

Proposed 2011-13 Transportation Budget (PSHB 1175)

Representative Judy Clibborn, Chair
House Transportation Committee

March 21, 2011

Budget Summary
Budget Bill (PSHB 1175)
Statewide Summary
Agency Detail
Project Lists

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2093.9/11 9th draft

ATTY/TYPIST: BP:rls

BRIEF DESCRIPTION: Making transportation appropriations for the
2009-2011 and 2011-2013 fiscal biennia.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 46.68.170, 47.29.170, 46.68.370, 47.01.380, 47.56.876,
3 46.68.060, 46.68.---, 46.68.220, 43.19.642, 47.06B.900, 47.06B.901,
4 46.68.120, 47.56.403, 47.64.170, 47.64.270, 46.63.170, 47.60.355, and
5 47.12.244; reenacting and amending RCW 46.18.060 and 47.28.030;
6 amending 2010 c 247 ss 104, 204, 205, 207, 208, 209, 211, 212, 213,
7 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303,
8 304, 305, 307, 308, 401, 402, 403, 404, 405, and 406 (uncodified);
9 amending 2009 c 470 ss 301 and 305 (uncodified); amending 2010 c 283 s
10 19 (uncodified); amending 2010 c 1st sp.s. c 37 s 804 (uncodified);
11 adding a new section to 2010 c 247 (uncodified); creating new sections;
12 making appropriations and authorizing expenditures for capital
13 improvements; providing an effective date; and declaring an emergency.

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

15 **2011-2013 FISCAL BIENNIUM**

16 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state
17 is hereby adopted and, subject to the provisions set forth, the several
18 amounts specified, or as much thereof as may be necessary to accomplish

1 the purposes designated, are hereby appropriated from the several
2 accounts and funds named to the designated state agencies and offices
3 for employee compensation and other expenses, for capital projects, and
4 for other specified purposes, including the payment of any final
5 judgments arising out of such activities, for the period ending June
6 30, 2013.

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

9 (a) "Fiscal year 2012" or "FY 2012" means the fiscal year ending
10 June 30, 2012.

11 (b) "Fiscal year 2013" or "FY 2013" means the fiscal year ending
12 June 30, 2013.

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

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

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

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

24 (g) "LEAP" means the legislative evaluation and accountability
25 program committee.

26 **2011-2013 FISCAL BIENNIUM**

27 **GENERAL GOVERNMENT AGENCIES--OPERATING**

28 NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
29 **HISTORIC PRESERVATION**

30 Motor Vehicle Account--State Appropriation \$402,000

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

1 NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION**
2 **COMMISSION**

3 Grade Crossing Protective Account--State Appropriation \$504,000

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

5 Motor Vehicle Account--State Appropriation \$871,000

6 Puget Sound Ferry Operations Account--State
7 Appropriation \$104,000

8 TOTAL APPROPRIATION \$975,000

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

11 (1) \$169,000 of the motor vehicle account--state appropriation is
12 provided solely for the office of regulatory assistance integrated
13 permitting project.

14 (2) The office of financial management shall study the available
15 data regarding statewide transit, bicycle, and pedestrian trips and
16 recommend additional performance measures that will effectively measure
17 the state's performance in increasing transit ridership and bicycle and
18 pedestrian trips. The office of financial management shall report its
19 findings and recommendations to the transportation committees of the
20 legislature by November 15, 2011, and integrate the new performance
21 measures into the report prepared by the office of financial management
22 pursuant to RCW 47.04.280 regarding progress towards achieving
23 Washington state's transportation system policy goals.

24 (3) The office of financial management shall ensure the
25 implementation of chapter . . . (House Bill No. 1511), Laws of 2011
26 (efficiency in the ferry system) as it relates to transferring the
27 responsibilities of the marine employees' commission to the public
28 employment relations commission.

29 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
30 **COMMISSION**

31 Motor Vehicle Account--State Appropriation \$986,000

32 The appropriation in this section is subject to the following
33 conditions and limitations: The entire appropriation in this section
34 is provided solely for road maintenance purposes.

1 agency and legislative staff as required. The consultant must provide
2 a draft public safety radio network architecture and coverage
3 assessment by December 1, 2011, to the preengineering communication
4 team, and a final public safety radio network architecture and coverage
5 assessment by December 31, 2011, to the office of financial management,
6 the president of the senate, and the speaker of the house of
7 representatives.

8 (3) The final report must:

9 (a) Review the existing documentation and publications available
10 from the state interoperability executive committee;

11 (b) Analyze existing state agencies, cities, counties, and private
12 entities network and infrastructure inventory and detail the required
13 reprogramming and replacement status of the components;

14 (c) Document radio coverage requirements and current radio network
15 operations;

16 (d) Review existing or planned state, local, and private entities
17 communication systems for opportunities to partner with those entities
18 to mitigate coverage issues;

19 (e) Redesign the system to address coverage and performance gaps,
20 after meeting narrowbanding requirements;

21 (f) Leverage existing communication systems at the state and local
22 levels along with private entities to take advantage of existing or
23 planned infrastructure;

24 (g) Provide engineering opportunities within budget constraints to
25 ensure that the most recent technology and equipment is being used to
26 best serve state, local, and private entities strategically for future
27 communication platforms;

28 (h) Recommend communication plans and designs to be considered for
29 radio specifications, performance, and interoperability;

30 (i) Develop a migration plan and cost analysis, including
31 schedules;

32 (j) Develop a request for proposals that will encourage multiple
33 proposals;

34 (k) Identify the required elements that should be included in a
35 request for proposal to ensure that the equipment chosen can be
36 integrated with different manufacturers and different protocols for
37 flexibility and cost efficiency for future equipment purchasing while
38 considering performance and communication systems compatibility; and

1 (1) Develop a budget proposal with the elements described in this
2 subsection that provides options and considers state, local, and
3 private entities systems that are already in place, or planned to be in
4 place, for partnering opportunities.

5 NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND**
6 **ACCOUNTABILITY PROGRAM COMMITTEE**

7 Motor Vehicle Account--State Appropriation \$513,000

8 NEW SECTION. **Sec. 108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

9 Motor Vehicle Account--State Appropriation \$505,000

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

12 (1) \$505,000 of the motor vehicle account--state appropriation is
13 provided solely to provide support for the transportation executive
14 information system.

15 (2) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
16 (department of enterprise services) is enacted, the department shall
17 execute an interagency agreement with the department of transportation
18 to transfer the time, leave, and labor distribution system project
19 responsibility and the project funding arrangements that are contained
20 in this act. Upon completion of this project, the statewide financial
21 systems staff in collaboration with the state treasurer's office must
22 establish a repayment schedule to reimburse the transportation accounts
23 for the proportionate startup costs that should be borne by other state
24 agencies.

25 **TRANSPORTATION AGENCIES--OPERATING**

26 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
27 **COMMISSION**

28 Highway Safety Account--State Appropriation \$3,003,000

29 Highway Safety Account--Federal Appropriation \$42,625,000

30 Highway Safety Account--Local Appropriation \$50,000

31 School Zone Safety Account--State Appropriation \$3,340,000

32 TOTAL APPROPRIATION \$49,018,000

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

3 (1) \$460,000 of the highway safety account--state appropriation is
4 provided solely for the implementation of chapter . . . (Substitute
5 House Bill No. 1167), Laws of 2011 (expanding provisions related to
6 driving a motor vehicle while under the influence of alcohol or drugs).
7 If chapter . . . (Substitute House Bill No. 1167), Laws of 2011 is not
8 enacted by June 30, 2011, the amount provided in this subsection
9 lapses.

10 (2) \$22,000,000 of the highway safety account--federal
11 appropriation is provided solely for federal funds that may be
12 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the
13 2011-2013 fiscal biennium.

14 (3) \$1,673,900 of the highway safety account--federal appropriation
15 is provided solely for the conclusion of the target zero trooper pilot
16 program, which the commission has developed and implemented in
17 collaboration with the Washington state patrol. The pilot program must
18 continue to demonstrate the effectiveness of intense, high visibility,
19 driving under the influence enforcement in Washington. The commission
20 shall continue to apply to the national highway traffic safety
21 administration for federal highway safety grants to cover the cost of
22 the pilot program.

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

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

31 (b) In order to ensure adequate time in the 2011-2013 fiscal
32 biennium to evaluate the effectiveness of the pilot projects, any
33 projects authorized by the commission must be authorized by December
34 31, 2011.

35 (c) By January 1, 2013, the commission shall provide a report to
36 the legislature regarding the use, public acceptance, outcomes, and
37 other relevant issues regarding automated traffic safety cameras
38 demonstrated by the pilot projects.

1 system) that are within city boundaries; (b) a survey of cities that
2 impose storm water fees or charges to the department of transportation,
3 or otherwise manage storm water runoff from state highways within their
4 jurisdiction; (c) case studies from a representative cross-section of
5 cities on how the department and cities have used RCW 90.03.525; and
6 (d) recommendations on how to achieve efficiencies in the cost and
7 management of state highway storm water runoff within cities under RCW
8 90.03.525.

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

10	Motor Vehicle Account--State Appropriation	\$1,975,000
11	Multimodal Transportation Account--State Appropriation	\$112,000
12	TOTAL APPROPRIATION	\$2,087,000

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

15 (1) In accordance with the actions taken by the legislature in
16 chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and
17 pursuant to RCW 43.135.055 and 47.60.315, during the 2011-2013 fiscal
18 biennium, the transportation commission is authorized to review and, if
19 necessary, modify the schedule of fares for the Washington state ferry
20 system, as required under RCW 47.60.315. For purposes of this
21 subsection, "modify" includes increases or decreases to the schedule.

22 (2) In accordance with the actions taken by the legislature in
23 chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and
24 pursuant to RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal
25 biennium, the transportation commission is authorized to review and, if
26 necessary, modify the schedule of toll charges applicable to the Tacoma
27 Narrows bridge, taking into consideration the recommendations of the
28 citizen advisory committee created under RCW 47.46.091, as required
29 under RCW 47.46.100. For purposes of this subsection, "modify"
30 includes increases or decreases to the schedule.

31 NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
32 **INVESTMENT BOARD**

33	Motor Vehicle Account--State Appropriation	\$656,000
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34 The appropriation in this section is subject to the following
35 conditions and limitations: The freight mobility strategic investment

1 board shall, on a quarterly basis, provide status reports to the office
2 of financial management and the transportation committees of the
3 legislature on the delivery of projects funded by this act.

4 NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

5	Vehicle Licensing Fraud Account--State Appropriation	\$100,000
6	State Patrol Highway Account--State	
7	Appropriation	\$349,487,000
8	State Patrol Highway Account--Federal	
9	Appropriation	\$10,903,000
10	State Patrol Highway Account--Private/Local	
11	Appropriation	\$3,369,000
12	TOTAL APPROPRIATION	\$363,859,000

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

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

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

35 (3) Within existing resources, the Washington state patrol shall
36 make every reasonable effort to increase the enrollment in each academy

1 class that commences during the 2011-2013 fiscal biennium to fifty-five
2 cadets.

3 (4) The Washington state patrol shall collaborate with the
4 Washington traffic safety commission to implement the target zero
5 trooper pilot program referenced in section 201(3) of this act.

6 (5) The Washington state patrol shall work with the risk management
7 division in the office of financial management or a successor agency in
8 compiling the Washington state patrol's data for establishing the
9 agency's risk management insurance premiums to the tort claims account.
10 The office of financial management or a successor agency and the
11 Washington state patrol shall submit a report to the legislative
12 transportation committees by December 31st of each year on the number
13 of claims, estimated claims to be paid, method of calculation, and the
14 adjustment in the premium.

15 (6) \$12,655,000 of the total appropriation is provided solely for
16 automobile fuel in the 2011-2013 fiscal biennium.

17 (7) \$7,421,000 of the total appropriation is provided solely for
18 the purchase of pursuit vehicles.

19 (8) \$6,611,000 of the total appropriation is provided solely for
20 vehicle repair and maintenance costs of vehicles used for highway
21 purposes.

22 (9) \$1,724,000 of the total appropriation is provided solely for
23 the purchase of mission vehicles used for highway purposes in the
24 commercial vehicle and traffic investigation sections of the Washington
25 state patrol.

26 (10) \$75,000 of the state patrol highway account--state
27 appropriation is provided solely for the implementation of chapter ...
28 (Engrossed Second Substitute Senate Bill No. 5000), Laws of 2011
29 (mandating a twelve-hour impound hold on motor vehicles used by persons
30 arrested for driving under the influence). If chapter ... (Engrossed
31 Second Substitute Senate Bill No. 5000), Laws of 2011 is not enacted by
32 June 30, 2011, the amount provided in this subsection lapses.

33 (11) \$136,000 of the state patrol highway account--state
34 appropriation is provided solely for the certificates of participation
35 debt service payments for the mobile office platform.

36 (12) \$1,511,000 of the state patrol highway account--state
37 appropriation is provided solely for the mobile office platform.

1 (13) \$550,000 of the state patrol highway account--state
2 appropriation is provided solely for the certificates of participation
3 debt service payments for the narrowbanding project.

4 (14) The Washington state patrol is directed to request a waiver
5 from the federal communications commission by August 1, 2011, to extend
6 the time frame necessary for conversion to narrowbanding from January
7 1, 2013, to January 1, 2014. The basis for the extension is to
8 provide: Additional time for preengineering to identify existing state
9 and local infrastructure that the state can leverage to assist in
10 mitigating any communication gaps after the conversion; opportunities
11 for partnering between agencies at the state and local levels; and
12 additional refinement of the costs of the proposal.

13 (15) \$100,000 of the vehicle licensing fraud account--state
14 appropriation is provided solely to support the vehicle license fraud
15 program. Expenditures from the amount provided in this subsection may
16 not exceed \$4,167 per month.

17 NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

18	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
19	Motorcycle Safety Education Account--State	
20	Appropriation	\$4,411,000
21	Wildlife Account--State Appropriation	\$859,000
22	Highway Safety Account--State Appropriation	\$147,502,000
23	Highway Safety Account--Federal Appropriation	\$2,884,000
24	Motor Vehicle Account--State Appropriation	\$84,596,000
25	Motor Vehicle Account--Private/Local Appropriation	\$1,381,000
26	Motor Vehicle Account--Federal Appropriation	\$242,000
27	Department of Licensing Services Account--State	
28	Appropriation	\$5,851,000
29	Ignition Interlock Device Revolving Account--State	
30	Appropriation	\$1,315,000
31	TOTAL APPROPRIATION	\$249,073,000

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

34 (1) \$11,688,000 of the highway safety account--state appropriation
35 is provided solely for costs associated with: Issuing enhanced
36 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 (2) \$1,315,000 of the ignition interlock device revolving account--
5 state appropriation is provided solely for the department to assist
6 indigent persons with the costs of installing, removing, and leasing
7 the device, and applicable licensing pursuant to RCW 46.68.340.

8 (3) \$1,738,000 of the department of licensing services account--
9 state appropriation is provided solely for purchasing equipment for the
10 field licensing service offices and subagent offices.

11 (4) \$198,000 of the motor vehicle account--state appropriation is
12 provided solely for the certificates of participation debt service
13 payments for the department's prorated and fuel tax system.

14 (5) The department shall prepare a report to the legislature on the
15 residency verification process it implemented in November 2010. The
16 process is designed to ensure that individuals who receive a Washington
17 state driver's license or identicard are Washington state residents.
18 The report must outline the verification process and outcomes for
19 driver's license and identicard applicants who do not provide a social
20 security number. The report must include (a) a list of the documents
21 that suffice to show proof of residency; (b) a description of how the
22 department verifies the documents; (c) a description of the process for
23 issuing a temporary authorization to drive; (d) the number and
24 percentage of driver's license and identicard applicants without a
25 social security number by month from November 2010 through October
26 2011; and (e) the number and percentage of applicants without a social
27 security number that are issued or denied a driver's license or
28 identicard from November 2010 through October 2011. The report must be
29 submitted to the transportation committees of the legislature by
30 November 15, 2011.

31 (6) \$282,000 of the highway safety account--state appropriation is
32 provided solely for implementation of chapter ... (House Bill No.
33 1536), Laws of 2011 (congestion reduction charge) or chapter ...
34 (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion
35 reduction charge). If chapter ... (House Bill No. 1536), Laws of 2011
36 or chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of
37 2011 is not enacted by June 30, 2011, the amount provided in this
38 subsection lapses.

1 (7) \$66,000 of the highway safety account--state appropriation is
2 provided solely for implementation of chapter ... (Substitute House
3 Bill No. 1237), Laws of 2011 (selective service registration). Funding
4 for chapter ... (Substitute House Bill No. 1237), Laws of 2011 assumes
5 a financial contribution from the selective service system. If chapter
6 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by
7 June 30, 2011, the amount provided in this subsection lapses.

8 (8) \$253,000 of the highway safety account--state appropriation is
9 provided solely for implementation of chapter ... (Engrossed Substitute
10 House Bill No. 1635), Laws of 2011 (drivers' licenses, identicards).
11 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011
12 is not enacted by June 30, 2011, the amount provided in this subsection
13 lapses.

14 (9) \$107,000 of the highway safety account--state appropriation is
15 provided solely for implementation of chapter ... (Engrossed Second
16 Substitute House Bill No. 1789), Laws of 2011 (DUI accountability). If
17 chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of
18 2011 is not enacted by June 30, 2011, the amount provided in this
19 subsection lapses.

20 (10) \$229,000 of the department of licensing services account--
21 state appropriation is provided solely for a phased implementation of
22 chapter ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and
23 vessel quick title). Funding is contingent upon revenues associated
24 with the vessel and vehicle quick title program paying all direct and
25 indirect expenditures associated with the department's implementation
26 of chapter ... (Substitute House Bill No. 1046), Laws of 2011. If
27 chapter ... (Substitute House Bill No. 1046), Laws of 2011 is not
28 enacted by June 30, 2011, the amount provided in this subsection
29 lapses.

30 (11) Funding in this section is sufficient to implement chapter ...
31 (House Bill No. 1577), Laws of 2011 (driver's license and identicard
32 applicants), or similar legislation, if enacted.

33 (12) \$647,000 of the highway safety account--state appropriation is
34 provided solely for the implementation of chapter ... (House Bill No.
35 1229), Laws of 2011 (commercial drivers). If chapter ... (House Bill
36 No. 1229), Laws of 2011 (commercial drivers) is not enacted by June 30,
37 2012, the amount provided in this subsection lapses.

1 penalty; the number of recipients who request a hearing and the number
2 who do not respond; workload costs related to hearings; the cost and
3 effectiveness of debt collection activities; and revenues generated
4 from notices of civil penalty.

5 (4) \$164,000 of the state route number 520 corridor account--state
6 appropriation and \$259,000 of the Tacoma Narrows toll bridge account--
7 state appropriation are provided solely for benchmark studies for
8 tolling operations. These studies are to determine the costs of
9 tolling operations activities so that efficiencies may be identified
10 and future costs may be reduced.

11 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--**
12 **INFORMATION TECHNOLOGY--PROGRAM C**

13 Transportation Partnership Account--State
14 Appropriation \$1,460,000
15 Motor Vehicle Account--State Appropriation \$75,409,000
16 Multimodal Transportation Account--State
17 Appropriation \$3,607,000
18 Transportation 2003 Account (Nickel Account)--State
19 Appropriation \$1,460,000
20 TOTAL APPROPRIATION \$81,936,000

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

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

30 (2) \$210,000 of the motor vehicle account--state appropriation is
31 provided solely to continue compliance with storm water permit
32 requirements.

33 (3) \$205,000 of the motor vehicle account--state appropriation is
34 provided solely for the certificates of participation debt service
35 payments for the time, leave, and labor distribution system.

36 (4) \$84,000 of the multimodal transportation account--state

1 appropriation is provided solely for the certificates of participation
2 debt service payments for the time, leave, and labor distribution
3 system.

4 (5) \$502,000 of the motor vehicle account--state appropriation is
5 provided solely to provide support for the transportation executive
6 information system.

7 (6) If chapter ... (Substitute House Bill No. 1720), Laws of 2011
8 (department of enterprise services) is enacted, the department shall
9 execute an interagency agreement with the department of enterprise
10 services to transfer the time, leave, and labor distribution system
11 project responsibility and the funds appropriated for this project in
12 this section.

13 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**
14 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
15 Motor Vehicle Account--State Appropriation \$25,851,000

16 The appropriation in this section is subject to the following
17 conditions and limitations: \$850,000 of the motor vehicle account--
18 state appropriation is provided solely to continue compliance with
19 storm water permit requirements.

20 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **AVIATION--PROGRAM F**
22 Aeronautics Account--State Appropriation \$6,066,000
23 Aeronautics Account--Federal Appropriation \$2,150,000
24 TOTAL APPROPRIATION \$8,216,000

25 The appropriations in this section are subject to the following
26 conditions and limitations: \$200,000 of the aeronautics account--state
27 appropriation is a reappropriation provided solely to complete runway
28 preservation projects.

29 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**
31 Motor Vehicle Account--State Appropriation \$47,918,000
32 Motor Vehicle Account--Federal Appropriation \$500,000
33 Multimodal Transportation Account--State
34 Appropriation \$250,000
35 TOTAL APPROPRIATION \$48,668,000

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

3 (1) The department shall provide updated information on six project
4 milestones for all active projects, funded in part or in whole with
5 2005 transportation partnership account funds or 2003 nickel account
6 funds, on a quarterly basis in the transportation executive information
7 system. The department shall also provide updated information on six
8 project milestones for projects, funded with preexisting funds and that
9 are agreed to by the legislature, office of financial management, and
10 the department, on a quarterly basis.

11 (2) \$3,754,000 of the motor vehicle account--state appropriation is
12 provided solely to continue compliance with storm water permit
13 requirements.

14 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **ECONOMIC PARTNERSHIPS--PROGRAM K**

16	Motor Vehicle Account--State Appropriation	\$602,000
17	Multimodal Transportation Account--State Appropriation	\$50,000
18	TOTAL APPROPRIATION	\$652,000

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

21 (1) \$50,000 of the multimodal transportation account--state
22 appropriation is provided solely for the department to develop and
23 implement public-private partnerships at high priority terminals as
24 identified in the January 12, 2009, final report on joint development
25 opportunities at Washington state ferries terminals.

