the legislature is in session;
36 and

37 (g) Transfers between projects may be made by the department of
38 transportation until the transfer amount by project exceeds two hundred

1 fifty thousand dollars, or ten percent of the project, whichever is
2 less. These transfers must be reported quarterly to the director of
3 financial management and the chairs of the house of representatives and
4 senate transportation committees.

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

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

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

18 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

19 **Sec. 601.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
20 read as follows:

21 (1) The regional mobility grant program account is hereby created
22 in the state treasury. Moneys in the account may be spent only after
23 appropriation. Expenditures from the account may be used only for the
24 grants provided under RCW 47.66.030.

25 (2) Beginning with September 2007, by the last day of September,
26 December, March, and June of each year, the state treasurer shall
27 transfer from the multimodal transportation account to the regional
28 mobility grant program account five million dollars.

29 (3) Beginning with September 2015, by the last day of September,
30 December, March, and June of each year, the state treasurer shall
31 transfer from the multimodal transportation account to the regional
32 mobility grant program account six million two hundred fifty thousand
33 dollars.

34 (4) During the 2009-2011 fiscal biennium, the legislature may

1 transfer from the regional mobility grant program account to the
2 multimodal transportation account such amounts as reflect the excess
3 fund balance of the regional mobility grant program account.

4 **Sec. 602.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
5 read as follows:

6 The advanced environmental mitigation revolving account is created
7 in the custody of the treasurer, into which the department shall
8 deposit directly and may expend without appropriation:

9 (1) An initial appropriation included in the department of
10 transportation's 1997-99 budget, and deposits from other identified
11 sources;

12 (2) All moneys received by the department from internal and
13 external sources for the purposes of conducting advanced environmental
14 mitigation; and

15 (3) Interest gained from the management of the advanced
16 environmental mitigation revolving account.

17 (4) During the 2009-2011 fiscal biennium, the legislature may
18 transfer from the advanced environmental mitigation revolving account
19 to the multimodal transportation account such amounts as reflect the
20 excess fund balance of the advanced environmental mitigation revolving
21 account.

22 **MISCELLANEOUS**

23 NEW SECTION. **Sec. 701.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 702.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 immediately.

(End of bill)

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