26 (2) \$30,000 of the motor vehicle account--state appropriation is
27 provided solely for the continuation of a pilot project allowing
28 advertisements and sponsorships on select web pages. The pilot project
29 must be organized under the partnership model described in the
30 department's web site monetizing feasibility study. Once operational,
31 the pilot project must operate for at least twelve consecutive months.
32 After twelve months of continuous operation, the department shall
33 provide a report with recommendations on whether to continue project
34 operations to the office of financial management and the chairs of the
35 transportation committees of the legislature. The department may end
36 the pilot project after less than twelve consecutive months of
37 operation if insufficient bids or proposals are received from potential

1 sponsors or advertisers. For the purpose of this subsection, if a
2 consultant contract is warranted, the consultant contract is deemed a
3 revenue generation activity as that term is construed in section
4 602(2), chapter 3, Laws of 2010.

5 (3) The department shall conduct a study on the potential to
6 generate revenue from both on-premise and off-premise outdoor
7 advertising signs that are erected or maintained adjacent and visible
8 to the interstate system highways, primary system highways, or scenic
9 system highways. The study must provide the following recommendation
10 and evaluations: An evaluation of the market for outdoor advertising
11 signs, including an evaluation of the number of potential advertisers
12 and the amount charged by other jurisdictions for sign permits; a
13 recommendation for a revised fee structure that recognizes the market
14 value for both off-premise and on-premise signs and considers charging
15 differential fees based on the size and type of sign; and an evaluation
16 of public-private partnership opportunities related to outdoor
17 advertising signs. In addition, the study must consider how outdoor
18 advertising signs can accommodate new technologies without providing
19 too much distraction for drivers.

20 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **HIGHWAY MAINTENANCE--PROGRAM M**

22	Motor Vehicle Account--State Appropriation	\$380,327,000
23	Motor Vehicle Account--Federal Appropriation	\$7,000,000
24	TOTAL APPROPRIATION	\$387,327,000

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

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

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

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

5 (4) \$7,000,000 of the motor vehicle account--federal appropriation
6 is for unanticipated federal funds that may be received during the
7 2011-2013 fiscal biennium. Upon receipt of the funds, the department
8 shall provide a report on the use of the funds to the transportation
9 committees of the legislature and the office of financial management.

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

13 (6) \$6,884,000 of the motor vehicle account--state appropriation is
14 provided solely for the high priority maintenance backlog.

15 (7) \$317,000 of the motor vehicle account--state appropriation is
16 provided solely for maintaining a new active traffic management system
17 on Interstate 5, Interstate 90, and state route number 520. The
18 department shall track the costs associated with these systems on a
19 corridor basis and report to the legislative transportation committees
20 on the cost and benefits of the system by December 1, 2011.

21 (8) \$4,530,000 of the motor vehicle account--state appropriation is
22 provided solely to continue compliance with storm water permit
23 requirements.

24 (9) \$7,000,000 of the motor vehicle account--state appropriation is
25 provided solely for third-party damages to the highway system where the
26 responsible party is known and reimbursement is anticipated.

27 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

29	Motor Vehicle Account--State Appropriation	\$50,166,000
30	Motor Vehicle Account--Federal Appropriation	\$2,050,000
31	Motor Vehicle Account--Private/Local Appropriation	\$127,000
32	TOTAL APPROPRIATION	\$52,343,000

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

35 (1) \$6,000,000 of the motor vehicle account--state appropriation is
36 provided solely for low-cost enhancements. The department shall give
37 priority to low-cost enhancement projects that improve safety or

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

7 (2) \$145,000 of the motor vehicle account--state appropriation is
8 provided solely for the department to continue a pilot tow truck
9 incentive program and to expand the program to other areas of the
10 state. The department may provide incentive payments to towing
11 companies that meet clearance goals on accidents that involve heavy
12 trucks.

13 (3) The department shall track the costs associated with active
14 traffic management systems on a corridor basis and report to the
15 legislative transportation committees on the cost and benefits of the
16 system by December 31, 2011.

17 (4) During the 2011-2013 biennium, the department shall implement
18 a pilot program that expands private transportation providers' access
19 to high occupancy vehicle lanes. Under the pilot program, when the
20 department reserves a portion of a highway based on the number of
21 passengers in a vehicle, the following vehicles must be authorized to
22 use the reserved portion of the highway if the vehicle has the capacity
23 to carry eight or more passengers, regardless of the number of
24 passengers in the vehicle: (a) Auto transportation company vehicles
25 regulated under chapter 81.68 RCW; (b) passenger charter carrier
26 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
27 stretch limousines and stretch sport utility vehicles as defined under
28 department rules; (c) private nonprofit transportation provider
29 vehicles regulated under chapter 81.66 RCW; and (d) private employer
30 transportation service vehicles. For purposes of this subsection,
31 "private employer transportation service" means regularly scheduled,
32 fixed-route transportation service that is offered by an employer for
33 the benefit of its employees. By June 30, 2013, the department shall
34 report to the transportation committees of the legislature on whether
35 private transportation provider use of high occupancy vehicle lanes
36 under the pilot program reduces the speeds of high occupancy vehicle
37 lanes. Nothing in this subsection is intended to authorize the
38 conversion of public infrastructure to private, for-profit purposes or

1 to otherwise create an entitlement or other claim by private users to
2 public infrastructure. If chapter ... (Substitute Senate Bill No.
3 5791), Laws of 2011 is enacted by June 30, 2011, this subsection is
4 null and void.

5 (5) \$9,000,000 of the motor vehicle account--state appropriation is
6 provided solely for the department's incident response program.

7 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
8 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

9	Motor Vehicle Account--State Appropriation	\$28,430,000
10	Motor Vehicle Account--Federal Appropriation	\$30,000
11	Multimodal Transportation Account--State	
12	Appropriation	\$973,000
13	TOTAL APPROPRIATION	\$29,433,000

14 The appropriations in this section are subject to the following
15 conditions and limitations: The department shall utilize existing
16 resources and customer service staff to develop and implement new
17 policies and procedures to ensure compliance with new federal passenger
18 vessel Americans with disabilities act requirements.

19 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

21	Motor Vehicle Account--State Appropriation	\$23,194,000
22	Motor Vehicle Account--Federal Appropriation	\$21,885,000
23	Multimodal Transportation Account--State	
24	Appropriation	\$662,000
25	Multimodal Transportation Account--Federal	
26	Appropriation	\$2,809,000
27	Multimodal Transportation Account--Private/Local	
28	Appropriation	\$100,000
29	TOTAL APPROPRIATION	\$48,650,000

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

32 (1) \$70,000 of the motor vehicle account--state appropriation is a
33 reappropriation provided solely for a corridor study of state route
34 number 516 from the eastern border of Maple Valley to state route
35 number 167 to determine whether improvements are needed and the costs
36 of any needed improvements.

1 (2) By October 1, 2011, the department shall make recommendations
2 to the office of financial management and the transportation committees
3 of the legislature on cost savings that can be achieved through
4 consolidating reporting and planning functions within the department.

5 (3) Within available resources, the department must collaborate
6 with the affected metropolitan planning organizations, regional
7 transportation planning organizations, and transit agencies to develop
8 a plan to reduce vehicle demand, increase public transportation
9 options, and reduce vehicle miles traveled on corridors affected by
10 growth at Joint Base Lewis-McChord.

11 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
12 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

13	Motor Vehicle Account--State Appropriation	\$86,121,000
14	Motor Vehicle Account--Federal Appropriation	\$400,000
15	Multimodal Transportation Account--State Appropriation . . .	\$3,320,000
16	TOTAL APPROPRIATION	\$89,841,000

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

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

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

25 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
26 DIVISION OF RISK MANAGEMENT FEES \$1,506,000

27 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE
28 AUDITOR \$153,000

29 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
30 ADMINISTRATION \$13,100,000

31 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
32 PERSONNEL \$12,402,000

33 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
34 PREMIUMS AND ADMINISTRATION \$44,163,000

35 (f) FOR ARCHIVES AND RECORDS MANAGEMENT \$541,000

36 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
37 ENTERPRISES \$1,311,000

1	(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS	
2	PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT	\$1,111,000
3	(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE	
4	DEPARTMENT OF INFORMATION SERVICES	\$539,000
5	(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
6	GENERAL'S OFFICE	\$9,451,000
7	(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY	
8	GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT	
9	LITIGATION	\$237,000
10	(l) FOR WORKER COMPENSATION CHARGES	\$2,496,000
11	(m) FOR DATA CENTER RATE INCREASE	\$2,759,000
12	(n) FOR OFFICE OF FINANCIAL MANAGEMENT INFORMATION	
13	TECHNOLOGY SERVICES	\$72,000

14 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
15 **PUBLIC TRANSPORTATION--PROGRAM V**

16	Rural Mobility Grant Program Account--State	
17	Appropriation	\$17,000,000
18	Regional Mobility Grant Program Account--State	
19	Appropriation	\$48,942,000
20	Multimodal Transportation Account--State	
21	Appropriation	\$42,617,000
22	Multimodal Transportation Account--Federal	
23	Appropriation	\$2,582,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation	\$1,027,000
26	State Vehicle Parking Account--State Appropriation	\$452,000
27	TOTAL APPROPRIATION	\$112,620,000

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

30 (1) \$25,000,000 of the multimodal transportation account--state
31 appropriation is provided solely for a grant program for special needs
32 transportation provided by transit agencies and nonprofit providers of
33 transportation.

34 (a) \$5,500,000 of the amount provided in this subsection is
35 provided solely for grants to nonprofit providers of special needs
36 transportation. Grants for nonprofit providers must be based on need,

1 including the availability of other providers of service in the area,
2 efforts to coordinate trips among providers and riders, and the cost
3 effectiveness of trips provided.

4 (b) \$19,500,000 of the amount provided in this subsection is
5 provided solely for grants to transit agencies to transport persons
6 with special transportation needs. To receive a grant, the transit
7 agency must have a maintenance of effort for special needs
8 transportation that is no less than the previous year's maintenance of
9 effort for special needs transportation. Grants for transit agencies
10 shall be prorated based on the amount expended for demand response
11 service and route deviated service in calendar year 2009 as reported in
12 the "Summary of Public Transportation - 2009" published by the
13 department of transportation. No transit agency may receive more than
14 thirty percent of these distributions.

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

17 (a) \$8,500,000 of the rural mobility grant program account--state
18 appropriation is provided solely for grants for those transit systems
19 serving small cities and rural areas as identified in the "Summary of
20 Public Transportation - 2009" published by the department of
21 transportation. Noncompetitive grants must be distributed to the
22 transit systems serving small cities and rural areas in a manner
23 similar to past disparity equalization programs. If the funding
24 provided in this subsection (2)(a) exceeds the amount required for
25 recipient counties to reach eighty percent of the average per capita
26 sales tax, funds in excess of that amount may be used for the
27 competitive grant process established in (b) of this subsection.

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

32 (3)(a) \$6,000,000 of the multimodal transportation account--state
33 appropriation is provided solely for a vanpool grant program for: (a)
34 Public transit agencies to add vanpools or replace vans; and (b)
35 incentives for employers to increase employee vanpool use. The grant
36 program for public transit agencies will cover capital costs only;
37 operating costs for public transit agencies are not eligible for
38 funding under this grant program. Additional employees may not be

1 hired from the funds provided in this section for the vanpool grant
2 program, and supplanting of transit funds currently funding vanpools is
3 not allowed. The department shall encourage grant applicants and
4 recipients to leverage funds other than state funds.

5 (b) At least \$1,600,000 of the amount provided in this subsection
6 must be used for vanpool grants in congested corridors.

7 (c) \$520,000 of the amount provided in this subsection is provided
8 solely for the purchase of additional vans for use by vanpools serving
9 soldiers and civilian employees at Joint Base Lewis-McChord.

10 (4) \$120,000 of the multimodal transportation account--state
11 appropriation is a reappropriation provided solely for a grant for a
12 flexible carpooling pilot project program to be administered and
13 monitored by the department.

14 (5) \$3,470,000 of the regional mobility grant program account--
15 state appropriation is reappropriated and provided solely for the
16 regional mobility grant projects identified on the LEAP Transportation
17 Document 2007-B, as developed April 20, 2007, or the LEAP
18 Transportation Document 2006-D, as developed March 8, 2006. The
19 department shall continue to review all projects receiving grant awards
20 under this program at least semiannually to determine whether the
21 projects are making satisfactory progress.

22 (6) \$5,472,000 of the regional mobility grant program account--
23 state appropriation is a reappropriation provided solely for the
24 regional mobility grant projects identified in LEAP Transportation
25 Document 2009-B, as developed April 24, 2009. The department shall
26 review all projects receiving grant awards under this program at least
27 semiannually to determine whether the projects are making satisfactory
28 progress.

29 (7) \$40,000,000 of the regional mobility grant program
30 account--state appropriation is provided solely for the regional
31 mobility grant projects identified in LEAP Transportation Document
32 2011-B, as developed March 21, 2011. The department shall review all
33 projects receiving grant awards under this program at least
34 semiannually to determine whether the projects are making satisfactory
35 progress. Any project that has been awarded funds, but does not report
36 activity on the project within one year of the grant award, must be
37 reviewed by the department to determine whether the grant should be
38 terminated. The department shall promptly close out grants when

1 projects have been completed, and any remaining funds available must be
2 used only to fund projects identified in LEAP Transportation Document
3 2011-B, as developed March 21, 2011. The department shall provide
4 annual status reports on December 15, 2011, and December 15, 2012, to
5 the office of financial management and the transportation committees of
6 the legislature regarding the projects receiving the grants. It is the
7 intent of the legislature to appropriate funds through the regional
8 mobility grant program only for projects that will be completed on
9 schedule.

10 (8) Funds provided for the commute trip reduction program may also
11 be used for the growth and transportation efficiency center program.

12 (9) An affected urban growth area that has not previously
13 implemented a commute trip reduction program is exempt from the
14 requirements in RCW 70.94.527 if a solution to address the state
15 highway deficiency that exceeds the person hours of delay threshold has
16 been funded and is in progress during the 2011-2013 fiscal biennium.

17 (10) \$2,309,000 of the multimodal transportation account--state
18 appropriation is provided solely for the tri-county connection service
19 for Island, Skagit, and Whatcom transit agencies.

20 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **MARINE--PROGRAM X**

22 Puget Sound Ferry Operations Account--State
23 Appropriation \$472,950,000

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

26 (1) \$136,904,000 of the Puget Sound ferry operations account--state
27 appropriation is provided solely for auto ferry vessel operating fuel
28 in the 2011-2013 fiscal biennium. All fuel purchased by the Washington
29 state ferries at the Harbor Island truck terminal for the operation of
30 the Washington state ferries diesel powered vessels must be a minimum
31 of five percent biodiesel blend so long as the per gallon price of
32 diesel containing a five percent biodiesel blend level does not exceed
33 the per gallon price of diesel by more than five percent.

34 (2) The office of financial management budget instructions require
35 agencies to recast enacted budgets into activities. The Washington
36 state ferries shall include a greater level of detail in its 2013-2015

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 (3) \$6,000,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely for commercial insurance for ferry
6 assets.

7 (4) \$800,000 of the Puget Sound ferry operations account--state
8 appropriation is provided solely for a marketing program.

9 (5) The legislature finds that measuring the performance of the
10 Washington state ferries requires the measurement of quality,
11 timeliness, and unit cost of services delivered to customers.
12 Consequently, the department must develop a set of metrics that measure
13 that performance and report to the transportation committees of the
14 legislature and to the office of financial management on the
15 development of these measurements along with recommendations to the
16 2012 legislature on which measurements must become a part of the next
17 omnibus transportation appropriations act. The report required in this
18 subsection is null and void if chapter ... (Substitute House Bill No.
19 1516), Laws of 2011 (state ferry system management) is enacted.

20 (6) \$706,000 of the Puget Sound ferry operations account--state
21 appropriation is provided solely for terminal operations to implement
22 new federal passenger vessel Americans with disabilities act
23 requirements.

24 (7) The Washington state ferries shall participate in the
25 facilities study included in section 604 of this act and shall include
26 an investigation and identification of less costly relocation options
27 for the Seattle headquarters office. Until September 1, 2012, the
28 department may not enter into a lease renewal for the Seattle
29 headquarters office.

30 (8) The department shall continue to investigate the use of liquid
31 natural gas on existing vessels as well as the planned 144-car class
32 vessels including, but not limited to: The fuel consumption benefits
33 of liquid natural gas when compared with diesel; a review of United
34 States coast guard required regulations for storage and transport of
35 liquid natural gas; security risks and strategies to reduce risk; the
36 impact of liquid natural gas on vessel performance, including the
37 impact on speed and travel times; the impact on marine insurance costs;

1 and the capital costs associated with either retrofitting existing
2 vessels or incorporating design changes into the 144-car vessel
3 designs. A report is due to the legislature by December 31, 2011.

4 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **RAIL--PROGRAM Y--OPERATING**

6	Multimodal Transportation Account--State	
7	Appropriation	\$29,688,000
8	Multimodal Transportation Account--Federal	
9	Appropriation	\$300,000
10	TOTAL APPROPRIATION	\$29,988,000

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

13 (1) \$24,091,000 of the multimodal transportation account--state
14 appropriation is provided solely for the Amtrak service contract and
15 Talgo maintenance contract associated with providing and maintaining
16 the state-supported passenger rail service. Upon completion of the
17 rail platform project in the city of Stanwood, the department shall
18 provide daily Amtrak Cascades service to the city. The department is
19 directed to continue to pursue efforts to reduce costs, increase
20 ridership, and review fares or fare schedules. Within thirty days of
21 each annual ridership/revenue reconciliation under the Amtrak service
22 contract, the department shall report annual credits to the office of
23 financial management and the legislative transportation committees.
24 Annual credits from Amtrak to the department including, but not limited
25 to, credits for increased revenue due to higher ridership, and fare or
26 fare schedule adjustments, must be used to offset corresponding amounts
27 of the multimodal transportation account--state appropriation, which
28 must be placed in reserve.

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

30 (3) The department shall begin planning for a third roundtrip
31 Cascades train between Seattle and Vancouver, B.C. by 2012.

32 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

34	Motor Vehicle Account--State Appropriation	\$8,865,000
35	Motor Vehicle Account--Federal Appropriation	\$2,567,000
36	TOTAL APPROPRIATION	\$11,432,000

1 **TRANSPORTATION AGENCIES--CAPITAL**

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

3 State Patrol Highway Account--State Appropriation \$28,351,000

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

6 (1) \$653,000 of the state patrol highway account--state
7 appropriation is provided solely for the following minor works
8 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for
9 water and sewer upgrades and repairs; \$210,000 for emergency backup
10 system replacement; \$85,000 for chiller replacement; and \$83,000 for
11 roof replacements.

12 (2) \$1,097,000 of the state patrol highway account--state
13 appropriation is provided solely to connect the Washington state patrol
14 academy to the new sewer line and reclaimed water line. This funding
15 completes the infrastructure for the sewer and reclaimed water on the
16 academy property, along with the decommissioning of the eight existing
17 septic systems and drain fields.

18 (3) \$20,400,000 of the state patrol highway account--state
19 appropriation is provided solely for the narrowbanding project. This
20 appropriation must be available in fiscal year 2013 after the 2012
21 legislature approves the final narrowbanding preengineering report due
22 by December 31, 2011.

23 (4) \$5,780,000 of the state patrol highway account--state
24 appropriation is provided solely for the mobile office platform
25 project. This phase of the implementation of the project must be
26 completed by June 30, 2013.

27 (5) \$421,000 of the state patrol highway account--state
28 appropriation is provided solely for the reappropriation from the 2009-
29 2011 fiscal biennium to the 2011-2013 fiscal biennium for the Shelton
30 regional project.

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

32 Rural Arterial Trust Account--State Appropriation \$54,517,000

33 Motor Vehicle Account--State Appropriation \$1,714,000

34 County Arterial Preservation Account--State
35 Appropriation \$29,360,000

36 TOTAL APPROPRIATION \$85,591,000

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

3 (1) \$874,178 of the motor vehicle account--state appropriation may
4 be used for county ferry projects as developed pursuant to RCW
5 47.56.725(4).

6 (2) \$840,000 of the motor vehicle account--state appropriation is
7 provided solely for preservation projects as selected by the county
8 road administration board. Funding is provided from the counties'
9 share of the costs of highway jurisdiction studies and other studies.

10 (3) \$5,000,000 of the county arterial preservation account--state
11 appropriation is provided solely for additional grants for county road
12 preservation projects as approved by the county road administration
13 board. The county road administration board must work with the
14 department of transportation highways and local program to assist the
15 department in developing a program to assist counties in efforts to
16 recover from federally declared emergencies, by providing
17 capitalization advances and local match for federal emergency funding.
18 County road administration board funds may no longer be used for this
19 purpose.

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

21 Small City Pavement and Sidewalk Account--State

22	Appropriation	\$4,112,000
23	Urban Arterial Trust Account--State Appropriation	\$102,326,000
24	Transportation Improvement Account--State	
25	Appropriation	\$71,143,000
26	TOTAL APPROPRIATION	\$177,581,000

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

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

32 (2) The urban arterial trust account--state appropriation includes
33 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
34 47.26.420.

35 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**

1 **PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

2 Motor Vehicle Account--State Appropriation \$3,146,000

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

5 (1) \$1,364,000 of the motor vehicle account--state appropriation is
6 provided solely for the Olympic region site acquisition debt service
7 payments and administrative costs associated with capital improvement
8 and preservation project and financial management.

9 (2) \$1,382,000 of the motor vehicle account--state appropriation is
10 provided solely for high priority safety projects that are directly
11 linked to employee safety and environmental risk.

12 (3) \$400,000 of the motor vehicle account--state appropriation is
13 provided solely to continue compliance with storm water permit
14 requirements.

15 NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
16 **IMPROVEMENTS--PROGRAM I**

17 Multimodal Transportation Account--State
18 Appropriation \$34,703,000

19 Transportation Partnership Account--State
20 Appropriation \$1,990,282,000

21 Motor Vehicle Account--State Appropriation \$51,965,000

22 Motor Vehicle Account--Federal Appropriation \$418,788,000

23 Motor Vehicle Account--Private/Local
24 Appropriation \$50,485,000

25 Transportation 2003 Account (Nickel Account)--State
26 Appropriation \$450,705,000

27 State Route Number 520 Corridor Account--State
28 Appropriation \$1,019,460,000

29 TOTAL APPROPRIATION \$4,016,388,000

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

32 (1) Except as provided otherwise in this section, the entire
33 transportation 2003 account (nickel account) appropriation and the
34 entire transportation partnership account appropriation are provided
35 solely for the projects and activities as listed by fund, project, and
36 amount in LEAP Transportation Document 2011-1 as developed March 21,
37 2011, Program - Highway Improvement Program (I). However, limited

1 transfers of specific line-item project appropriations may occur
2 between projects for those amounts listed subject to the conditions and
3 limitations in section 603 of this act.

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

8 (3) The department shall apply for surface transportation program
9 enhancement funds to be expended in lieu of or in addition to state
10 funds for eligible costs of projects in programs I and P including, but
11 not limited to, the state route number 518, state route number 520,
12 Columbia river crossing, and Alaskan Way viaduct projects.

13 (4) The department shall, on a quarterly basis beginning July 1,
14 2011, 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 and transportation 2003
19 account (nickel account) projects relating to bridge rail, guard rail,
20 fish passage barrier removal, and roadside safety projects should be
21 reported on a programmatic basis. Projects within this programmatic
22 level funding should be completed on a priority basis and scoped to be
23 completed within the current programmatic budget. Report formatting
24 and elements must be consistent with the October 2009 quarterly project
25 report.

26 (5) The transportation 2003 account (nickel account)--state
27 appropriation includes up to \$403,727,000 in proceeds from the sale of
28 bonds authorized by RCW 47.10.861.

29 (6) The transportation partnership account--state appropriation
30 includes up to \$1,424,968,000 in proceeds from the sale of bonds
31 authorized in RCW 47.10.873.

32 (7) The multimodal transportation account--state appropriation
33 includes up to \$34,703,000 in proceeds from the sale of bonds
34 authorized in RCW 47.10.867.

35 (8) The motor vehicle account--state appropriation includes up to
36 \$91,622,000 in proceeds from the sale of bonds authorized in RCW
37 47.10.843.

1 (9) The state route number 520 corridor account--state
2 appropriation includes up to \$987,717,000 in proceeds from the sale of
3 bonds authorized in RCW 47.10.879.

4 (10) \$391,000 of the motor vehicle account--state appropriation and
5 \$4,027,000 of the motor vehicle account--federal appropriation are
6 provided solely for the US 2 High Priority Safety project (100224I).
7 Expenditure of these funds is for safety projects on state route number
8 2 between Monroe and Gold Bar, which may include median rumble strips,
9 traffic cameras, and electronic message signs.

10 (11) \$8,000 of the motor vehicle account--federal appropriation and
11 \$1,000 of the motor vehicle account--state appropriation are provided
12 solely for the Westview school noise wall (project WESTV).

13 (12) \$8,321,000 of the transportation partnership account--state
14 appropriation and \$16,679,000 of the motor vehicle account--federal
15 appropriation are provided solely for the I-5/Columbia River Crossing
16 project (400506A). Of this amount, \$200,000 of the transportation
17 partnership account--state appropriation is provided solely for the
18 department to work with the department of archaeology and historic
19 preservation to ensure that the cultural resources investigation is
20 properly conducted on the Columbia river crossing project. This
21 project must be conducted with active archaeological management and
22 result in one report that spans the single cultural area in Oregon and
23 Washington. Additionally, the department shall establish a scientific
24 peer review of independent archaeologists that are knowledgeable about
25 the region and its cultural resources. No funding from any account may
26 be expended until written confirmation has been received by the
27 department that the state of Oregon is providing an equal amount of
28 additional funding to the project.

29 (13) \$4,188,000 of the transportation partnership account--state
30 appropriation, \$599,000 of the motor vehicle account--federal
31 appropriation, and \$101,000 of the transportation 2003 account (nickel
32 account)--state appropriation are provided solely for project 109040Q,
33 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
34 project, as indicated in the LEAP transportation document referenced in
35 subsection (1) of this section.

36 (14) For highway construction projects where the department
37 considers agricultural lands of long-term commercial significance, as
38 defined in RCW 36.70A.030, in reviewing and selecting sites to meet

1 environmental mitigation requirements under the national environmental
2 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental
3 policy act (chapter 43.21C RCW), the department shall, to the greatest
4 extent possible, consider using public land first. If public lands are
5 not available that meet the required environmental mitigation needs,
6 the department may use other sites while making every effort to avoid
7 any net loss of agricultural lands that have a designation of long-term
8 commercial significance.

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

13 (16) Within the amounts provided in this section, \$1,438,000 of the
14 transportation partnership account--state appropriation and \$20,581,000
15 of the motor vehicle account--federal appropriation are provided solely
16 for project 600010A, as identified in the LEAP transportation document
17 in subsection (1) of this section: NSC-North Spokane corridor design,
18 right-of-way, and construction - new alignment. Any savings realized
19 on project 600001A, as identified in the LEAP transportation document
20 in subsection (1) of this section: US 395/NSC-Francis Avenue to
21 Farwell Road - New Alignment, must be applied to project 600010A.

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

29 (18) With the department's 2012 supplemental budget submittal, the
30 department shall provide a report that provides:

31 (a) The amount of state funding that has been reappropriated from
32 the 2009-2011 fiscal biennium into the 2011-2013 fiscal biennium; and

33 (b) For each project, the amount of cost savings or increases in
34 state funding that have been identified as compared to the enacted
35 2011-2013 biennial transportation budget.

36 (19) The department shall apply for the competitive portion of
37 federal transit administration funds for eligible transit-related costs
38 of the state route number 520 bridge replacement and HOV project and

1 the Columbia river crossing project. The federal funds described in
2 this subsection must not include those federal transit administration
3 funds distributed by formula. The department shall provide a report
4 regarding this effort to the legislature by October 1, 2011.

5 (20) \$181,000 of the motor vehicle account--federal appropriation
6 and \$17,000 of the motor vehicle account--state appropriation are
7 provided solely for the Alaskan Way Viaduct - Automatic Shutdown
8 project (L1000034).

9 (21) \$2,134,000 of the motor vehicle account--federal appropriation
10 and \$47,000 of the motor vehicle account--state appropriation are
11 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
12 Build New Highway project (501210T).

13 (22) \$165,000 of the motor vehicle account--federal appropriation
14 and \$7,000 of the motor vehicle account--state appropriation are
15 provided solely for the Express Lanes System Concept Study project
16 (800020A). The department's final report on the study to the joint
17 transportation committee is due by June 30, 2011.

18 (23) \$294,000 of the motor vehicle account--federal appropriation
19 and \$13,000 of the motor vehicle account--state appropriation are
20 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
21 Road project (301639C). The frontage road must be built for driving
22 speeds of no more than thirty-five miles per hour.

23 (24) \$306,000 of the motor vehicle account--state appropriation is
24 provided solely for a traffic signal at the intersection of state route
25 number 7 and state route number 702 (300738A).

26 (25) \$435,000 of the motor vehicle account--state appropriation is
27 provided solely for environmental work on the Belfair Bypass project
28 (300344C).

29 (26) The legislature finds that state route number 522 corridor
30 provides an important link between Interstates 5 and 405 and will be
31 impacted by diversion from tolling elsewhere in the region. As such,
32 the legislature intends to provide additional funding for the corridor
33 as a priority in the next revenue package. The state will work with
34 the affected cities and the federal government to secure the necessary
35 resources to address the needs of this critical corridor.

36 (27) \$5,000 of the motor vehicle account--state appropriation is
37 provided solely for the US 12/SR 122/Mossyrock - Intersection project
38 (401212R) for safety improvements.

1 (28) \$932,000 of the motor vehicle account--federal appropriation
2 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
3 project (209790B).

4 (29) If a planned roundabout in the vicinity of state route number
5 526 and 84th Street SW would divert commercial traffic onto
6 neighborhood streets, the department may not proceed with improvements
7 at state route number 526 and 84th Street SW until the traffic impacts
8 in the vicinity of state route number 526 and 40th Avenue West are
9 addressed.

10 (30) \$2,244,000 of the motor vehicle account--federal appropriation
11 and \$46,000 of the motor vehicle account--state appropriation are
12 provided solely for the ITS Advanced Traveler Information System
13 project in Whatcom county (100589B).

14 (31) \$870,000 of the motor vehicle account--federal appropriation
15 and \$25,000 of the motor vehicle account--state appropriation are
16 provided solely for the US 97/Cameron Lake Road intersection
17 improvements project in Okanogan county (209700W).

18 (32) \$107,000 of the motor vehicle account--federal appropriation
19 and \$27,000 of the motor vehicle account--state appropriation are
20 provided solely for the SR 9/SR 204 Intersection Improvement project
21 (L2000040).

22 (33) \$980,000 of the motor vehicle account--federal appropriation
23 and \$20,000 of the motor vehicle account--state appropriation are
24 provided solely for the SR 167/Tolling Feasibility Study project
25 (316718S). By January 2012, the department must prepare a traffic and
26 revenue analysis and finance plan for the state route number 167
27 extension project in Pierce county. For the project, the department
28 must:

29 (a) Confer with the mayors, city councils, county officials, area
30 legislators, and port commissions of jurisdictions in the vicinity of
31 the project regarding the implementation of tolling and the impacts
32 that the implementation of tolling might have on the operation of the
33 corridor and adjacent local streets;

34 (b) Conduct public work sessions and open houses to provide
35 information to citizens regarding implementation of tolling and to
36 solicit citizen views;

37 (c) Regularly report to the Washington state transportation

1 commission regarding the progress of the study for the purpose of
2 guiding the commission's toll setting on the project; and

3 (d) Provide a report to the governor and the legislature by January
4 2012.

5 (34) \$295,000 of the motor vehicle account--federal appropriation
6 and \$5,000 of the motor vehicle account--state appropriation are
7 provided solely for the SR 906/Travelers Rest - Building Renovation
8 project (090600A).

9 (35) \$361,000 of the transportation partnership account--state
10 appropriation and \$1,245,000 of the transportation 2003 account (nickel
11 account)--state appropriation are provided solely for project OBI4ENV,
12 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in
13 the LEAP transportation document referenced in subsection (1) of this
14 section. Funds may be used only for environmental mitigation work that
15 is required by permits that were issued for projects funded by the
16 transportation partnership account or transportation 2003 account
17 (nickel account). As part of the 2012 budget submittal, the department
18 shall provide a list of all projects and associated amounts that are
19 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

20 (36)(a) Within available funds, a tolling advisory committee for
21 the state route number 520 bridge replacement and HOV program is
22 established to monitor and provide advice to the state tolling
23 authority on all matters related to the development and implementation
24 of toll operations in the corridor and the imposition of tolls
25 including, but not limited to: (i) The feasibility of providing
26 discounts; (ii) the trade-off of lower tolls versus the early
27 retirement of debt; (iii) consideration of variable or time-of-day
28 pricing; and (iv) other matters that may arise in the implementation of
29 toll operations.

30 (b) The tolling advisory committee must be comprised of seven
31 members, including two elected officials residing in legislative
32 districts on the east side of Lake Washington that are affected by the
33 state route number 520 bridge replacement and HOV program, two elected
34 officials residing in legislative districts on the west side of Lake
35 Washington that are affected by the state route number 520 bridge
36 replacement and HOV program, and three permanent residents of the
37 affected project area. The governor shall appoint the members of the
38 tolling advisory committee.

1 (c) No toll charge may be imposed or modified unless the tolling
2 advisory committee has been given at least twenty days to review and
3 comment on any proposed toll charge schedule. In setting toll charge
4 rates, the commission shall consider any recommendations of the tolling
5 advisory committee.

6 (37) The department shall consider using the city of Mukilteo's
7 off-site mitigation program in the event any projects on state route
8 number 525 or 526 require environmental mitigation.

9 (38) \$422,000 of the motor vehicle account--federal appropriation
10 and \$17,000 of the motor vehicle account--state appropriation are
11 provided solely for the SR 539/SR 9 Advanced Traveler Information
12 System project (100011P).

13 (39) \$500,000 of the motor vehicle account--state appropriation is
14 provided solely for the I-90 Comprehensive Tolling Study project
15 (100067T).

16 (40) \$687,000 of the motor vehicle account--federal appropriation,
17 \$16,308,000 of the motor vehicle account--private/local appropriation,
18 and \$22,000 of the motor vehicle account--state appropriation are
19 provided solely for the US 2/Bickford Avenue - Intersection Safety
20 Improvements project (100210E).

21 (41) \$1,756,000 of the motor vehicle account--federal appropriation
22 and \$45,000 of the motor vehicle account--state appropriation are
23 provided solely for the SR 539/Horton Road - Access Management project
24 (153900M).

25 (42) \$2,305,000 of the motor vehicle account--federal appropriation
26 and \$60,000 of the motor vehicle account--state appropriation are
27 provided solely for the SR 97/North of Riverside - Northbound Passing
28 Lane project (209700Y).

29 (43) \$372,000 of the motor vehicle account--federal appropriation
30 and \$40,000 of the motor vehicle account--state appropriation are
31 provided solely for the US 97/North of Brewster - Passing Lane project
32 (209703H).

33 (44) \$253,444,000 of the transportation partnership account--state
34 appropriation and \$66,034,000 of the transportation 2003 account
35 (nickel account)--state appropriation are provided solely for the I-
36 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). Funds may
37 not be used to renovate any buildings until a real estate procurement
38 and management plan as outlined in section 604 of this act is complete.

1 (45) \$2,000,000 of the motor vehicle account--federal appropriation
2 and \$14,000 of the motor vehicle account--state appropriation are
3 provided solely for the I-5/Vicinity of Center Drive - Interchange
4 Improvements project (300596L).

5 (46) \$108,000 of the motor vehicle account--federal appropriation
6 and \$3,000 of the motor vehicle account--state appropriation are
7 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -
8 Install Ramp Meters project (300596M).

9 (47) \$1,323,000 of the motor vehicle account--federal appropriation
10 and \$28,000 of the motor vehicle account--state appropriation are
11 provided solely for the US 12/Schouweiler Road - Study project
12 (301288B).

13 (48) \$1,572,000 of the motor vehicle account--federal appropriation
14 and \$40,000 of the motor vehicle account--state appropriation are
15 provided solely for the I-5/Lewis County Detour for Freight Mobility -
16 ITS Projects project (400012I).

17 (49) \$194,000 of the motor vehicle account--federal appropriation
18 and \$9,000 of the motor vehicle account--state appropriation are
19 provided solely for the I-82/Red Mountain Vicinity - Predesign Analysis
20 project (508208M).

21 (50) Any savings realized on project 509009B, as identified in the
22 LEAP transportation document in subsection (1) of this section: I-
23 90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor Improvement,
24 must remain on this project. \$590,000 of the funds appropriated for
25 the I-90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor
26 Improvement project (509009B) may be used to purchase land currently
27 owned by the state parks department. Funds may not be used to build or
28 improve buildings until a real estate procurement and management plan
29 as outlined in section 604 of this act is complete.

30 (51) \$9,422,000 of the motor vehicle account--federal appropriation
31 and \$193,000 of the motor vehicle account--state appropriation are
32 provided solely for the I-90/Sullivan Road to Barker Road - Additional
33 Lanes project (609049N).

34 (52) \$1,019,460,000 of the state route number 520 corridor
35 account--state appropriation, \$226,809,000 of the transportation
36 partnership account--state appropriation, and \$1,360,000 of the motor
37 vehicle account--private/local appropriation are provided solely for
38 the SR 520/Bridge Replacement and HOV project (8BI1003). Funds may not

1 be used to construct a new traffic management center until a real
2 estate procurement and management plan as outlined in section 604 of
3 this act is complete.

4 NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **PRESERVATION--PROGRAM P**

6 Transportation Partnership Account--State
7 Appropriation \$34,182,000
8 Motor Vehicle Account--State Appropriation \$96,790,000
9 Motor Vehicle Account--Federal Appropriation \$607,489,000
10 Motor Vehicle Account--Private/Local Appropriation \$19,253,000
11 TOTAL APPROPRIATION \$757,714,000

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

14 (1) Except as provided otherwise in this section, the entire
15 transportation 2003 account (nickel account) appropriation and the
16 entire transportation partnership account appropriation are provided
17 solely for the projects and activities as listed by fund, project, and
18 amount in LEAP Transportation Document 2011-1 as developed March 21,
19 2011, Program - Highway Preservation Program (P). However, limited
20 transfers of specific line-item project appropriations may occur
21 between projects for those amounts listed subject to the conditions and
22 limitations in section 603 of this act.

23 (2) The department shall apply for surface transportation program
24 enhancement funds to be expended in lieu of or in addition to state
25 funds for eligible costs of projects in programs I and P.

26 (3) The department shall, on a quarterly basis beginning July 1,
27 2011, provide to the office of financial management and the legislature
28 reports providing the status on each active project funded in part or
29 whole by the transportation 2003 account (nickel account) or the
30 transportation partnership account. Funding provided at a programmatic
31 level for transportation partnership account projects relating to
32 seismic bridges must be reported on a programmatic basis. Projects
33 within this programmatic level funding must be completed on a priority
34 basis and scoped to be completed within the current programmatic
35 budget. The department shall work with the office of financial
36 management and the transportation committees of the legislature to
37 agree on report formatting and elements. Elements must include, but

1 not be limited to, project scope, schedule, and costs. The department
2 shall also provide the information required under this subsection on a
3 quarterly basis.

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

10 (5) \$28,000 of the motor vehicle account--federal appropriation is
11 provided solely for the SR 104/Hood Canal bridge - replace east half
12 project, identified as project 310407B in the LEAP transportation
13 document described in subsection (1) of this section.

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

18 (7) \$277,000 of the motor vehicle account--federal appropriation
19 and \$10,000 of the motor vehicle account--state appropriation are
20 provided solely for the environmental impact statement and preliminary
21 planning for the replacement of the state route number 9 Snohomish
22 river bridge (project L2000018).

23 (8) \$223,000 of the motor vehicle account--federal appropriation
24 and \$27,000 of the motor vehicle account--state appropriation are
25 provided solely for the SR 410/Nile Valley Landslide - Establish
26 Interim Detour project (541002R).

27 (9) \$14,119,000 of the motor vehicle account--federal appropriation
28 and \$2,204,000 of the motor vehicle account--state appropriation are
29 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
30 Route project (541002T).

31 (10) \$1,907,000 of the motor vehicle account--federal appropriation
32 and \$60,000 of the motor vehicle account--state appropriation are
33 provided solely for the SR 21/Kettle River to Malo paving project in
34 Ferry county (602117A).

35 (11) With the approval of the office of financial management, funds
36 may be transferred from program P to program Z for the purposes of
37 providing capitalization advances and local match for federal emergency
38 funding. After the receipt of federal funds for the identified

1 emergencies, program Z shall transfer sufficient funds to program P to
2 replace amounts used for capitalization advances on a dollar-for-dollar
3 basis.

4 (12) \$2,733,000 of the motor vehicle account--federal appropriation
5 and \$114,000 of the motor vehicle account--state appropriation are
6 provided solely for the SR 167/Puyallup River Bridge - Bridge
7 Replacement project (316725A).

8 (13) \$9,641,000 of the motor vehicle account--federal
9 appropriation, \$2,000,000 of the motor vehicle account--private/local
10 appropriation, and \$361,000 of the motor vehicle account--state
11 appropriation are provided solely for the SR 21/Keller Ferry - Replace
12 Boat project (602110J).

13 (14) \$632,000 of the motor vehicle account--federal appropriation
14 and \$18,000 of the motor vehicle account--state appropriation are
15 provided solely for the SR 21/1.1 Miles North of Rin Con Creek Road to
16 Canada - Paving project (602118D).

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

19 Motor Vehicle Account--State Appropriation \$7,039,000
20 Motor Vehicle Account--Federal Appropriation \$5,600,000
21 TOTAL APPROPRIATION \$12,639,000

22 The appropriations in this section are subject to the following
23 conditions and limitations: \$1,000,000 of the motor vehicle account--
24 state appropriation for project 000005Q is provided solely for state
25 matching funds for federally selected competitive grants or
26 congressional earmark projects. These moneys must be placed into
27 reserve status until such time as federal funds are secured that
28 require a state match.

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

31 Puget Sound Capital Construction Account--State
32 Appropriation \$68,516,000
33 Puget Sound Capital Construction Account--Federal
34 Appropriation \$57,620,000
35 Transportation 2003 Account (Nickel Account)--State
36 Appropriation \$55,038,000

1	Transportation Partnership Account--State	
2	Appropriation	\$12,536,000
3	Multimodal Transportation Account--State	
4	Appropriation	\$43,265,000
5	TOTAL APPROPRIATION	\$236,975,000

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

8 (1) \$68,516,000 of the Puget Sound capital construction account--
9 state appropriation, \$57,620,000 of the Puget Sound capital
10 construction account--federal appropriation, \$12,536,000 of the
11 transportation partnership account--state appropriation, \$55,083,000 of
12 the transportation 2003 account (nickel account)--state appropriation,
13 and \$43,265,000 of the multimodal transportation account--state
14 appropriation are provided solely for ferry capital projects, project
15 support, and administration as listed in LEAP Transportation Document
16 ALL PROJECTS 2011-2 as developed March 21, 2011, Program - Ferries
17 Construction Program (W). Of the total appropriation, a maximum of
18 \$10,214,000 may be used for administrative support (projects 998901J
19 and 998951A), a maximum of \$6,421,000 may be used for terminal project
20 support (project L000007), and a maximum of \$3,707,000 may be used for
21 vessel project support (project L2000006). Of the total appropriation,
22 \$7,167,000 is provided solely for a reservation system and associated
23 communications projects (L200041 and L2000042).

24 (2) \$9,711,000 of the multimodal transportation account--state
25 appropriation, \$20,906,000 of the transportation 2003 account (nickel
26 account)--state appropriation, and \$1,537,000 of the Puget Sound
27 capital construction account--state appropriation are provided solely
28 for the construction of the third Kwa-da-Tabil 64-car class vessel that
29 is to be delivered during the 2011-2013 fiscal biennium (project
30 944470A).

31 (3) \$33,404,000 of the multimodal transportation account--state
32 appropriation, \$18,069,000 of the transportation 2003 account (nickel
33 account)--state appropriation, \$2,000,000 of the Puget Sound capital
34 construction account--state appropriation, and \$11,500,000 of the
35 transportation partnership account--state appropriation are provided
36 solely for the acquisition of one 144-car vessel in fiscal year 2013,
37 assuming new and sufficient resources are available (project L1000031).

1 The department shall use as much already procured equipment as is
2 practicable on the 144-car vessel.

3 (4) \$1,979,000 of the Puget Sound capital construction
4 account--state appropriation is provided solely for emergency capital
5 costs (project 999910K).

6 (5) The department shall provide to the office of financial
7 management and the legislature quarterly reports providing the status
8 on each project listed in this section and in the project lists
9 submitted pursuant to this act and on any additional projects for which
10 the department has expended funds during the 2011-2013 fiscal biennium.
11 Elements must include, but not be limited to, project scope, schedule,
12 and costs. The department shall also provide the information required
13 under this subsection via the transportation executive information
14 system. The quarterly report regarding the status of projects
15 identified on the list referenced in subsection (1) of this section
16 must be developed according to an earned value method of project
17 monitoring.

18 (6) The department shall review and adjust its capital program
19 staffing levels to ensure staffing is at the most efficient level
20 necessary to implement the capital program in the omnibus
21 transportation appropriations act. The review must include a
22 comparison to the findings of the 2009 capital staffing levels report.
23 The Washington state ferries shall report this review and adjustment to
24 the office of financial management and the house and senate
25 transportation committees of the legislature by July 2012.

26 (7) \$2,636,000 of the total appropriation is provided solely for
27 continued permitting work on the Mukilteo ferry terminal (project
28 952515P). The department shall seek additional federal funding for
29 this project. Prior to beginning terminal improvements, the department
30 shall report to the legislature on the final environmental impact
31 statement by December 31, 2012. The report must include an overview of
32 the costs and benefits of each of the alternatives considered, as well
33 as an identification of costs and a funding plan for the preferred
34 alternative.

35 (8) The department shall work with the department of archaeology
36 and historic preservation to ensure that the cultural resources
37 investigation is properly conducted on all large ferry terminal
38 projects. These projects must be conducted with active archaeological

1 management. Additionally, the department shall establish a scientific
2 peer review of independent archaeologists that are knowledgeable about
3 the region and its cultural resources.

4 (9) The department shall conduct an analysis of the Eagle Harbor
5 slips to determine the cost benefit of replacing or repairing existing
6 structures with new structures including, but not limited to, dolphins
7 and wingwalls. A report on this analysis is due to the legislature by
8 December 31, 2011.

9 (10) The department shall review all terminal project cost
10 estimates to identify projects where similar design requirements could
11 result in reduced preliminary engineering or miscellaneous items costs.
12 The department shall report to the legislature by September 1, 2011.
13 The report must include estimated cost savings by reducing repetitive
14 design costs or miscellaneous costs, or both, applied to projects.

15 (11) The Puget Sound capital construction account--state
16 appropriation includes up to \$57,516,000 in proceeds from the sale of
17 bonds authorized in RCW 47.10.843.

18 (12) The multimodal transportation account--state appropriation
19 includes up to \$28,247,000 in proceeds from the sale of bonds
20 authorized in RCW 47.10.867.

21 (13) The Puget Sound capital construction account--state
22 appropriation reflects the reduction of three terminal positions.

23 (14) The department shall continue to provide service to Sidney,
24 British Columbia and shall explore the option of purchasing a foreign
25 built vehicle and passenger ferry vessel either with safety of life at
26 sea (SOLAS) certification or the ability to be retrofitted for SOLAS
27 certification to operate solely on the Anacortes to Sidney, British
28 Columbia route currently served by vessels of the Washington state
29 ferries fleet. The vessel should have the capability of carrying at
30 least one hundred standard vehicles and approximately four hundred to
31 five hundred passengers. Further, the department shall explore the
32 possibilities of contracting a commercial company to operate the vessel
33 exclusively on this route so long as the contractor's employees
34 assigned to the vessel are represented by the same employee
35 organizations as the Washington state ferries. The department shall
36 report back to the transportation committees of the legislature
37 regarding: The availability of a vessel; the cost of the vessel,

1 including transport to the Puget Sound region; and the need for any
2 statutory changes for the operation of the Sydney, British Columbia
3 service by a private company.

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

6	Essential Rail Assistance Account--State	
7	Appropriation	\$1,000,000
8	Transportation Infrastructure Account--State	
9	Appropriation	\$5,838,000
10	Multimodal Transportation Account--State	
11	Appropriation	\$54,037,000
12	Multimodal Transportation Account--Federal	
13	Appropriation	\$352,006,000
14	Multimodal Transportation Account--Private/Local	
15	Appropriation	\$1,292,000
16	TOTAL APPROPRIATION	\$414,173,000

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

19 (1)(a) Except as provided otherwise in this section, the entire
20 appropriations in this section are provided solely for the projects and
21 activities as listed by project and amount in LEAP Transportation
22 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -
23 Rail Capital Program (Y).

24 (b) Within the amounts provided in this section, \$800,000 of the
25 transportation infrastructure account--state appropriation is for a
26 low-interest loan through the freight rail investment bank program to
27 the Port of Everett (BIN 722810A) for a new rail track to connect a
28 cement loading facility to the mainline. The department shall issue
29 the loan referenced in this subsection (1)(b) with a repayment period
30 of no more than ten years, and only so much interest as is necessary to
31 recoup the department's costs to administer the loan.

32 (c) Within the amounts provided in this section, \$2,103,000 of the
33 transportation infrastructure account--state appropriation is for the
34 department to provide low-interest loans through the freight rail
35 investment bank program for specific projects listed as recipients of
36 these loans in the LEAP transportation document identified in
37 subsection (1)(a) of this section.

1 (d) Within the amounts provided in this section, \$2,899,000 of the
2 transportation infrastructure account--state appropriation is for the
3 department to provide low-interest loans through the freight rail
4 investment bank program for eligible projects that applied for, but did
5 not receive, funds through the statewide emergent freight rail
6 assistance program.

7 (e) The department shall issue freight rail investment bank program
8 loans with a repayment period of no more than ten years, and only so
9 much interest as is necessary to recoup the department's costs to
10 administer the loans.

11 (f) Within the amounts provided in this section, \$1,754,000 of the
12 multimodal transportation account--state appropriation and \$1,000,000
13 of the essential rail assistance account--state appropriation are for
14 statewide emergent freight rail assistance projects identified in the
15 LEAP transportation document identified in subsection (1)(a) of this
16 section.

17 (2)(a) The department shall issue a call for projects for the
18 freight rail investment bank program and the emergent freight rail
19 assistance program, and shall evaluate the applications according to
20 the cost-benefit methodology developed during the 2008 interim using
21 the legislative priorities specified in (c) of this subsection. By
22 November 1, 2012, the department shall submit a prioritized list of
23 recommended projects to the office of financial management and the
24 transportation committees of the legislature.

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

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

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

3 (ii) Self-sustaining economic development that creates family-wage
4 jobs;

5 (iii) Preservation of transportation corridors that would otherwise
6 be lost;

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

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

11 (vi) Mitigation of impacts of increased rail traffic on
12 communities.

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

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

1 the office of financial management, and approval by the director of the
2 office of financial management. The department shall spend the federal
3 funds before the state funds, and shall consult the office of financial
4 management and the transportation committees of the legislature
5 regarding project scope changes.

6 (5) The department shall provide quarterly reports to the office of
7 financial management and the transportation committees of the
8 legislature regarding applications that the department submits for
9 federal funds and the status of such applications.

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

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

20 (8) \$297,537,000 of the multimodal transportation account--federal
21 appropriation and \$4,476,000 of the multimodal transportation account--
22 state appropriation are provided solely for expenditures related to the
23 passenger high speed rail grant. At one and one-half percent of the
24 total project funds, the multimodal state funds are provided solely for
25 expenditures that are not federally reimbursable. Funding in this
26 subsection is the initial portion of a multiyear high speed rail
27 program awarded to Washington state from the high speed intercity
28 passenger rail program under the American recovery and reinvestment
29 act. Funding will allow for two additional round trips between Seattle
30 and Portland, and other rail improvements.

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

33	Highway Infrastructure Account--State Appropriation	\$207,000
34	Highway Infrastructure Account--Federal	
35	Appropriation	\$1,602,000
36	Freight Mobility Investment Account--State	
37	Appropriation	\$11,347,000

1 office of financial management. The department shall submit a report
2 on those projects receiving fund transfers to the office of financial
3 management and the transportation committees of the legislature by
4 December 1, 2011, and December 1, 2012.

5 (5) The city of Winthrop may utilize a design-build process for the
6 Winthrop bike path project (202005A). Of the amount appropriated in
7 this section for this project, \$500,000 of the multimodal
8 transportation account-- state appropriation is contingent upon the
9 state receiving from the city of Winthrop \$500,000 in federal funds
10 awarded to the city of Winthrop by its local planning organization.

11 (6) \$11,557,000 of the multimodal transportation account--state
12 appropriation, \$12,136,000 of the motor vehicle account--federal
13 appropriation, and \$5,195,000 of the transportation partnership
14 account--state appropriation are provided solely for the pedestrian and
15 bicycle safety program projects and safe routes to schools program
16 projects identified in LEAP Transportation Document 2011-A, pedestrian
17 and bicycle safety program projects and safe routes to schools program
18 projects, as developed March 21, 2011, LEAP Transportation Document
19 2009-A, pedestrian and bicycle safety program projects and safe routes
20 to school projects, as developed March 30, 2009, LEAP Transportation
21 Document 2007-A, pedestrian and bicycle safety program projects and
22 safe routes to schools program projects, as developed April 20, 2007,
23 and LEAP Transportation Document 2006-B, pedestrian and bicycle safety
24 program projects and safe routes to schools program projects, as
25 developed March 8, 2006. Projects must be allocated funding based on
26 order of priority. The department shall review all projects receiving
27 grant awards under this program at least semiannually to determine
28 whether the projects are making satisfactory progress. Any project
29 that has been awarded funds, but does not report activity on the
30 project within one year of the grant award must be reviewed by the
31 department to determine whether the grant should be terminated. The
32 department shall promptly close out grants when projects have been
33 completed, and identify where unused grant funds remain because actual
34 project costs were lower than estimated in the grant award.

35 (7) Except as provided otherwise in this section, the entire
36 appropriations in this section are provided solely for the projects and
37 activities as listed by project and amount in LEAP Transportation

1 Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program -
2 Local Program (Z).

3 (8) For the 2011-2013 project appropriations, unless otherwise
4 provided in this act, the director of financial management may
5 authorize a transfer of appropriation authority between projects
6 managed by the freight mobility strategic investment board in order for
7 the board to manage project spending and efficiently deliver all
8 projects in the respective program.

9 (9) \$267,000 of the motor vehicle account--state appropriation and
10 \$2,859,000 of the motor vehicle account--federal appropriation are
11 provided solely for completion of the US 101 northeast peninsula safety
12 rest area and associated roadway improvements east of Port Angeles at
13 the Deer Park scenic view point (project 3LP187A). The department must
14 surplus any right-of-way previously purchased for this project near
15 Sequim. Approval to proceed with construction is contingent on surplus
16 of previously purchased right-of-way.

17 (10) Up to \$3,650,000 of the motor vehicle account--federal
18 appropriation and \$23,000 of the motor vehicle account--state
19 appropriation are provided solely to reimburse the cities of Kirkland
20 and Redmond for pavement and bridge deck rehabilitation on state route
21 number 908 (project 1LP611A). These funds may not be expended unless
22 the cities sign an agreement stating that the cities agree to take
23 ownership of state route number 908 in its entirety and agree that the
24 payment of these funds represents the entire state commitment to the
25 cities for state route number 908 expenditures.

26 (11) The department must work with cities and counties to develop
27 a comparison of direct and indirect labor costs, overhead rates, and
28 other costs for high cost bridge inspections charged by the state,
29 counties, and other entities. The comparison is due to the
30 transportation committees of the legislature on September 1, 2011.

31 (12) The appropriations in this section include funding to counties
32 to assist them in efforts to recover from federally declared
33 emergencies, by providing capitalization advances and local match for
34 federal emergency funding as determined by the department. The
35 department must specifically identify any such selected projects and
36 shall annually notify the transportation committees of the legislature
37 of the selected projects.

1 (13) With the approval of the office of financial management, funds
2 may be transferred from program P to program Z for the purposes of
3 providing capitalization advances and local match for federal emergency
4 funding. After the receipt of federal funds for the identified
5 emergencies, program Z shall transfer sufficient funds to program P to
6 replace amounts used for capitalization advances on a dollar-for-dollar
7 basis.

8 (14) With each department budget submittal, the department shall
9 provide an update on the status of the repayment of the twenty million
10 dollars of unobligated federal funds authority advanced by the
11 department in September 2010 to the city of Tacoma for the Murray
12 Morgan/11th Street bridge project.

13 (15) \$225,000 of the multimodal transportation account--state
14 appropriation is provided solely for the Shell Valley emergency road
15 and bicycle/pedestrian path (project L1000036).

16 (16) \$150,000 of the motor vehicle account--state appropriation is
17 provided solely for flood reduction solutions on state route number 522
18 caused by the lower McAleer and Lyon creek basins (project L1000041).

19 NEW SECTION. **Sec. 311. CERTIFICATES OF PARTICIPATION**

20 The following agencies may enter into financial contracts, paid
21 from appropriated funds of the agency, for the purposes indicated and
22 in not more than the principal amounts indicated, plus financing
23 expenses and required reserves pursuant to chapter 39.94 RCW.
24 Expenditures made by an agency for one of the indicated purposes before
25 the issue date of the authorized financial contract and any
26 certificates of participation therein are intended to be reimbursed
27 from proceeds of the financial contract and any certificates of
28 participation therein to the extent provided in the agency's financing
29 plan.

30 (1) Washington state patrol: Enter into a financing contract for
31 up to \$20,400,000 plus financing expenses and required reserves
32 pursuant to chapter 39.94 RCW for the Washington state patrol's
33 narrowbanding communication project to convert the state patrol's
34 existing communication system from 25 MHz to 12.5 MHz as required by
35 the federal communications commission. This authorization is subject
36 to approval by the house of representatives and senate transportation
37 committees of the legislature during the 2012 legislative session. The

1 funding must be used for the replacement of portable radios that must
2 be replaced, upgrading the land mobile radio infrastructure, and
3 completing the system integration and engineering required as outlined
4 in the preengineering report to the 2012 legislature.

5 (2) Washington state patrol: Enter into a financing contract for
6 up to \$5,780,000 plus financing expenses and required reserves pursuant
7 to chapter 39.94 RCW for the Washington state patrol's mobile office
8 platform concept with in-car computer, the statewide electronic ticket
9 and online reporting application, and the digital video system. The
10 maximum financeable term will be for five years.

11 (3) Department of transportation: Enter into a financing contract
12 for up to \$10,824,000 plus financing expenses and required reserves
13 pursuant to chapter 39.94 RCW for the time, leave, and labor
14 distribution system. The project would purchase, configure, and
15 implement an off-the-shelf enterprise solution for automating time and
16 attendance reporting. The financing must include the acquisition of
17 property with the awarded vendor contract signed prior to the issuance
18 of financing. The department is required to receive from its vendor or
19 vendors explicit permission to grant a security interest in information
20 system property. It will be necessary to include in the system
21 purchase or license documents special provisions that permit the
22 department to grant the required security interest and permit
23 assignment by the certificate of participation trustee to another user
24 notwithstanding any other provision in the system purchase or license
25 documents to the contrary. The maximum financeable term will be for
26 seven years.

27 (4) Department of licensing: Enter into a financing contract for
28 up to \$7,414,000 plus financing expenses and required reserves pursuant
29 to chapter 39.94 RCW for the replacement of the prorated and fuel tax
30 systems with an off-the-shelf product that has proven industry
31 acceptance, and includes the fuel tax, the international fuel tax
32 agreement, and the international registration plan systems. The
33 department is required to receive from its vendor or vendors explicit
34 permission to grant a security interest in information system property.
35 It will be necessary to include in the system purchase or license
36 documents special provisions that permit the department to grant the
37 required security interest and permit assignment by the certificate of

1 participation trustee to another user notwithstanding any other
2 provision in the system purchase or license documents to the contrary.
3 The maximum financeable term will be for seven years.

4 **TRANSFERS AND DISTRIBUTIONS**

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

9	Toll Bond Retirement Account--State	
10	Appropriation	\$34,492,000
11	Transportation Partnership Account--State	
12	Appropriation	\$7,872,000
13	Highway Bond Retirement Account--State	
14	Appropriation	\$882,100,000
15	Ferry Bond Retirement Account--State	
16	Appropriation	\$31,801,000
17	State Route Number 520 Corridor Account--State	
18	Appropriation	\$2,018,000
19	Transportation Improvement Board Bond Retirement	
20	Account--State Appropriation	\$16,544,000
21	Nondebt-Limit Reimbursable Account Appropriation	\$24,185,000
22	Motor Vehicle Account--State Appropriation	\$726,000
23	Urban Arterial Trust Account--State Appropriation	\$29,000
24	Transportation Improvement Account--State Appropriation	\$15,000
25	Multimodal Transportation Account--State	
26	Appropriation	\$345,000
27	Transportation 2003 Account (Nickel Account)--State	
28	Appropriation	\$2,323,000
29	TOTAL APPROPRIATION	\$1,002,450,000

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

33	State Route Number 520 Corridor Account--State	
34	Appropriation	\$322,000

1 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**

2 **TRANSFERS**

3 (1) Tacoma Narrows Toll Bridge Account--State
4 Appropriation: For transfer to the Motor Vehicle
5 Account--State \$2,008,000

6 (2) Motor Vehicle Account--State Appropriation:
7 For transfer to the Puget Sound Ferry Operations
8 Account--State \$78,000,000

9 (3) Recreational Vehicle Account--State
10 Appropriation: For transfer to the Motor Vehicle
11 Account--State \$1,450,000

12 (4) License Plate Technology Account--State
13 Appropriation: For transfer to the Highway Safety
14 Account--State \$3,200,000

15 (5) Multimodal Transportation Account--State
16 Appropriation: For transfer to the Puget Sound
17 Ferry Operations Account--State \$3,000,000

18 (6) Department of Licensing Services Account--State
19 Appropriation: For transfer to the Motor Vehicle
20 Account--State \$400,000

21 (7) Advanced Right-of-Way Account: For transfer
22 to the Motor Vehicle Account--State \$5,000,000

23 (8) State Route Number 520 Civil Penalties
24 Account--State Appropriation: For transfer to the
25 State Route Number 520 Corridor Account--State \$754,000

26 (9) Regional Mobility Grant Program Account--State
27 Appropriation: For transfer to the Multimodal
28 Transportation Account--State \$1,000,000

29 (10) Motor Vehicle Account--State Appropriation:
30 For transfer to the State Patrol Highway
31 Account--State \$10,000,000

32 (11) State Route Number 520 Corridor
33 Account--State Appropriation: For transfer
34 to the Motor Vehicle Account--State \$2,435,000

35 (12) Rural Mobility Grant Program Account--State
36 Appropriation: For transfer to the Multimodal
37 Transportation Account--State \$3,000,000

38 (13) Motor Vehicle Account--State Appropriation:

1 For transfer to the Special Category C Account--State \$1,500,000

2 (14) Highway Safety Account--State Appropriation:

3 For transfer to the Motor Vehicle Account--State \$30,000,000

4 (15) The transfers identified in this section are subject to the
5 following conditions and limitations:

6 (a) The amount transferred in subsection (1) of this section
7 represents repayment of operating loans and reserve payments provided
8 to the Tacoma Narrows toll bridge account from the motor vehicle
9 account in the 2005-2007 fiscal biennium.

10 (b) Any cash balance in the waste tire removal account in excess of
11 one million dollars must be transferred to the motor vehicle account
12 for the purpose of road wear-related maintenance on state and local
13 public highways.

14 (c) The transfer in subsection (8) of this section represents toll
15 revenue collected from toll violations.

16 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS**

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

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

33 **COMPENSATION**

1	Highway Safety Account--State	(\$2,387,000)
2	Motor Vehicle Account--Private/Local	(\$4,000)
3	Motor Vehicle Account--State	(\$11,972,000)
4	Motorcycle Safety Education Account--State	(\$27,000)
5	Multimodal Transportation Account--State	(\$204,000)
6	Pilotage Account--Non-Appropriation	(\$8,000)
7	Puget Sound Ferry Operations Account--State	(\$452,000)
8	Rural Arterial Trust Account--State	(\$20,000)
9	Tacoma Narrows Toll Bridge Account--State	(\$50,000)
10	Transportation Improvement Account--State	(\$28,000)
11	Urban Arterial Trust Account--State	(\$28,000)
12	State Wildlife Account--State	(\$20,000)
13	State Patrol Highway Account--State	(\$2,554,000)

14 The appropriation in this section must be expended solely for the
15 purposes designated in this section and is subject to the following
16 conditions and limitations:

17 (1) The appropriation in this section is provided solely for a
18 three percent salary reduction effective July 1, 2011, through June 30,
19 2013, for all employees of the executive, legislative, and judicial
20 branches, including employees in the Washington management service and
21 employees exempt from merit system rules, except for:

22 (a) Elected officials whose salaries are set by the commission on
23 salaries for elected officials;

24 (b) Student employees at state institutions of higher education;

25 (c) Faculty employees at state institutions of higher education,
26 provided that appropriations to higher education institutions are
27 reduced in an amount reflecting a three percent reduction in faculty
28 salary expenditures;

29 (d) Certificated employees of the state school for the blind and
30 the center for childhood deafness and hearing loss;

31 (e) Commissioned officers of the Washington state patrol
32 represented by the state patrol troopers' association and the
33 Washington state patrol lieutenants' association;

34 (f) Represented ferry workers of the Washington state department of
35 transportation, provided that other reductions are included in section
36 504 of this act;

37 (g) Employees whose salary is less than \$2,500 per month; and

38 (h) Employees as specified in subsection (3) of this section.

1 (2) For employees subject to the three percent reduction in salary
2 under subsection (1) of this section, employees will receive temporary
3 salary reduction leave of up to 5.2 hours per month. The director of
4 personnel shall adopt rules governing the accrual and use of temporary
5 salary reduction leave.

6 (3) The appropriation also reflects a three percent cost saving in
7 expenditures as specified in section 505 of this act.

8 (4) The department of retirement systems shall include any forgone
9 salary or lost work hours under subsections (1) and (3) of this section
10 in the final average compensation of employees affected for purposes of
11 calculating retirement benefits, as specified in executive request
12 legislation, chapter . . . (House Bill No. . . .), Laws of 2011 and
13 chapter . . . (Senate Bill No. . . .), Laws of 2011.

14 (5) The appropriation from dedicated funds and accounts must be
15 made in the amounts specified and from the dedicated funds and accounts
16 specified in LEAP Transportation Document GLK-2011, which is
17 incorporated by reference. The office of financial management shall
18 allocate the moneys appropriated in this section in the amounts
19 specified and to the state agencies specified in LEAP Transportation
20 Document GLK-2011 and adjust appropriation schedules accordingly.

21 NEW SECTION. **Sec. 503. COLLECTIVE BARGAINING AGREEMENTS**

22 Provisions or terms and conditions of collective bargaining
23 agreements contained in this act are described in general terms. The
24 collective bargaining agreements or terms and conditions contained in
25 sections 501, 502, and 503 through 510 of this act may also be funded
26 by expenditures from nonappropriated accounts. If positions are funded
27 with lidded grants or dedicated fund sources with insufficient revenue,
28 additional funding from other sources is not provided.

29 NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**
30 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU, METAL TRADES, OPEIU,**
31 **MEBA-UL MEBA-L, MM&P-WS, MM&P**

32 (1) Agreements have been reached between the governor and the
33 following unions effective July 1, 2011: Inlandboatmen's union of the
34 pacific; Puget Sound metal trades council; office of professional
35 employees international union local no. 8; marine engineers' beneficial
36 association (unlicensed engine room employees); marine engineers'

1 beneficial association (licensed engineer officers); master, mates, and
2 pilots marine operations watch supervisors; and master, mates, and
3 pilots, under chapter 47.64 RCW for the 2011-2013 fiscal biennium
4 subject to union internal processes and procedures.

5 (2) Funding is reduced to reflect a reduction to overtime
6 calculation, travel pay for relief employees, and reduced vacation
7 leave accruals.

8 (3) Except for office of professional employees international union
9 local no. 8, funding is reduced to reflect a three percent temporary
10 salary reduction for all employees for fiscal years 2012 and 2013
11 through June 29, 2013. Entry level rates for employees under the
12 inlandboatmen's union of the pacific are not subject to the three
13 percent temporary salary reduction.

14 (4) For employees covered under the office of professional
15 employees international union local no. 8 agreement, funding is reduced
16 to reflect a three percent temporary salary reduction for all employees
17 making \$2,500 or more per month for fiscal years 2012 and 2013 through
18 June 29, 2013. Temporary salary reduction leave is granted for
19 employees covered under the office of professional employees
20 international union local no. 8 agreement for the term of the 2011-2013
21 agreement.

22 (5) Effective June 30, 2013, the salary schedules effective July 1,
23 2009, through June 29, 2011, will be reinstated for all of the
24 agreements.

25 (6) Appropriations in this act reflect funding to staff vessels
26 according to United States coast guard certificates of inspection.

27 NEW SECTION. **Sec. 505. GENERAL GOVERNMENT COLLECTIVE BARGAINING**
28 **AGREEMENTS**

29 Agreements have been reached between the governor and the
30 Washington federation of state employees and the international
31 federation of professional and technical engineers local 17 under
32 chapter 41.80 RCW for the 2011-2013 fiscal biennium subject to union
33 internal processes/procedures. Funding is reduced to reflect a three
34 percent temporary salary reduction for all employees making \$2,500 or
35 more per month covered under the agreements for fiscal years 2012 and
36 2013 through June 29, 2013. Effective June 30, 2013, the salary

1 schedules effective July 1, 2009, through June 30, 2011, will be
2 reinstated. Temporary salary reduction leave is granted for the term
3 of the 2011-2013 agreement.

4 NEW SECTION. **Sec. 506. COLLECTIVE BARGAINING AGREEMENT--WSP**
5 **TROOPERS ASSOCIATION**

6 No agreement has been reached between the governor and the
7 Washington state patrol trooper's association under chapter 41.56 RCW
8 for the 2011-2013 fiscal biennium. Appropriations for the Washington
9 state patrol in this act are sufficient to fund the provisions of the
10 2009-2011 agreement.

11 NEW SECTION. **Sec. 507. COLLECTIVE BARGAINING AGREEMENTS--WSP**
12 **LIEUTENANTS ASSOCIATION**

13 No agreement has been reached between the governor and the
14 Washington state patrol lieutenant's association under chapter 41.56
15 RCW for the 2011-2013 fiscal biennium. Appropriations for the
16 Washington state patrol in this act are sufficient to fund the
17 provisions of the 2009-2011 agreement.

18 NEW SECTION. **Sec. 508. COMPENSATION--NONREPRESENTED EMPLOYEES--**
19 **INSURANCE BENEFITS**

20 Appropriations in this act for state agencies are sufficient to
21 fund nonrepresented state employee health benefits for state agencies
22 and are subject to the following conditions and limitations:

23 (1)(a) The monthly employer funding rate for insurance benefit
24 premiums, public employees' benefits board administration, and the
25 uniform medical plan shall not exceed \$850 per eligible employee for
26 fiscal year 2012. For fiscal year 2013, the monthly employer funding
27 rate shall not exceed \$850 per eligible employee.

28 (b) In order to achieve the level of funding provided for health
29 benefits, the public employees' benefits board shall require any or all
30 of the following: Employee premium copayments; increases in point-of-
31 service cost sharing; the implementation of managed competition; or
32 make other changes to benefits consistent with RCW 41.05.065.

33 (c) The health care authority shall deposit any moneys received on
34 behalf of the uniform medical plan as a result of rebates on
35 prescription drugs, audits of hospitals, subrogation payments, or any

1 other moneys recovered as a result of prior uniform medical plan claims
2 payments, into the public employees' and retirees' insurance account to
3 be used for insurance benefits. Such receipts shall not be used for
4 administrative expenditures.

5 (2) The health care authority, subject to the approval of the
6 public employees' benefits board, shall provide subsidies for health
7 benefit premiums to eligible retired or disabled public employees and
8 school district employees who are eligible for medicare, pursuant to
9 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
10 \$150.00 per month.

11 NEW SECTION. **Sec. 509. COMPENSATION--REPRESENTED EMPLOYEES**
12 **OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

13 Appropriations in this act for state agencies are sufficient to
14 fund health benefits for represented state employees outside the super
15 coalition on health benefits and are subject to the following
16 conditions and limitations:

17 (1)(a) The monthly employer funding rate for insurance benefit
18 premiums, public employees' benefits board administration, and the
19 uniform medical plan shall not exceed \$850 per eligible employee for
20 fiscal year 2012. For fiscal year 2013, the monthly employer funding
21 rate shall not exceed \$850 per eligible employee.

22 (b) In order to achieve the level of funding provided for health
23 benefits, the public employees' benefits board shall require any or all
24 of the following: Employee premium copayments; increases in point-of-
25 service cost sharing; the implementation of managed competition; or
26 make other changes to benefits consistent with RCW 41.05.065.

27 (c) The health care authority shall deposit any moneys received on
28 behalf of the uniform medical plan as a result of rebates on
29 prescription drugs, audits of hospitals, subrogation payments, or any
30 other moneys recovered as a result of prior uniform medical plan claims
31 payments, into the public employees' and retirees' insurance account to
32 be used for insurance benefits. Such receipts shall not be used for
33 administrative expenditures.

34 (2) The health care authority, subject to the approval of the
35 public employees' benefits board, shall provide subsidies for health
36 benefit premiums to eligible retired or disabled public employees and

1 school district employees who are eligible for medicare, pursuant to
2 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
3 \$150.00 per month.

4 NEW SECTION. **Sec. 510. COMPENSATION--REPRESENTED EMPLOYEES--**
5 **SUPER COALITION--INSURANCE BENEFITS**

6 The collective bargaining agreement negotiated with the super
7 coalition under chapter 41.80 RCW includes employer premiums at eighty-
8 five percent of the total weighted average of the projected health care
9 premiums across all plans and tiers. Appropriations in this act for
10 state agencies are sufficient to fund state employees health benefits
11 for employees represented by the super coalition on health benefits and
12 are subject to the following conditions and limitations:

13 (1)(a) The monthly employer funding rate for insurance benefit
14 premiums, public employees' benefits board administration, and the
15 uniform medical plan shall not exceed \$850 per eligible employee for
16 fiscal year 2012. For fiscal year 2013, the monthly employer funding
17 rate shall not exceed \$850 per eligible employee.

18 (b) In order to achieve the level of funding provided for health
19 benefits, the public employees' benefits board shall require any or all
20 of the following: Employee premium copayments; increases in point-of-
21 service cost sharing; the implementation of managed competition; or
22 make other changes to benefits consistent with RCW 41.05.065.

23 (c) The health care authority shall deposit any moneys received on
24 behalf of the uniform medical plan as a result of rebates on
25 prescription drugs, audits of hospitals, subrogation payments, or any
26 other moneys recovered as a result of prior uniform medical plan claims
27 payments, into the public employees' and retirees' insurance account to
28 be used for insurance benefits. Such receipts shall not be used for
29 administrative expenditures.

30 (2) The health care authority, subject to the approval of the
31 public employees' benefits board, shall provide subsidies for health
32 benefit premiums to eligible retired or disabled public employees and
33 school district employees who are eligible for medicare, pursuant to
34 RCW 41.05.085. For calendar years 2012 and 2013, the subsidy shall be
35 \$150.00 per month.

36 NEW SECTION. **Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE**

1 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

2 No agreements have been reached between the governor and service
3 employees international union local no. 6 and the ferry agents,
4 supervisors, and project administrators association under chapter 47.64
5 RCW for the 2011-2013 fiscal biennium. Appropriations in this act
6 reflect funding to maintain the provisions or terms and conditions of
7 the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013
8 appropriations are reduced to reflect management priorities in
9 collective bargaining.

10 **IMPLEMENTING PROVISIONS**

11 NEW SECTION. **Sec. 601. STAFFING LEVELS**

12 (1) As the department of transportation completes delivery of the
13 projects funded by the 2003 and 2005 transportation revenue packages,
14 it is clear that the current staffing levels necessary to deliver these
15 projects are not sustainable into the future. Therefore, the
16 department is directed to quickly move forward to develop and implement
17 new business practices so that a smaller, more nimble state workforce
18 can effectively and efficiently deliver transportation improvement
19 programs as they are approved in the future, in strong partnership with
20 the private sector, while protecting the public's interests and assets.

21 (2) To this end, the department of transportation is directed to
22 reduce the size of its engineering and technical workforce to a level
23 sustained by current law revenue levels. The department's current two
24 thousand eight hundred FTE engineering and technical workforce levels
25 for highway construction must be reduced in the 2011-2013 fiscal
26 biennium to two thousand six hundred FTEs, with a target of reducing
27 these workforce levels to two thousand four hundred FTEs by June 30,
28 2013. The department's engineering and technical workforce levels for
29 highway construction must be further reduced to two thousand two
30 hundred FTEs for the 2013-2015 fiscal biennium, with a target of
31 reducing these workforce levels to two thousand FTEs by June 30, 2015.

32 (3) In order to meet these targets and to continue to successfully
33 deliver the highway construction program, the department of
34 transportation may contract out engineering and technical services. In
35 addition, the department may continue the incentive program for

1 retirements and employee separations. The department shall report
2 quarterly to the office of financial management and the transportation
3 committees of the legislature on its progress and plans to reduce
4 highway construction workforce levels to two thousand FTEs by June
5 2015. This report must also be posted on the department's web site.

6 NEW SECTION. **Sec. 602. VOLUNTARY RETIREMENT, SEPARATION, AND**
7 **DOWNSHIFTING INCENTIVES**

8 As a management tool to reduce costs and make more effective use of
9 resources, while improving employee productivity and morale, agencies
10 may implement a voluntary retirement, separation, and/or downshifting
11 incentive program that is cost neutral or results in cost savings over
12 a two-year period following the commencement of the program, provided
13 that such a program is approved by the director of financial
14 management.

15 Agencies participating in this authorization may offer voluntary
16 retirement, separation, and/or downshifting incentives and options
17 according to procedures and guidelines established by the office of
18 financial management, in consultation with the department of personnel
19 and the department of retirement systems. The options may include, but
20 are not limited to, financial incentives for: Voluntary separation or
21 retirement, voluntary leave-without-pay, voluntary workweek or work
22 hour reduction, voluntary downward movement, or temporary separation
23 for development purposes. An employee does not have a contractual
24 right to a financial incentive offered pursuant to this section.

25 Offers must be reviewed and monitored jointly by the department of
26 personnel and the department of retirement systems. Agencies are
27 required to submit a report by June 30, 2013, to the legislature and
28 the office of financial management on the outcome of their approved
29 incentive program. The report must include information on the details
30 of the program, including resulting service delivery changes, agency
31 efficiencies, the cost of the incentive per participant, the total cost
32 to the state, and the projected or actual net dollar savings over the
33 2011-2013 fiscal biennium.

34 NEW SECTION. **Sec. 603. FUND TRANSFERS**

35 (1) The transportation 2003 projects or improvements and the 2005
36 transportation partnership projects or improvements are listed in LEAP

1 Transportation Document 2011-1 as developed March 21, 2011, which
2 consists of a list of specific projects by fund source and amount over
3 a sixteen year period. Current fiscal biennium funding for each
4 project is a line item appropriation, while the outer year funding
5 allocations represent a sixteen year plan. The department is expected
6 to use the flexibility provided in this section to assist in the
7 delivery and completion of all transportation partnership account and
8 transportation 2003 (nickel) account projects on the LEAP lists
9 referenced in this act. For the 2011-2013 project appropriations,
10 unless otherwise provided in this act, the director of financial
11 management may authorize a transfer of appropriation authority between
12 projects funded with transportation 2003 account (nickel account)
13 appropriations or transportation partnership account appropriations in
14 order to manage project spending and efficiently deliver all projects
15 in the respective program under the following conditions and
16 limitations:

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

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

22 (c) Each transfer between projects may only occur if the director
23 of financial management finds that any resulting change will not hinder
24 the completion of the projects as approved by the legislature. Until
25 the legislature reconvenes to consider the 2012 supplemental budget,
26 any unexpended 2009-2011 appropriation balance as approved by the
27 office of financial management, in consultation with the legislative
28 staff of the house of representatives and senate transportation
29 committees, may be considered when transferring funds between projects;

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

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

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 **NEW SECTION. Sec. 604. FACILITIES PLANNING**

19 (1) The department of transportation shall prepare a plan to
20 improve the oversight of real estate procurement and management
21 practices across all departmental programs and regions. The plan must
22 be submitted to the governor and the joint transportation committee by
23 September 1, 2012. The plan must include:

24 (a) An inventory of all currently owned and leased office space,
25 tunnel and bridge operations and maintenance facilities, and traffic
26 management centers;

27 (b) A list of all facilities that will be needed for tunnel and
28 bridge operations or maintenance in the next ten years and the funding
29 source that is assumed for these facilities;

30 (c) A list of all buildings that are planned to be renovated or
31 remodeled in the next ten years and the funding source that is assumed
32 for these facility improvements;

33 (d) A list of options for consolidating staff, equipment, and
34 operations activities to reduce costs. This list must include an
35 evaluation of the costs and benefits of owning properties as compared
36 to leasing them; and

1 (e) A process and plan for regularly evaluating needs for office
2 space, tunnel and bridge operations and maintenance facilities, and
3 traffic management.

4 (2) Until September 1, 2012, the department may not enter into new
5 leases or acquire property for office needs without first consulting
6 with the office of financial management and the joint transportation
7 committee.

8 NEW SECTION. **Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION**

9 As part of its budget submittal, the department shall provide an
10 annual update to the report provided to the legislature and office of
11 financial management in 2008 that:

12 (1) Compares the original project cost estimates approved in the
13 2003 and 2005 project lists to the completed cost of the project, or
14 the most recent legislatively approved budget and total project costs
15 for projects not yet completed;

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

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

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

23 (5) Identifies contingency amounts allocated to projects.

24 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

25 **Sec. 701.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to
26 read as follows:

27 There is hereby created in the motor vehicle fund the RV account.
28 All moneys hereafter deposited in said account shall be used by the
29 department of transportation for the construction, maintenance, and
30 operation of recreational vehicle sanitary disposal systems at safety
31 rest areas in accordance with the department's highway system plan as
32 prescribed in chapter 47.06 RCW. During the ((2007-2009—and))
33 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer

1 from the RV account to the motor vehicle fund such amounts as reflect
2 the excess fund balance of the RV account to accomplish the purposes
3 identified in this section.

4 **Sec. 702.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to
5 read as follows:

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

10 (1) Provisions that specify unsolicited proposals must meet
11 predetermined criteria;

12 (2) Provisions governing procedures for the cessation of
13 negotiations and consideration;

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

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

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

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

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

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

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

1 The commission may not accept or consider any unsolicited proposals
2 before July 1, (~~2011~~) 2013.

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

17 **Sec. 704.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to
18 read as follows:

19 The license plate technology account is created in the state
20 treasury. All receipts collected under RCW 46.17.015 must be deposited
21 into this account. Expenditures from this account must support current
22 and future license plate technology and systems integration upgrades
23 for both the department and correctional industries. Moneys in the
24 account may be spent only after appropriation. Additionally, the
25 moneys in this account may be used to reimburse the motor vehicle
26 account for any appropriation made to implement the digital license
27 plate system. During the (~~2009-2011~~) 2011-2013 fiscal biennium, the
28 legislature may transfer from the license plate technology account to
29 the highway safety account such amounts as reflect the excess fund
30 balance of the license plate technology account.

31 **Sec. 705.** RCW 47.01.380 and 2009 c 470 s 705 are each amended to
32 read as follows:

33 The department shall not commence construction on any part of the
34 state route number 520 bridge replacement and HOV project until a
35 record of decision has been reached providing reasonable assurance that

1 project impacts will be avoided, minimized, or mitigated as much as
2 practicable to protect against further adverse impacts on neighborhood
3 environmental quality as a result of repairs and improvements made to
4 the state route number 520 bridge and its connecting roadways, and that
5 any such impacts will be addressed through engineering design choices,
6 mitigation measures, or a combination of both. The requirements of
7 this section shall not apply to off-site pontoon construction
8 supporting the state route number 520 bridge replacement and HOV
9 project. The requirements of this section shall not apply during the
10 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia.

11 **Sec. 706.** RCW 47.56.876 and 2010 c 248 s 5 are each amended to
12 read as follows:

13 (1) A special account to be known as the state route number 520
14 civil penalties account is created in the state treasury. All state
15 route number 520 bridge replacement and HOV program civil penalties
16 generated from the nonpayment of tolls on the state route number 520
17 corridor must be deposited into the account, as provided under RCW
18 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
19 appropriation. Expenditures from the account may be used to fund any
20 project within the state route number 520 bridge replacement and HOV
21 program, including mitigation. During the 2011-2013 fiscal biennium,
22 the legislature may transfer from the state route number 520 civil
23 penalties account to the state route number 520 corridor account such
24 amounts as reflect the excess fund balance of the state route number
25 520 civil penalties account. Funds transferred must be used solely for
26 capital expenditures for the state route number 520 bridge replacement
27 and HOV project (8BI1003).

28 (2) This section is contingent on the enactment by June 30, 2010,
29 of either chapter 249, Laws of 2010 or chapter . . . (Substitute House
30 Bill No. 2897), Laws of 2010, but if the enacted bill does not
31 designate the department as the toll penalty adjudicating agency, this
32 section is null and void.

33 **Sec. 707.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161
34 s 604 are each reenacted and amended to read as follows:

35 (1) The department must review and either approve or reject special
36 license plate applications submitted by sponsoring organizations.

1 (2) Duties of the department include but are not limited to the
2 following:

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

7 (b) Report annually to the senate and house of representatives
8 transportation committees on the special license plate applications
9 that were considered by the department;

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

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

20 (3) Except as provided in RCW 46.18.245, in order to assess the
21 effects and impact of the proliferation of special license plates, the
22 legislature declares a temporary moratorium on the issuance of any
23 additional plates until July 1, (~~2011~~) 2013. During this period of
24 time, the department is prohibited from accepting, reviewing,
25 processing, or approving any applications. Additionally, a special
26 license plate may not be enacted by the legislature during the
27 moratorium, unless the proposed license plate has been approved by the
28 board before February 15, 2005.

29 **Sec. 708.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
30 read as follows:

31 There is hereby created in the state treasury a fund to be known as
32 the highway safety fund to the credit of which shall be deposited all
33 moneys directed by law to be deposited therein. This fund shall be
34 used for carrying out the provisions of law relating to driver
35 licensing, driver improvement, financial responsibility, cost of
36 furnishing abstracts of driving records and maintaining such case
37 records, and to carry out the purposes set forth in RCW 43.59.010.

1 During the ((2007-2009 and)) 2009-2011 and 2011-2013 fiscal biennia,
2 the legislature may transfer from the highway safety fund to the motor
3 vehicle fund and the multimodal transportation account such amounts as
4 reflect the excess fund balance of the highway safety fund.

5 **Sec. 709.** RCW 46.68.--- and 2011 c ... (SHB 1897) s 1 are each
6 amended to read as follows:

7 (1) The rural mobility grant program account is created in the
8 state treasury. Moneys in the account may be spent only after
9 appropriation. Expenditures from the account may be used only for the
10 grants provided under section 2 ((of this act)), chapter ... (SHB
11 1897), Laws of 2011.

12 (2) Beginning September 2011, by the last day of September,
13 December, March, and June of each year, the state treasurer shall
14 transfer from the multimodal transportation account to the rural
15 mobility grant program account two million five hundred thousand
16 dollars.

17 (3) During the 2011-2013 fiscal biennium, the legislature may
18 transfer from the rural mobility grant program account to the
19 multimodal transportation account such amounts as reflect the excess
20 fund balance of the rural mobility grant program account.

21 **Sec. 710.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to
22 read as follows:

23 The department of licensing services account is created in the
24 motor vehicle fund. All receipts from service fees received under RCW
25 46.17.025 must be deposited into the account. Moneys in the account
26 may be spent only after appropriation. Expenditures from the account
27 may be used only for:

28 (1) Information and service delivery systems for the department;

29 (2) Reimbursement of county licensing activities; and

30 (3) County auditor or other agent and subagent support including,
31 but not limited to, the replacement of department-owned equipment in
32 the possession of county auditors or other agents and subagents
33 appointed by the director. During the ((2007-2009 and 2009-2011))
34 2011-2013 fiscal ((biennia)) biennium, the legislature may transfer
35 from the department of licensing services account such amounts as
36 reflect the excess fund balance of the account.

1 **Sec. 711.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to
2 read as follows:

3 (1) Effective June 1, 2006, for agencies complying with the ultra-
4 low sulfur diesel mandate of the United States environmental protection
5 agency for on-highway diesel fuel, agencies shall use biodiesel as an
6 additive to ultra-low sulfur diesel for lubricity, provided that the
7 use of a lubricity additive is warranted and that the use of biodiesel
8 is comparable in performance and cost with other available lubricity
9 additives. The amount of biodiesel added to the ultra-low sulfur
10 diesel fuel shall be not less than two percent.

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

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

19 (4) For the 2009-2011 and 2011-2013 fiscal ((~~biennium~~)) biennia,
20 all fuel purchased by the Washington state ferries at the Harbor Island
21 truck terminal for the operation of the Washington state ferries diesel
22 powered vessels must be a minimum of five percent biodiesel blend so
23 long as the per gallon price of diesel containing a five percent
24 biodiesel blend level does not exceed the per gallon price of diesel by
25 more than five percent. If the per gallon price of diesel containing
26 a five percent biodiesel blend level exceeds the per gallon price of
27 diesel by more than five percent, the requirements of this section do
28 not apply to vessel fuel purchases by the Washington state ferries.

29 (~~(5) By December 1, 2009, the department of general administration~~
30 ~~shall:~~

31 ~~(a) Report to the legislature on the average true price~~
32 ~~differential for biodiesel by blend and location; and~~

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

36 **Sec. 712.** RCW 47.06B.900 and 2009 c 515 s 17 are each amended to
37 read as follows:

1 The agency council on coordinated transportation is terminated on
2 June 30, (~~(2011, as provided in RCW 47.06B.901)~~) 2013.

3 **Sec. 713.** RCW 47.06B.901 and 2009 c 515 s 18 are each amended to
4 read as follows:

5 The following acts or parts of acts, as now existing or hereafter
6 amended, are each repealed, effective June 30, (~~(2012)~~) 2014:

7 (1) RCW 47.06B.010 and 2009 c 515 s 3, 2007 c 421 s 1, 1999 c 385
8 s 1, & 1998 c 173 s 1;

9 (2) RCW 47.06B.012 and 1999 c 385 s 2;

10 (3) RCW 47.06B.020 and 2009 c 515 s 4, 2007 c 421 s 2, & 1998 c 173
11 s 2;

12 (4) RCW 47.06B.030 and (~~(2009 c 515 s 5,)~~) 2007 c 421 s 3, 1999 c
13 385 s 5, & 1998 c 173 s 3;

14 (5) RCW 47.06B.040 and 2007 c 421 s 4 & 1999 c 385 s 6;

15 (6) RCW 47.06B.050 and 2009 c 515 s 8 & 2007 c 421 s 6;

16 (7) RCW 47.06B.060;

17 (~~(8) ((Section 2 of this act;~~

18 ~~(9) Section 6 of this act;~~

19 ~~(10) Section 7 of this act;~~

20 ~~(11))~~) RCW 47.06B.070;

21 (~~(12))~~) (9) RCW 47.06B.075; and

22 (~~(13))~~) (10) RCW 47.06B.080.

23 **Sec. 714.** RCW 46.68.120 and 1991 sp.s. c 15 s 47 are each amended
24 to read as follows:

25 Funds to be paid to the counties of the state shall be subject to
26 deduction and distribution as follows:

27 (1) One and one-half percent of such funds shall be deducted
28 monthly as such funds accrue and set aside for the use of the
29 department of transportation and the county road administration board
30 for the supervision of work and expenditures of such counties on the
31 county roads thereof, including the supervision and administration of
32 federal-aid programs for which the department of transportation has
33 responsibility: PROVIDED, That any funds so retained and not expended
34 shall be credited in the succeeding biennium to the counties in
35 proportion to deductions herein made;

1 (2) All sums required to be repaid to counties composed entirely of
2 islands shall be deducted;

3 (3) Thirty-three one-hundredths of one percent of such funds shall
4 be deducted monthly, as such funds accrue, and set aside for the use of
5 the department of transportation for the purpose of funding the
6 counties' share of the costs of highway jurisdiction studies and other
7 studies. For the 2011-2013 fiscal biennium, these funds may be used to
8 fund preservation projects through the county road administration
9 board. Any funds so retained and not expended shall be credited in the
10 succeeding biennium to the counties in proportion to the deductions
11 made;

12 (4) The balance of such funds remaining to the credit of counties
13 after such deductions shall be paid to the several counties monthly, as
14 such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

15 **Sec. 715.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to
16 read as follows:

17 (1) The department may provide for the establishment, construction,
18 and operation of a pilot project of high occupancy toll lanes on state
19 route 167 high occupancy vehicle lanes within King county. The
20 department may issue, buy, and redeem bonds, and deposit and expend
21 them; secure and remit financial and other assistance in the
22 construction of high occupancy toll lanes, carry insurance, and handle
23 any other matters pertaining to the high occupancy toll lane pilot
24 project.

25 (2) Tolls for high occupancy toll lanes will be established as
26 follows:

27 (a) The schedule of toll charges for high occupancy toll lanes must
28 be established by the transportation commission and collected in a
29 manner determined by the commission.

30 (b) Toll charges shall not be assessed on transit buses and vanpool
31 vehicles owned or operated by any public agency.

32 (c) The department shall establish performance standards for the
33 state route 167 high occupancy toll lane pilot project. The department
34 must automatically adjust the toll charge, using dynamic tolling, to
35 ensure that toll-paying single-occupant vehicle users are only
36 permitted to enter the lane to the extent that average vehicle speeds
37 in the lane remain above forty-five miles per hour at least ninety

1 percent of the time during peak hours. The toll charge may vary in
2 amount by time of day, level of traffic congestion within the highway
3 facility, vehicle occupancy, or other criteria, as the commission may
4 deem appropriate. The commission may also vary toll charges for
5 single-occupant inherently low-emission vehicles such as those powered
6 by electric batteries, natural gas, propane, or other clean burning
7 fuels.

8 (d) The commission shall periodically review the toll charges to
9 determine if the toll charges are effectively maintaining travel time,
10 speed, and reliability on the highway facilities.

11 (3) The department shall monitor the state route 167 high occupancy
12 toll lane pilot project and shall annually report to the transportation
13 commission and the legislature on operations and findings. At a
14 minimum, the department shall provide facility use data and review the
15 impacts on:

- 16 (a) Freeway efficiency and safety;
- 17 (b) Effectiveness for transit;
- 18 (c) Person and vehicle movements by mode;
- 19 (d) Ability to finance improvements and transportation services
20 through tolls; and
- 21 (e) The impacts on all highway users. The department shall analyze
22 aggregate use data and conduct, as needed, separate surveys to assess
23 usage of the facility in relation to geographic, socioeconomic, and
24 demographic information within the corridor in order to ascertain
25 actual and perceived questions of equitable use of the facility.

26 (4) The department shall modify the pilot project to address
27 identified safety issues and mitigate negative impacts to high
28 occupancy vehicle lane users.

29 (5) Authorization to impose high occupancy vehicle tolls for the
30 state route 167 high occupancy toll pilot project expires if either of
31 the following two conditions apply:

- 32 (a) If no contracts have been let by the department to begin
33 construction of the toll facilities associated with this pilot project
34 within four years of July 24, 2005; or

35 (b) ~~((Four years after toll collection begins under this section))~~
36 If high occupancy vehicle tolls are being collected on June 30, 2013.

37 (6) The department of transportation shall adopt rules that allow
38 automatic vehicle identification transponders used for electronic toll

1 collection to be compatible with other electronic payment devices or
2 transponders from the Washington state ferry system, other public
3 transportation systems, or other toll collection systems to the extent
4 that technology permits.

5 (7) The conversion of a single existing high occupancy vehicle lane
6 to a high occupancy toll lane as proposed for SR-167 must be taken as
7 the exception for this pilot project.

8 (8) A violation of the lane restrictions applicable to the high
9 occupancy toll lanes established under this section is a traffic
10 infraction.

11 (9) Procurement activity associated with this pilot project shall
12 be open and competitive in accordance with chapter 39.29 RCW.

13 **Sec. 716.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to
14 read as follows:

15 (1) Any ferry employee organization certified as the bargaining
16 representative shall be the exclusive representative of all ferry
17 employees in the bargaining unit and shall represent all such employees
18 fairly.

19 (2) A ferry employee organization or organizations and the governor
20 may each designate any individual as its representative to engage in
21 collective bargaining negotiations.

22 (3) Negotiating sessions, including strategy meetings of the
23 employer or employee organizations, mediation, and the deliberative
24 process of arbitrators are exempt from the provisions of chapter 42.30
25 RCW. Hearings conducted by arbitrators may be open to the public by
26 mutual consent of the parties.

27 (4) Terms of any collective bargaining agreement may be enforced by
28 civil action in Thurston county superior court upon the initiative of
29 either party.

30 (5) Ferry system employees or any employee organization shall not
31 negotiate or attempt to negotiate directly with anyone other than the
32 person who has been appointed or authorized a bargaining representative
33 for the purpose of bargaining with the ferry employees or their
34 representative.

35 (6)(a) Within ten working days after the first Monday in September
36 of every odd-numbered year, the parties shall attempt to agree on an
37 interest arbitrator to be used if the parties are not successful in

1 negotiating a comprehensive collective bargaining agreement. If the
2 parties cannot agree on an arbitrator within the ten-day period, either
3 party may request a list of seven arbitrators from the federal
4 mediation and conciliation service. The parties shall select an
5 interest arbitrator using the coin toss/alternate strike method within
6 thirty calendar days of receipt of the list. Immediately upon
7 selecting an interest arbitrator, the parties shall cooperate to
8 reserve dates with the arbitrator for potential arbitration between
9 August 1st and September 15th of the following even-numbered year. The
10 parties shall also prepare a schedule of at least five negotiation
11 dates for the following year, absent an agreement to the contrary. The
12 parties shall execute a written agreement before November 1st of each
13 odd-numbered year setting forth the name of the arbitrator and the
14 dates reserved for bargaining and arbitration. This subsection (6)(a)
15 imposes minimum obligations only and is not intended to define or limit
16 a party's full, good faith bargaining obligation under other sections
17 of this chapter.

18 (b) The negotiation of a proposed collective bargaining agreement
19 by representatives of the employer and a ferry employee organization
20 shall commence on or about February 1st of every even-numbered year.

21 (c) For negotiations covering the 2009-2011 biennium and subsequent
22 biennia, the time periods specified in this section, and in RCW
23 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of
24 all agreements on or before October 1st of the even-numbered year next
25 preceding the biennial budget period during which the agreement should
26 take effect. These time periods may only be altered by mutual
27 agreement of the parties in writing. Any such agreement and any
28 impasse procedures agreed to by the parties under RCW 47.64.200 must
29 include an agreement regarding the new time periods that will allow
30 final resolution by negotiations or arbitration by October 1st of each
31 even-numbered year.

32 (7) It is the intent of this section that the collective bargaining
33 agreement or arbitrator's award shall commence on July 1st of each odd-
34 numbered year and shall terminate on June 30th of the next odd-numbered
35 year to coincide with the ensuing biennial budget year, as defined by
36 RCW 43.88.020(7), to the extent practical. It is further the intent of
37 this section that all collective bargaining agreements be concluded by
38 October 1st of the even-numbered year before the commencement of the

1 biennial budget year during which the agreements are to be in effect.
2 After the expiration date of a collective bargaining agreement
3 negotiated under this chapter, all of the terms and conditions
4 specified in the collective bargaining agreement remain in effect until
5 the effective date of a subsequently negotiated agreement, not to
6 exceed one year from the expiration date stated in the agreement.
7 Thereafter, the employer may unilaterally implement according to law.

8 (8) The office of financial management shall conduct a salary
9 survey, for use in collective bargaining and arbitration, which must be
10 conducted through a contract with a firm nationally recognized in the
11 field of human resources management consulting.

12 (9)(a) The governor shall submit a request either for funds
13 necessary to implement the collective bargaining agreements including,
14 but not limited to, the compensation and fringe benefit provisions or
15 for legislation necessary to implement the agreement, or both.
16 Requests for funds necessary to implement the collective bargaining
17 agreements shall not be submitted to the legislature by the governor
18 unless such requests:

19 (i) Have been submitted to the director of the office of financial
20 management by October 1st before the legislative session at which the
21 requests are to be considered; and

22 (ii) Have been certified by the director of the office of financial
23 management as being feasible financially for the state.

24 (b) The governor shall submit a request either for funds necessary
25 to implement the arbitration awards or for legislation necessary to
26 implement the arbitration awards, or both. Requests for funds
27 necessary to implement the arbitration awards shall not be submitted to
28 the legislature by the governor unless such requests:

29 (i) Have been submitted to the director of the office of financial
30 management by October 1st before the legislative session at which the
31 requests are to be considered; and

32 (ii) Have been certified by the director of the office of financial
33 management as being feasible financially for the state.

34 (c) The legislature shall approve or reject the submission of the
35 request for funds necessary to implement the collective bargaining
36 agreements or arbitration awards as a whole for each agreement or
37 award. Except as provided in subsection (11) of this section, the
38 legislature shall not consider a request for funds to implement a

1 collective bargaining agreement or arbitration award unless the request
2 is transmitted to the legislature as part of the governor's budget
3 document submitted under RCW 43.88.030 and 43.88.060. If the
4 legislature rejects or fails to act on the submission, either party may
5 reopen all or part of the agreement and award or the exclusive
6 bargaining representative may seek to implement the procedures provided
7 for in RCW 47.64.210 and 47.64.300.

8 (10) If, after the compensation and fringe benefit provisions of an
9 agreement are approved by the legislature, a significant revenue
10 shortfall occurs resulting in reduced appropriations, as declared by
11 proclamation of the governor or by resolution of the legislature, both
12 parties shall immediately enter into collective bargaining for a
13 mutually agreed upon modification of the agreement.

14 (11) For the collective bargaining agreements negotiated for the
15 2011-2013 fiscal biennium, the legislature may consider a request for
16 funds to implement a collective bargaining agreement even if the
17 request for funds is not transmitted to the legislature as part of the
18 governor's budget document submitted under RCW 43.88.030 and 43.88.060.

19 **Sec. 717.** RCW 47.64.270 and 2010 c 283 s 13 are each amended to
20 read as follows:

21 (1) The employer and one coalition of all the exclusive bargaining
22 representatives subject to this chapter and chapter 41.80 RCW shall
23 conduct negotiations regarding the dollar amount expended on behalf of
24 each employee for health care benefits.

25 (2) Absent a collective bargaining agreement to the contrary, the
26 department of transportation shall provide contributions to insurance
27 and health care plans for ferry system employees and dependents, as
28 determined by the state health care authority, under chapter 41.05 RCW.

29 (3) The employer and employee organizations may collectively
30 bargain for insurance plans other than health care benefits, and
31 employer contributions may exceed that of other state agencies as
32 provided in RCW 41.05.050.

33 (4) For the 2011-2013 fiscal biennium, a collective bargaining
34 agreement related to employee health care benefits negotiated between
35 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
36 dollar amount expended on behalf of each employee must be a separate
37 agreement for which the governor may request funds necessary to

1 implement the agreement. If such an agreement is negotiated and funded
2 by the legislature, this agreement supersedes any terms and conditions
3 of an expired 2009-2011 biennial collective bargaining agreement under
4 this chapter regarding health care benefits.

5 **Sec. 718.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
6 read as follows:

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

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

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

21 (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated
22 traffic safety cameras may be used to detect speed violations for the
23 purposes of ((section 201(2), chapter 470, Laws of 2009)) section
24 201(4) of this act if the local legislative authority first enacts an
25 ordinance authorizing the use of cameras to detect speed violations.

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

30 (e) A notice of infraction must be mailed to the registered owner
31 of the vehicle within fourteen days of the violation, or to the renter
32 of a vehicle within fourteen days of establishing the renter's name and
33 address under subsection (3)(a) of this section. The law enforcement
34 officer issuing the notice of infraction shall include with it a
35 certificate or facsimile thereof, based upon inspection of photographs,
36 microphotographs, or electronic images produced by an automated traffic
37 safety camera, stating the facts supporting the notice of infraction.

1 This certificate or facsimile is prima facie evidence of the facts
2 contained in it and is admissible in a proceeding charging a violation
3 under this chapter. The photographs, microphotographs, or electronic
4 images evidencing the violation must be available for inspection and
5 admission into evidence in a proceeding to adjudicate the liability for
6 the infraction. A person receiving a notice of infraction based on
7 evidence detected by an automated traffic safety camera may respond to
8 the notice by mail.

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

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

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

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

35 (2) Infractions detected through the use of automated traffic
36 safety cameras are not part of the registered owner's driving record
37 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
38 by the use of automated traffic safety cameras under this section shall

1 be processed in the same manner as parking infractions, including for
2 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
3 However, the amount of the fine issued for an infraction generated
4 through the use of an automated traffic safety camera shall not exceed
5 the amount of a fine issued for other parking infractions within the
6 jurisdiction.

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

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

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

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

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

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

31 (5) For the purposes of this section, "automated traffic safety
32 camera" means a device that uses a vehicle sensor installed to work in
33 conjunction with an intersection traffic control system, a railroad
34 grade crossing control system, or a speed measuring device, and a
35 camera synchronized to automatically record one or more sequenced
36 photographs, microphotographs, or electronic images of the rear of a
37 motor vehicle at the time the vehicle fails to stop when facing a
38 steady red traffic control signal or an activated railroad grade

1 crossing control signal, or exceeds a speed limit in a school speed
2 zone as detected by a speed measuring device. During the ((2009-2011))
3 2011-2013 fiscal biennium, an automated traffic safety camera includes
4 a camera used to detect speed violations for the purposes of ((~~section~~
5 ~~201(2), chapter 470, Laws of 2009.~~

6 ~~(6) During the 2009-2011 fiscal biennium, this section does not~~
7 ~~apply to automated traffic safety cameras for the purposes of section~~
8 ~~218(2), chapter 470, Laws of 2009)) section 201(4) of this act.~~

9 **Sec. 719.** RCW 47.28.030 and 2010 c 283 s 9 and 2010 c 5 s 11 are
10 each reenacted and amended to read as follows:

11 (1)(a) A state highway shall be constructed, altered, repaired, or
12 improved, and improvements located on property acquired for
13 right-of-way purposes may be repaired or renovated pending the use of
14 such right-of-way for highway purposes, by contract or state forces.
15 The work or portions thereof may be done by state forces when the
16 estimated costs thereof are less than fifty thousand dollars and
17 effective July 1, 2005, sixty thousand dollars.

18 (b) When delay of performance of such work would jeopardize a state
19 highway or constitute a danger to the traveling public, the work may be
20 done by state forces when the estimated cost thereof is less than
21 eighty thousand dollars and effective July 1, 2005, one hundred
22 thousand dollars.

23 (c) When the department of transportation determines to do the work
24 by state forces, it shall enter a statement upon its records to that
25 effect, stating the reasons therefor.

26 (d) To enable a larger number of small businesses and veteran,
27 minority, and women contractors to effectively compete for department
28 of transportation contracts, the department may adopt rules providing
29 for bids and award of contracts for the performance of work, or
30 furnishing equipment, materials, supplies, or operating services
31 whenever any work is to be performed and the engineer's estimate
32 indicates the cost of the work would not exceed eighty thousand dollars
33 and effective July 1, 2005, one hundred thousand dollars.

34 (2) The rules adopted under this section:

35 (a) Shall provide for competitive bids to the extent that
36 competitive sources are available except when delay of performance

1 would jeopardize life or property or inconvenience the traveling
2 public; and

3 (b) Need not require the furnishing of a bid deposit nor a
4 performance bond, but if a performance bond is not required then
5 progress payments to the contractor may be required to be made based on
6 submittal of paid invoices to substantiate proof that disbursements
7 have been made to laborers, material suppliers, mechanics, and
8 subcontractors from the previous partial payment; and

9 (c) May establish prequalification standards and procedures as an
10 alternative to those set forth in RCW 47.28.070, but the
11 prequalification standards and procedures under RCW 47.28.070 shall
12 always be sufficient.

13 (3) The department of transportation shall comply with such goals
14 and rules as may be adopted by the office of minority and women's
15 business enterprises to implement chapter 39.19 RCW with respect to
16 contracts entered into under this chapter. The department may adopt
17 such rules as may be necessary to comply with the rules adopted by the
18 office of minority and women's business enterprises under chapter 39.19
19 RCW.

20 (4)(a) For the period of March 15, 2010, through June 30, 2011, and
21 during the 2011-2013 fiscal biennium, work for less than one hundred
22 twenty thousand dollars may be performed on ferry vessels and terminals
23 by state forces.

24 (b) The department shall hire a disinterested, third party to
25 conduct an independent analysis to identify methods of reducing out-of-
26 service times for vessel maintenance, preservation, and improvement
27 projects. The analysis must include options that consider
28 consolidating work while vessels are at shipyards by having state
29 forces perform services traditionally performed at Eagle Harbor at the
30 shipyard and decreasing the allowable time at shipyards. The analysis
31 must also compare the out-of-service vessel times of performing
32 services by state forces versus contracting out those services which in
33 turn must be used to form a recommendation as to what the threshold of
34 work performed on ferry vessels and terminals by state forces should
35 be. This analysis must be presented to the transportation committees
36 of the senate and house of representatives by December 1, 2010.

37 (c) The department shall develop a proposed ferry vessel

1 maintenance, preservation, and improvement program and present it to
2 the transportation committees of the senate and house of
3 representatives by December 1, 2010. The proposed program must:

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

7 (ii) Limit the amount of planned out-of-service time to the
8 greatest extent possible, including options associated with department
9 staff as well as commercial shipyards; and

10 (iii) Be based on the service plan in the capital plan, recognizing
11 that vessel preservation and improvement needs may vary by route.

12 (d) In developing the proposed ferry vessel maintenance,
13 preservation, and improvement program, the department shall consider
14 the following, related to reducing vessel out-of-service time:

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

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

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

23 (iv) A review of the department's vessel maintenance, preservation,
24 and improvement program contracting process and contractual
25 requirements;

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

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

31 (vii) Coordination with required United States coast guard dry
32 dockings;

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

36 (ix) A method for evaluating the ongoing maintenance and
37 preservation costs associated with proposed improvement projects.

1 Appropriation ((~~\$440,000~~))
2 \$470,000

3 **TRANSPORTATION AGENCIES--OPERATING**

4 **Sec. 901.** 2010 c 247 s 204 (uncodified) is amended to read as
5 follows:

6 **FOR THE JOINT TRANSPORTATION COMMITTEE**

7 Motor Vehicle Account--State Appropriation \$2,163,000

8 Multimodal Transportation Account--State Appropriation . . ((~~\$400,000~~))

9 \$350,000

10 TOTAL APPROPRIATION ((~~\$2,563,000~~))

11 \$2,513,000

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

14 (1) \$236,000 of the motor vehicle account--state appropriation is
15 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
16 analysis of mid-term and long-term transportation funding mechanisms
17 and methods. Elements of the study will include existing data and
18 trends, policy objectives, performance and evaluation criteria,
19 incremental transition strategies, and possibly, scaled testing.
20 Baseline data and methods assessment must be concluded by December 31,
21 2009. Performance criteria must be developed by June 30, 2010, and
22 recommended planning level alternative funding strategies must be
23 completed by December 31, 2010.

24 (2) \$200,000 of the motor vehicle account--state appropriation is
25 for the joint transportation committee to convene an independent expert
26 review panel to review the assumptions for toll operations costs used
27 by the department to model financial plans for tolled facilities. The
28 joint transportation committee shall work with staff from the senate
29 and the house of representatives transportation committees to identify
30 the scope of the review and to assure that the work performed meets the
31 needs of the house of representatives and the senate. The joint
32 transportation committee shall provide a report to the house of
33 representatives and senate transportation committees by September 1,
34 2009.

1 (3) \$300,000 of the motor vehicle account--state appropriation is
2 for an independent analysis of methodologies to value the reversible
3 lanes on Interstate 90 to be used for high capacity transit pursuant to
4 sound transit proposition 1 approved by voters in November 2008. The
5 independent analysis shall be conducted by sound transit and the
6 department of transportation, using consultant resources deemed
7 appropriate by the secretary of the department, the chief executive
8 officer of sound transit, and the cochairs of the joint transportation
9 committee. It shall be conducted in consultation with the federal
10 transit and federal highway administrations and account for applicable
11 federal laws, regulations, and practices. It shall also account for
12 the 1976 Interstate 90 memorandum of agreement and subsequent 2004
13 amendment and the 1978 federal secretary of transportation's
14 environmental decision on Interstate 90. The department and sound
15 transit must provide periodic reports to the joint transportation
16 committee, the sound transit board of directors, and the governor, and
17 report final recommendations by November 1, 2009.

18 (4) The joint transportation committee shall perform a review of
19 the fuel tax refunds for nonhighway or off-road use of gasoline and
20 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.
21 The review must: Provide an overview of the off-road programs; analyze
22 historical funding and expenditures from the respective treasury
23 accounts; outline and provide process documentation on how the funds
24 are distributed to the treasury accounts; and document future
25 identified off-road, snowmobile, and marine funding needs. A report on
26 the joint transportation committee review must be presented to the
27 house of representatives and senate transportation committees by
28 December 31, 2010.

29 (5)(a) \$350,000 of the multimodal transportation account--state
30 appropriation is for the joint transportation committee to conduct a
31 study to establish a statewide blueprint for public transportation that
32 will serve to guide state investments in public transportation. At a
33 minimum, the study should include an assessment of unmet operating and
34 capital needs of public transportation agencies, the state role in
35 funding those unmet needs, and the priorities for state investments.
36 The report should include efficiency and accountability measures that
37 inform future state investment in public transportation to maximize

1 mobility, social, economic, and environmental benefits provided to the
2 state.

3 (b) The statewide blueprint for public transportation should serve
4 to guide state investments to support public transportation and address
5 unmet needs to improve service, access to public transportation, and
6 connectivity between public transportation providers across
7 jurisdictional boundaries. The blueprint must be consistent with the
8 state's transportation system policy goals provided in RCW 47.04.280
9 and the statewide transportation plan provided in RCW 47.01.071(4).

10 (c) To provide input to the study, the joint transportation
11 committee shall convene a public transit advisory panel. The cochairs
12 of the committee shall appoint and convene the advisory panel to be
13 comprised of members as provided in this subsection:

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

15 (ii) One member from each of the two largest caucuses of the house
16 of representatives;

17 (iii) One representative of the department of transportation's
18 public transportation division;

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

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

23 (vi) Two representatives from regional transportation planning
24 organizations, one representing eastern Washington and one representing
25 western Washington;

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

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

30 (ix) Two representatives of organizations that address primarily
31 environmental issues;

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

34 (xi) Other individuals deemed appropriate.

35 Nonlegislative members of the advisory panel must seek
36 reimbursement for travel and other membership expenses through their
37 respective agencies or organizations. The committee may make

1 exceptions and approve certain expenses for good cause on a case-by-
2 case basis.

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

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

14 (7) \$125,000 of the motor vehicle account--state appropriation is
15 for the joint transportation committee to evaluate the preparation of
16 state-level transportation plans. The evaluation must include a review
17 of federal planning requirements, the Washington transportation plan
18 and statewide modal plan requirements, and transportation plan
19 requirements for regional and local entities. The evaluation must make
20 recommendations concerning the appropriate responsibilities for
21 preparation of plans, methods to develop plans more efficiently, and
22 the utility of the state-level planning documents. The committee shall
23 issue a report of its evaluation, including draft legislation if
24 required, to the house of representatives and senate transportation
25 committees by December 15, 2010.

26 (8)(a) \$200,000 of the motor vehicle account--state appropriation
27 is for the joint transportation committee to evaluate funding
28 assistance and services provided by the county road administration
29 board, transportation improvement board, freight mobility strategic
30 investment board, and the department of transportation's highway and
31 local programs division. In 2010, the governor recommended
32 consolidating small transportation agencies as part of an overall
33 effort to streamline state government, provide economies of scale, and
34 improve customer service. The evaluation may include recommendations
35 on consolidating the agencies within the department of transportation,
36 within another existing agency, or within a newly created agency. The
37 study may also make recommendations on restructuring grant programs to

1 generate efficiencies or other more efficient ways to distribute
2 associated revenues.

3 (b) The joint transportation committee shall form a policy work
4 group to oversee the evaluation. The work group must consist of
5 legislators appointed by the joint transportation committee and a
6 member of the governor's staff appointed by the governor.

7 (c) Any evaluation recommendations must be accompanied by a
8 detailed implementation plan. The plan must include details on the
9 recommended governance structure, accounts and program structure, and
10 transition process and associated costs. The plan must include a
11 proposed organization chart and proposed legislation to enact the
12 recommended changes. A preliminary evaluation must be made to the
13 joint transportation committee by November 15, 2010, and a final
14 evaluation is due on December 15, 2010.

15 (9) The joint transportation committee shall conduct the following
16 studies by December 15, 2010:

17 (a) A comparison of medical, time-loss, vocational and disability
18 benefits available to injured workers, and costs payable by the state
19 of Washington and employees, under the federal Jones act and
20 Washington's industrial insurance act. The report must include
21 information regarding the experience of the Alaska marine highway
22 system; and

23 (b) A comparison of the processing time of grievances and hearings
24 at the personnel relations employment commission and the marine
25 employee commission. The review must also investigate whether the
26 necessary expertise exists at the personnel relations employment
27 commission to administer the grievances and hearings currently
28 administered by the marine employee commission.

29 ~~((10)(a) \$50,000 of the multimodal transportation account—state
30 appropriation is for the joint transportation committee to conduct an
31 analysis of the storm water permit requirements issued by the
32 department of ecology in February 2009 to determine the costs and
33 benefits of alternative options for the department of transportation to
34 meet the requirements. However, if the committee does not include the
35 analysis as part of its 2009–11 fiscal biennium work plan by April 15,
36 2010, the amount provided in this subsection lapses. The analysis must
37 include, at a minimum, an analysis of the following:~~

1 citizen advisory committee created under RCW 47.46.091. For purposes
2 of this subsection, "modify" includes increases or decreases to the
3 schedule.

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

9 (5) \$350,000 of the motor vehicle account--state appropriation is
10 provided solely for consultant support services to assist the
11 commission in updating the statewide transportation plan. The updated
12 plan must be submitted to the legislature by December 1, 2010.

13 (6) If the commission considers implementing a ferry fuel
14 surcharge, it must first submit an analysis and business plan to the
15 office of financial management and either the joint transportation
16 committee or the transportation committees of the legislature. The
17 commission may impose a ferry fuel surcharge effective July 1, 2011.
18 When implementing a ferry fuel surcharge, the commission must regard
19 ferry fuel surcharges as fare policy changes and thus, ferry fuel
20 surcharges should be included in all public procedures and processes
21 currently used for fare pricing per RCW 47.60.290.

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

30 (8) As part of its development of the statewide transportation
31 plan, the commission shall review prioritized projects, including
32 preservation and maintenance projects, from regional transportation and
33 metropolitan planning organizations to identify statewide
34 transportation needs. The review should include a brief description
35 and status of each project along with the funding required and
36 associated timeline from start to completion. The commission shall
37 submit the review, along with recommendations, to the house of
38 representatives and senate transportation committees by January 2011.

1 county roads, and shall work with the county to transition the traffic
2 accident investigations on Thurston county roads to the county by July
3 1, 2011.

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

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

12 (6) \$370,000 of the state patrol highway account--state
13 appropriation is provided solely for costs associated with the pilot
14 program described under section 218(2) of this act. The Washington
15 state patrol may incur costs related only to the assignment of cadets
16 and necessary computer equipment and to the reimbursement of the
17 Washington state department of transportation for contract costs. The
18 appropriation in this subsection must be funded from the portion of the
19 automated traffic safety camera fines deposited into the state patrol
20 highway account; however, if the fines deposited into the state patrol
21 highway account from automated traffic safety camera infractions do not
22 reach three hundred seventy thousand dollars, the department of
23 transportation shall remit funds necessary to the Washington state
24 patrol to ensure the completion of the pilot program. The Washington
25 state patrol may not incur overtime as a result of this pilot program.
26 The Washington state patrol shall not assign troopers to operate or
27 deploy the pilot program equipment used in the roadway construction
28 zones.

29 (7) If, as a result of lower than average rate of attrition among
30 troopers, the Washington state patrol postpones the year 2011 training
31 for trooper cadets beyond June 30, 2011, funding provided in section
32 207, chapter 470, Laws of 2009 for the class must be used to fund the
33 salaries and benefits associated with the existing commissioned
34 Washington state patrol troopers that are funded within the field
35 operations bureau.

36 (8) \$2,832,000 of the state patrol highway account--state
37 appropriation is provided solely for the aerial traffic enforcement
38 program. The Washington state patrol shall evaluate the costs

1 associated with aerial traffic highway enforcement to determine if the
2 costs are accurately apportioned between the state patrol highway
3 account and the general fund. It is the intent of the legislature that
4 the state patrol highway account incurs costs that result only from
5 highway enforcement activities and that the general fund incurs costs
6 associated with the King Airs. The Washington state patrol shall
7 report the results of the evaluation to the legislature by June 30,
8 2010.

9 (9) For the remainder of the 2009-11 fiscal biennium, the
10 Washington state patrol shall continue to work with Island county on
11 traffic accident investigations.

12 (10) \$3,601,000 of the state patrol highway account--state
13 appropriation is provided solely for the costs associated with a basic
14 trooper class.

15 (11) The appropriations to the Washington state patrol must be
16 expended for the programs and in the amounts specified in this act.
17 However, after May 1, 2011, unless specifically prohibited, the state
18 patrol may transfer state patrol highway account--state appropriations
19 for the 2009-2011 fiscal biennium between operating programs after
20 approval by the director of the office of financial management.
21 However, the state patrol shall not transfer state moneys that are
22 provided solely for a specified purpose.

23 **Sec. 904.** 2010 c 247 s 208 (uncodified) is amended to read as
24 follows:

25 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
26 State Patrol Highway Account--State Appropriation . . . ((\$1,648,000))
27 \$1,196,000

28 The appropriation in this section is subject to the following
29 conditions and limitations: The appropriations to the Washington state
30 patrol must be expended for the programs and in the amounts specified
31 in this act. However, after May 1, 2011, unless specifically
32 prohibited, the state patrol may transfer state patrol highway
33 account--state appropriations for the 2009-2011 fiscal biennium between
34 operating programs after approval by the director of the office of
35 financial management. However, the state patrol shall not transfer
36 state moneys that are provided solely for a specified purpose.

1 **Sec. 905.** 2010 c 247 s 209 (uncodified) is amended to read as
2 follows:

3 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

4 State Patrol Highway Account--State Appropriation	((\$108,560,000))
	<u>\$105,488,000</u>
6 State Patrol Highway Account--Private/Local	
7 Appropriation	\$2,510,000
8 TOTAL APPROPRIATION	((\$111,070,000))
	<u>\$107,998,000</u>

9

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

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

20 (2) ((~~\$10,425,000~~)) \$10,676,000 of the total appropriation is
21 provided solely for automobile fuel in the 2009-11 fiscal biennium.

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

24 (4) \$6,611,000 of the total appropriation is provided solely for
25 vehicle repair and maintenance costs of vehicles used for highway
26 purposes.

27 (5) \$1,724,000 of the total appropriation is provided solely for
28 the purchase of mission vehicles used for highway purposes in the
29 commercial vehicle and traffic investigation sections of the Washington
30 state patrol.

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

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

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

4 (8) The appropriations to the Washington state patrol must be
5 expended for the programs and in the amounts specified in this act.
6 However, after May 1, 2011, unless specifically prohibited, the state
7 patrol may transfer state patrol highway account--state appropriations
8 for the 2009-2011 fiscal biennium between operating programs after
9 approval by the director of the office of financial management.
10 However, the state patrol shall not transfer state moneys that are
11 provided solely for a specified purpose.

12 **Sec. 906.** 2010 c 247 s 211 (uncodified) is amended to read as
13 follows:

14 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
15 **MAINTENANCE--PROGRAM B**

16	High Occupancy Toll Lanes Operations Account--State	
17	Appropriation	((\$2,852,000))
18		<u>\$2,732,000</u>
19	Motor Vehicle Account--State Appropriation	((\$575,000))
20		<u>\$2,945,000</u>
21	Tacoma Narrows Toll Bridge Account--State	
22	Appropriation	\$26,543,000
23	State Route Number 520 Corridor Account--State	
24	Appropriation	((\$28,000,000))
25		<u>\$1,236,000</u>
26	State Route Number 520 Civil Penalties	
27	Account--State Appropriation	((\$2,130,000))
28		<u>\$130,000</u>
29	TOTAL APPROPRIATION	((\$60,100,000))
30		<u>\$33,586,000</u>

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

33 (1) The department shall make detailed quarterly expenditure
34 reports available to the transportation commission and to the public on
35 the department's web site using current department resources. The
36 reports must include a summary of revenue generated by tolls on the

1 Tacoma Narrows bridge and an itemized depiction of the use of that
2 revenue.

3 (2) The department shall work with the office of financial
4 management to review insurance coverage, deductibles, and limitations
5 on tolled facilities to assure that the assets are well protected at a
6 reasonable cost. Results from this review must be used to negotiate
7 any future new or extended insurance agreements.

8 (3) (~~(\$28,000,000)~~) \$1,236,000 of the state route number 520
9 corridor account--state appropriation is provided solely for the costs
10 directly related to tolling the state route number 520 floating bridge.
11 (~~(Of this amount, \$8,000,000 must be retained in unallotted status, and~~
12 ~~may only be released by the office of financial management after~~
13 ~~consultation with the joint transportation committee.))~~)

14 (4) The department shall consider transitioning to all electronic
15 tolling on the Tacoma Narrows bridge toll facility and discontinuing a
16 cash toll option.

17 (5) (~~(\$2,130,000)~~) \$130,000 of the state route number 520 civil
18 penalties account--state appropriation and \$140,000 of the Tacoma
19 Narrows toll bridge account--state appropriation are provided solely
20 for expenditures related to the toll adjudication process. The amount
21 provided in this subsection is contingent on the enactment by June 30,
22 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
23 House Bill No. 2897; however, if the enacted bill does not specify the
24 department as the toll penalty adjudicating agency, the amounts
25 provided in this subsection lapse.

26 (6) The department shall review, and revise where appropriate,
27 current signage and ingress/egress locations on the state route number
28 167 high occupancy toll lanes pilot project. The department shall
29 continue to work with the Washington state patrol on educating the
30 public on the rules of the road related to crossing a double white
31 line. The department shall continue to monitor the performance of the
32 high occupancy toll lanes to ensure that driving conditions for high
33 occupancy vehicles that share these lanes are not significantly
34 changed.

35 (7) \$2,435,000 of the motor vehicle account--state appropriation is
36 provided solely to provide a reserve for state route number 520 tolling
37 operations. This appropriation must be held in unallotted status until
38 the office of financial management deems that revenues applicable to

1 the state route number 520 tolling operations are not sufficient to
2 cover the expenditures. Repayment of any expenditures must occur in
3 the 2011-2013 fiscal biennium.

4 **Sec. 907.** 2010 c 247 s 212 (uncodified) is amended to read as
5 follows:

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

8	Transportation Partnership Account--State	
9	Appropriation	((\$2,675,000))
10		<u>\$2,425,000</u>
11	Motor Vehicle Account--State Appropriation	((\$68,650,000))
12		<u>\$67,546,000</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		<u>\$2,426,000</u>
19	TOTAL APPROPRIATION	((\$74,604,000))
20		<u>\$73,000,000</u>

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

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

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

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

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

13 (4) \$573,000 of the motor vehicle account--state appropriation is
14 provided solely for the department to maintain the investment in the
15 electronic fare system at Washington's ferry terminals. Investment in
16 the electronic fare system must include the following: Replacement of
17 critical hardware components that are at risk of failure;
18 implementation of software to allow ORCA cards to be used for vehicles;
19 repair of the turnstiles to ensure that the turnstiles properly record
20 ORCA credit and debit card charges; and dedication of a communication
21 line for transmission of ORCA data to the clearinghouse.

22 **Sec. 908.** 2010 c 247 s 213 (uncodified) is amended to read as
23 follows:

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

26 Motor Vehicle Account--State Appropriation	((\$25,292,000))
27	<u>\$24,639,000</u>

28 **Sec. 909.** 2010 c 247 s 214 (uncodified) is amended to read as
29 follows:

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

31 Aeronautics Account--State Appropriation	((\$5,960,000))
32	<u>\$5,761,000</u>
33 Aeronautics Account--Federal Appropriation	\$2,150,000
34 TOTAL APPROPRIATION	((\$8,110,000))
35	<u>\$7,911,000</u>

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

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

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

9 (3) Within the amounts provided in this section, the department
10 shall develop guidelines setting forth consultation procedures and a
11 process to assist counties and cities to identify land uses that may be
12 incompatible with airports and aircraft operations, and to encourage
13 and facilitate the adoption and implementation of comprehensive plan
14 policies and development regulations consistent with RCW 36.70.547 and
15 36.70A.510.

16 **Sec. 910.** 2010 c 247 s 215 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
19 **SUPPORT--PROGRAM H**

20	Motor Vehicle Account--State Appropriation	((\$49,331,000))
21		<u>\$45,219,000</u>
22	Motor Vehicle Account--Federal Appropriation	\$500,000
23	Multimodal Transportation Account--State	
24	Appropriation	\$250,000
25	TOTAL APPROPRIATION	((\$50,081,000))
26		<u>\$45,969,000</u>

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

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

1 exchanges. This plan must accompany the department's 2010 supplemental
2 budget request. If the department determines that all or a portion of
3 real property or an interest in real property that was acquired through
4 condemnation within the previous ten years is no longer necessary for
5 a transportation purpose, the former owner has a right of repurchase as
6 described in this subsection. For the purposes of this subsection,
7 "former owner" means the person or entity from whom the department
8 acquired title. At least ninety days prior to the date on which the
9 property is intended to be sold by the department, the department must
10 mail notice of the planned sale to the former owner of the property at
11 the former owner's last known address or to a forwarding address if
12 that owner has provided the department with a forwarding address. If
13 the former owner of the property's last known address, or forwarding
14 address if a forwarding address has been provided, is no longer the
15 former owner of the property's address, the right of repurchase is
16 extinguished. If the former owner notifies the department within
17 thirty days of the date of the notice that the former owner intends to
18 repurchase the property, the department shall proceed with the sale of
19 the property to the former owner for fair market value and shall not
20 list the property for sale to other owners. If the former owner does
21 not provide timely written notice to the department of the intent to
22 exercise a repurchase right, or if the sale to the former owner is not
23 completed within seven months of the date of notice that the former
24 owner intends to repurchase the property, the right of repurchase is
25 extinguished. By December 1, 2010, the department shall report to the
26 legislative transportation committees on the individuals and entities
27 eligible to receive surplus property provided in RCW 47.12.063 to
28 determine the frequency with which the department transfers property to
29 those individuals and entities and the implications to the department.
30 It is the intent of the legislature that the list of individuals and
31 entities eligible to receive surplus property be periodically evaluated
32 to determine whether the list is appropriate and provides utility to
33 the department.

34 (2) The legislature recognizes that the Dryden pit site (WSDOT
35 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
36 property under the jurisdiction of the department of transportation,
37 and that the public would benefit significantly from the complete
38 enjoyment of the natural scenic beauty and recreational opportunities

1 available at the site. Therefore, pursuant to RCW 47.12.080, the
 2 legislature declares that transferring the property to the department
 3 of fish and wildlife for recreational use and fish and wildlife
 4 restoration efforts is consistent with the public interest in order to
 5 preserve the area for the use of the public and the betterment of the
 6 natural environment. The department of transportation shall work with
 7 the department of fish and wildlife, and shall transfer and convey the
 8 Dryden pit site to the department of fish and wildlife as is for an
 9 adjusted fair market value reflecting site conditions, the proceeds of
 10 which must be deposited in the motor vehicle fund. The department of
 11 transportation is not responsible for any costs associated with the
 12 cleanup or transfer of this property. By July 1, 2010, and annually
 13 thereafter until the entire Dryden pit property has been transferred,
 14 the department shall submit a status report regarding the transaction
 15 to the chairs of the legislative transportation committees.

16 (3) \$3,175,000 of the motor vehicle account--state appropriation is
 17 provided solely for the department's compliance with its national
 18 pollution discharge elimination system permit.

19 (4) The department shall provide updated information on six project
 20 milestones for all active projects, funded in part or in whole with
 21 2005 transportation partnership account funds or 2003 nickel account
 22 funds, on a quarterly basis in the transportation executive information
 23 system (TEIS). The department shall also provide updated information
 24 on six project milestones for projects, funded with preexisting funds
 25 and that are agreed to by the legislature, office of financial
 26 management, and the department, on a quarterly basis in TEIS.

27 **Sec. 911.** 2010 c 247 s 216 (uncodified) is amended to read as
 28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
 30 **K**

31	Motor Vehicle Account--State Appropriation	((\$673,000))
32		<u>\$643,000</u>
33	Multimodal Transportation Account--State	
34	Appropriation	((\$200,000))
35		<u>\$150,000</u>
36	TOTAL APPROPRIATION	((\$873,000))
37		<u>\$793,000</u>

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

3 (1) (~~(\$200,000)~~) \$150,000 of the multimodal transportation
4 account--state appropriation is provided solely for the department to
5 develop and implement public private partnerships at high priority
6 terminals as identified in the January 12, 2009, final report on joint
7 development opportunities at Washington state ferries terminals. The
8 department shall first consider a mutually beneficial agreement at the
9 Edmonds terminal.

10 (2) \$50,000 of the motor vehicle account--state appropriation is
11 provided solely for the department to investigate the potential to
12 generate revenue from web site sponsorships and similar ventures and,
13 if feasible, pursue partnership opportunities.

14 (3) (~~(\$75,000)~~) \$45,000 of the motor vehicle account--state
15 appropriation is provided solely for the implementation of a pilot
16 project allowing advertisements and sponsorships on select web pages.
17 The pilot project must be organized under the partnership model
18 described in the department's web site monetizing feasibility study,
19 which was prepared under subsection (2) of this section. Once
20 operational, the pilot project must operate for at least twelve
21 consecutive months. After twelve months of continuous operation, the
22 department shall provide a report with recommendations on whether to
23 continue project operations to the office of financial management and
24 the chairs of the transportation committees. The department may end
25 the pilot project after less than twelve consecutive months of
26 operation if insufficient bids or proposals are received from potential
27 sponsors or advertisers. For the purpose of this subsection, if a
28 consultant contract is warranted, the consultant contract is deemed a
29 revenue generation activity as that term is construed in section
30 602(2), chapter 3, Laws of 2010.

31 **Sec. 912.** 2010 c 247 s 217 (uncodified) is amended to read as
32 follows:

33	FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M	
34	Motor Vehicle Account--State Appropriation	((\$347,645,000))
35		<u>\$350,229,000</u>
36	Motor Vehicle Account--Federal Appropriation	\$7,000,000
37	Motor Vehicle Account--Private/Local Appropriation	((\$5,797,000))

1 \$7,997,000

2 TOTAL APPROPRIATION ((~~\$360,442,000~~))

3 \$365,226,000

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

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

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

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

20 (4) \$7,000,000 of the motor vehicle account--federal appropriation
21 is for unanticipated federal funds that may be received during the
22 2009-11 fiscal biennium. Upon receipt of the funds, the department
23 shall provide a report on the use of the funds to the transportation
24 committees of the legislature and the office of financial management.

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

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

30 (b) The department is reimbursed from the narrows bridge lights
31 organization within three months from the date any maintenance work is
32 performed. If the narrows bridge lights organization is unable to
33 reimburse the department for any future costs incurred, the lights must
34 be removed at the expense of the narrows bridge lights organization
35 subject to the terms of the contract.

36 (6) The department may work with the department of corrections to

1 utilize corrections crews for the purposes of litter pickup on state
2 highways.

3 (7) \$650,000 of the motor vehicle account--state appropriation is
4 provided solely for increased asphalt costs.

5 (8) \$16,800,000 of the motor vehicle account--state appropriation
6 is provided solely for the high priority maintenance backlog.
7 Addressing the maintenance backlog must result in increased levels of
8 service.

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

12 (10) \$317,000 of the motor vehicle account--state appropriation is
13 provided solely for maintaining a new active traffic management system
14 on Interstate 5, Interstate 90, and SR 520. The department shall track
15 the costs associated with these systems on a corridor basis and report
16 to the legislative transportation committees on the cost and benefits
17 of the system.

18 (11) \$286,000 of the motor vehicle account--state appropriation is
19 provided solely for storm water assessment fees charged by local
20 governments.

21 (12) \$1,286,000 of the motor vehicle account--state appropriation
22 is provided solely for maintenance work resulting from major disasters,
23 including: \$104,000 for US 97/Blewett Pass Flood Damage; \$347,000 for
24 SR 11 Chuckanut Drive Landslide; \$295,000 for US 97A Chelan County
25 Flood Damage; and \$540,000 for SR 401 Landslide.

26 **Sec. 913.** 2010 c 247 s 218 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
29 **OPERATING**

30 Motor Vehicle Account--State Appropriation	((\$51,128,000))
31	<u>\$49,764,000</u>
32 Motor Vehicle Account--Federal Appropriation	\$2,050,000
33 Motor Vehicle Account--Private/Local Appropriation	\$127,000
34 TOTAL APPROPRIATION	((\$53,305,000))
35	<u>\$51,941,000</u>

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

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

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

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

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

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

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

1 (e) For purposes of the 2009-11 fiscal biennium pilot program,
2 infractions detected through the use of automated traffic safety
3 cameras are not part of the registered owner's driving record under RCW
4 46.52.101 and 46.52.120. Additionally, infractions generated by the
5 use of automated traffic safety cameras must be processed in the same
6 manner as parking infractions for the purposes of RCW 3.50.100,
7 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
8 fine issued under this subsection (2) for an infraction generated
9 through the use of an automated traffic safety camera is one hundred
10 thirty-seven dollars. The court shall remit thirty-two dollars of the
11 fine to the state treasurer for deposit into the state patrol highway
12 account; and

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

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

35 (4) \$173,000 of the motor vehicle account--state appropriation is
36 provided solely for the department to continue a pilot tow truck
37 incentive program and to expand the program to other areas of the
38 state. The department may provide incentive payments to towing

1 companies that meet clearance goals on accidents that involve heavy
2 trucks. The department shall report to the office of financial
3 management and the transportation committees of the legislature on the
4 effectiveness of the clearance goals and submit recommendations to
5 improve the pilot program with the department's 2010 supplemental
6 omnibus transportation appropriations act submittal. The tow truck
7 incentive program may continue to provide incentives for quick
8 clearance of traffic incidents involving large vehicles. The
9 department shall make recommendations as part of its biennial budget
10 proposal for expanding the use of the incentive program.

11 (5) \$92,000 of the motor vehicle account--state appropriation is
12 provided solely for operating a new active traffic management system on
13 Interstate 5, Interstate 90, and SR 520. The department shall track
14 the costs associated with these systems on a corridor basis and report
15 to the legislative transportation committees on the cost and benefits
16 of the system.

17 (6) To the extent practicable, the department shall synchronize
18 traffic lights on state route number 161 in the vicinity of Puyallup.

19 (7) During the 2009-11 biennium, the department shall implement a
20 pilot program that expands private transportation providers' access to
21 high occupancy vehicle lanes. Under the pilot program, when the
22 department reserves a portion of a highway based on the number of
23 passengers in a vehicle, the following vehicles must be authorized to
24 use the reserved portion of the highway if the vehicle has the capacity
25 to carry eight or more passengers, regardless of the number of
26 passengers in the vehicle: (a) Auto transportation company vehicles
27 regulated under chapter 81.68 RCW; (b) passenger charter carrier
28 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
29 stretch limousines and stretch sport utility vehicles as defined under
30 department rules; (c) private nonprofit transportation provider
31 vehicles regulated under chapter 81.66 RCW; and (d) private employer
32 transportation service vehicles. For purposes of this subsection,
33 "private employer transportation service" means regularly scheduled,
34 fixed-route transportation service that is offered by an employer for
35 the benefit of its employees. By June 30, 2011, the department shall
36 report to the transportation committees of the legislature on whether
37 private transportation provider use of high occupancy vehicle lanes
38 under the pilot program reduces the speeds of high occupancy vehicle

1 lanes. Nothing in this subsection is intended to authorize the
2 conversion of public infrastructure to private, for-profit purposes or
3 to otherwise create an entitlement or other claim by private users to
4 public infrastructure.

5 **Sec. 914.** 2010 c 247 s 219 (uncodified) is amended to read as
6 follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
8 **SUPPORT--PROGRAM S**

9	Motor Vehicle Account--State Appropriation	((\$28,468,000))
10		<u>\$27,968,000</u>
11	Motor Vehicle Account--Federal Appropriation	\$30,000
12	Multimodal Transportation Account--State	
13	Appropriation	\$971,000
14	State Route Number 520 Corridor Account--State	
15	Appropriation	\$264,000
16	TOTAL APPROPRIATION	((\$29,733,000))
17		<u>\$29,233,000</u>

18 The appropriations in this section are subject to the following
19 conditions and limitations: \$264,000 of the state route number 520
20 corridor account--state appropriation is provided solely for the costs
21 directly related to tolling the state route number 520 floating bridge.
22 This amount must be retained in unallotted status, and may only be
23 released by the office of financial management after consultation with
24 the joint transportation committee.

25 **Sec. 915.** 2010 c 247 s 220 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
28 **AND RESEARCH--PROGRAM T**

29	Motor Vehicle Account--State Appropriation	((\$25,955,000))
30		<u>\$25,384,000</u>
31	Motor Vehicle Account--Federal Appropriation	\$22,002,000
32	Multimodal Transportation Account--State	
33	Appropriation	\$1,090,000
34	Multimodal Transportation Account--Federal	
35	Appropriation	\$3,287,000
36	Multimodal Transportation Account--Private/Local	

1	Appropriation	\$99,000
2	TOTAL APPROPRIATION	((\$52,433,000))
3		<u>\$51,862,000</u>

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

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

11 (2) \$400,000 of the multimodal transportation account--state
12 appropriation is provided solely for a diesel multiple unit feasibility
13 and initial planning study. The study must evaluate potential service
14 on the Stampede Pass line from Maple Valley to Auburn via Covington.
15 The study must evaluate the potential demand for service, the business
16 model and capital needs for launching and running the line, and the
17 need for improvements in switching, signaling, and tracking. The study
18 must also consider the interconnectivity benefits of, and potential
19 for, future Amtrak Cascades stops in south King county and north Pierce
20 county. As part of its consideration, the department shall conduct a
21 thorough market analysis of the potential for adding or changing stops
22 on the Amtrak Cascades route. The department shall amend the scope,
23 schedule, and budget of the current study process to accommodate the
24 market analysis. A report on the study must be submitted to the
25 legislature by September 30, 2010.

26 (3) \$365,000 of the motor vehicle account--state appropriation and
27 \$81,000 of the motor vehicle account--federal appropriation are
28 provided solely for the development of a freight database to help guide
29 freight investment decisions and track project effectiveness. The
30 database must be based on truck movement tracked through geographic
31 information system technology. For the remainder of the biennium, the
32 department may expand data collection to any highways that have high
33 truck volumes. TransNow shall contribute additional federal funds that
34 are not appropriated in this act. The department shall work with the
35 freight mobility strategic investment board to implement this database.

36 (4) \$2,000,000 of the motor vehicle account--state appropriation is
37 provided solely for scoping unfunded state highway projects to ensure

1 that a well-vetted project list is available for future program funding
2 discussions.

3 (a) It is the intent of the legislature that the funding provided
4 in this subsection support the development of transportation solutions
5 that benefit all state residents, including addressing the impacts of
6 traffic diversion from tolled facilities. It is further the intent of
7 the legislature that the buying power of future revenue packages is
8 maximized.

9 (b) Scoping work must be consistent with achieving transportation
10 system policy goals as stated in RCW 47.04.280.

11 (c) The department shall provide cost-effective design solutions
12 that achieve the desired functional outcomes. This may be achieved by
13 providing one or more design alternatives for legislative
14 consideration, based on a reasonable range of assumptions about traffic
15 volume and speeds.

16 (d) Prior to the commencement of the 2011 legislative session, the
17 department shall provide a report to the legislative transportation
18 committees and the office of financial management that includes
19 estimated costs and construction time frames.

20 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
21 appropriation is provided solely for a corridor study of state route
22 number 516 from the eastern border of Maple Valley to state route
23 number 167 to determine whether improvements are needed and the costs
24 of any needed improvements.

25 (6) \$500,000 of the multimodal transportation account--federal
26 appropriation is provided solely for continued support of the
27 International Mobility and Trade Corridor project and for the
28 department to work with the Whatcom council of governments to examine
29 potential improvements to international border freight and passenger
30 rail movement and the use of diesel multiple units.

31 (7) \$80,000 of the motor vehicle account--state appropriation is
32 provided solely to continue existing work regarding feasibility of a
33 new interchange between Rochester and Harrison Avenue on Interstate 5.

34 **Sec. 916.** 2010 c 247 s 221 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**

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

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

12 (3) \$7,000,000 of the multimodal transportation account--state
13 appropriation is provided solely for a vanpool grant program for: (a)
14 Public transit agencies to add vanpools or replace vans; and (b)
15 incentives for employers to increase employee vanpool use. The grant
16 program for public transit agencies will cover capital costs only;
17 operating costs for public transit agencies are not eligible for
18 funding under this grant program. Additional employees may not be
19 hired from the funds provided in this section for the vanpool grant
20 program, and supplanting of transit funds currently funding vanpools is
21 not allowed. The department shall encourage grant applicants and
22 recipients to leverage funds other than state funds. At least
23 \$1,600,000 of this amount must be used for vanpool grants in congested
24 corridors.

25 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
26 account--state appropriation is provided solely for a grant for a
27 flexible carpooling pilot project program to be administered and
28 monitored by the department. Funds are appropriated for one time only.
29 The pilot project program must: Test and implement at least one
30 flexible carpooling system in a high-volume commuter area that enables
31 carpooling without prearrangement; utilize technologies that, among
32 other things, allow for transfer of ride credits between participants;
33 and be a membership system that involves prescreening to ensure safety
34 of the participants. The program must include a pilot project that
35 targets commuter traffic on the state route number 520 bridge. The
36 department shall submit to the legislature by December 2010 a report on
37 the program results and any recommendations for additional flexible
38 carpooling programs.

1 (5) \$3,318,000 of the multimodal transportation account--state
2 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
3 grant program account--state appropriation are reappropriated and
4 provided solely for the regional mobility grant projects identified on
5 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
6 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
7 The department shall continue to review all projects receiving grant
8 awards under this program at least semiannually to determine whether
9 the projects are making satisfactory progress. The department shall
10 promptly close out grants when projects have been completed, and any
11 remaining funds available to the office of transit mobility must be
12 used only to fund projects on the LEAP Transportation Document 2006-D,
13 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
14 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
15 as developed April 24, 2009. It is the intent of the legislature to
16 appropriate funds through the regional mobility grant program only for
17 projects that will be completed on schedule. However, the Chuckanut
18 park and ride project (101100G) is recognized as a crucial investment
19 in the transportation system. For this reason, the department shall
20 not close out the grant for the Chuckanut park and ride project until
21 Skagit transit has exhausted all other pending opportunities for
22 federal and local funds. If additional funds cannot be secured, the
23 department shall consider this project a priority in the 2011-13 grant
24 process. The department shall make every effort to advance the
25 Chuckanut park and ride project within existing resources.

26 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
27 program account--state appropriation is provided solely for the
28 regional mobility grant projects identified in LEAP Transportation
29 Document 2009-B, as developed April 24, 2009. The department shall
30 review all projects receiving grant awards under this program at least
31 semiannually to determine whether the projects are making satisfactory
32 progress. Any project that has been awarded funds, but does not report
33 activity on the project within one year of the grant award, must be
34 reviewed by the department to determine whether the grant should be
35 terminated. The department shall promptly close out grants when
36 projects have been completed, and any remaining funds available to the
37 office of transit mobility must be used only to fund projects
38 identified in LEAP Transportation Document 2009-B, as developed April

1 24, 2009. The department shall provide annual status reports on
2 December 15, 2009, and December 15, 2010, to the office of financial
3 management and the transportation committees of the legislature
4 regarding the projects receiving the grants. It is the intent of the
5 legislature to appropriate funds through the regional mobility grant
6 program only for projects that will be completed on schedule.

7 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
8 program account--state appropriation must be obligated no later than
9 December 31, 2010, and is provided solely for the following recommended
10 contingency regional mobility grant projects identified in the 2009-11
11 omnibus transportation appropriations act, LEAP Transportation Document
12 2009-B, as developed April 24, 2009, as follows:

13 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
14 Rainier/Jackson transit priority corridor improvements;

15 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
16 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
17 west of 96th Ave NE) project; and

18 (c) \$4,496,768 is provided solely for the sound transit express bus
19 expansion - Snohomish to King county project.

20 (8) \$300,000 of the multimodal transportation account--state
21 appropriation is provided solely for a transportation demand management
22 program, developed by the Whatcom council of governments, to further
23 reduce drive-alone trips and maximize the use of sustainable
24 transportation choices. The community-based program must focus on all
25 trips, not only commute trips, by providing education, assistance, and
26 incentives to four target audiences: (a) Large work sites; (b)
27 employees of businesses in downtown areas; (c) school children; and (d)
28 residents of Bellingham.

29 (9) \$130,000 of the multimodal transportation account--state
30 appropriation is provided solely to the department to distribute to
31 support Engrossed Substitute House Bill No. 2072 (special needs
32 transportation).

33 (a) \$80,000 of the amount provided in this subsection is provided
34 solely for implementation of the work group related to federal
35 requirements in section 1, chapter . . . (Engrossed Substitute House
36 Bill No. 2072), Laws of 2009.

37 (b) \$50,000 of the amount provided in this subsection is provided
38 solely to support the pilot project to be developed or implemented by

1 the local coordinating coalition comprised of a single county,
2 described in sections 9, 10, and 11, chapter . . . (Engrossed
3 Substitute House Bill No. 2072), Laws of 2009. The department shall
4 assist the local coordinating coalition to seek funding sufficient to
5 fully fund the pilot project from a variety of sources including, but
6 not limited to, the regional transit authority serving the county, the
7 regional transportation planning organization serving the county, and
8 other appropriate state and federal agencies and grants. Development
9 or implementation of the pilot project is contingent on securing
10 funding sufficient to fully fund the pilot project.

11 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
12 June 30, 2009, the amount provided in this subsection (9) lapses. If
13 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
14 but a commitment from other sources to fully fund the pilot project
15 described in (b) of this subsection has not been obtained by September
16 30, 2009, the amount provided in (b) of this subsection lapses.

17 (10) Funds provided for the commute trip reduction program may also
18 be used for the growth and transportation efficiency center program.

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

24 (12) \$2,309,000 of the multimodal transportation account--state
25 appropriation is provided solely for the tri-county connection service
26 for Island, Skagit, and Whatcom transit agencies.

27 **Sec. 917.** 2010 c 247 s 222 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

30 Puget Sound Ferry Operations Account--State

31	Appropriation	((\$425,922,000))
32		<u>\$446,961,000</u>

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

35 (1) ((~~\$78,754,952~~)) \$97,053,555 of the Puget Sound ferry operations
36 account--state appropriation is provided solely for auto ferry vessel
37 operating fuel in the 2009-11 fiscal biennium. This appropriation is

1 contingent upon the enactment of sections 716 and 701 of this act. All
2 fuel purchased by the Washington state ferries at Harbor Island truck
3 terminal for the operation of the Washington state ferries diesel
4 powered vessels must be a minimum of five percent biodiesel blend so
5 long as the per gallon price of diesel containing a five percent
6 biodiesel blend level does not exceed the per gallon price of diesel by
7 more than five percent.

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

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

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

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

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

36 (7) The office of financial management budget instructions require
37 agencies to recast enacted budgets into activities. The Washington
38 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) (~~(\$4,794,000)~~) \$6,115,595 of the Puget Sound ferry operations
5 account--state appropriation is provided solely for commercial
6 insurance for ferry assets. The office of financial management, after
7 consultation with the transportation committees of the legislature,
8 must present a business plan for the Washington state ferry system's
9 insurance coverage to the 2010 legislature. The business plan must
10 include a cost-benefit analysis of Washington state ferries' current
11 commercial insurance purchased for ferry assets and a review of self-
12 insurance for 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 (14) \$7,300,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for the purposes of travel time
15 associated with Washington state ferries employees. However, if
16 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
17 system) is enacted by June 30, 2010, containing an appropriation for
18 purposes of travel time associated with Washington state ferries
19 employees, the amount provided in this subsection lapses.

20 (15) \$50,000 of the Puget Sound ferry operations account--state
21 appropriation is provided solely to implement a mechanism to report on-
22 time performance statistics.

23 (a) The department shall conduct a study to identify process
24 changes that would improve on-time performance on a route-by-route
25 basis. The study must include looking into the slowing down of vessels
26 for fuel economy purposes and touch-and-go sailings on peak runs. The
27 department shall report its findings to the transportation committees
28 of the senate and house of representatives by December 1, 2010.

29 (b) The department shall, by November 1, 2010, report to the
30 transportation committees of the legislature statistics regarding its
31 on-time arrival and departure status on a route-by-route and month-by-
32 month basis, as well as an annual route-by-route and systemwide basis,
33 weighted by the number of customers on each sailing and distinguishing
34 peak period on-time performance. The statistics must include reasons
35 for any delays over ten minutes from the scheduled time. The
36 statistics must be prominently displayed on the Washington state
37 ferries' web site. Each Washington state ferries vessel and terminal

1 must prominently display the statistics as they relate to their
2 specific route.

3 (16) The department shall investigate outsourcing the call center
4 functions planned for the ferry reservation system and report its
5 findings to the transportation committees of the senate and house of
6 representatives by December 15, 2010.

7 (17) By July 1, 2010, the department shall provide to the governor
8 and the transportation committees of the senate and house of
9 representatives a listing of all benefits that Washington state ferries
10 union employees receive that other state employees do not traditionally
11 receive. The listing must include any costs associated with these
12 benefits.

13 (18) The appropriations in this section assume savings associated
14 with the memorandum of understanding reached between the governor and
15 the following unions: Inlandboatmen's union of the pacific; Puget
16 Sound metal trades council; office of the professional employees
17 international union local no. 8; marine engineers' beneficial
18 association (unlicensed engine room employees); marine engineers'
19 beneficial association (licensed engineer officers); masters, mates,
20 and pilots marine operations watch supervisors; and masters, mates, and
21 pilots, under chapter 47.64 RCW for the 2009-2011 fiscal biennium.

22 **Sec. 918.** 2010 c 247 s 223 (uncodified) is amended to read as
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
25 Multimodal Transportation Account--State
26 Appropriation ((\$37,371,000))
27 \$29,871,000
28 Multimodal Transportation Account--Federal
29 Appropriation \$100,000
30 TOTAL APPROPRIATION \$29,971,000

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

33 (1) (~~(\$31,591,000)~~) \$24,091,000 of the multimodal transportation
34 account--state appropriation is provided solely for the Amtrak service
35 contract and Talgo maintenance contract associated with providing and
36 maintaining the state-supported passenger rail service. Upon

1 completion of the rail platform project in the city of Stanwood, the
2 department shall provide daily Amtrak Cascades service to the city.

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

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

6 **Sec. 919.** 2010 c 247 s 224 (uncodified) is amended to read as
7 follows:

8 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
9 **OPERATING**

10	Motor Vehicle Account--State Appropriation	((\$8,621,000))
11		<u>\$8,618,000</u>
12	Motor Vehicle Account--Federal Appropriation	\$2,545,000
13	TOTAL APPROPRIATION	((\$11,166,000))
14		<u>\$11,163,000</u>

15 NEW SECTION. **Sec. 920.** A new section is added to 2010 c 247
16 (uncodified) to read as follows:

17 The appropriations to the department of transportation in chapter
18 247, Laws of 2010 and this act must be expended for the programs and in
19 the amounts specified in this act. However, after May 1, 2011, unless
20 specifically prohibited, the department may transfer state
21 appropriations for the 2009-2011 fiscal biennium among operating
22 programs after approval by the director of the office of financial
23 management. However, the department shall not transfer state moneys
24 that are provided solely for a specific purpose. The department shall
25 not transfer funds, and the director of the office of financial
26 management shall not approve the transfer unless the transfer is
27 consistent with the objective of conserving, to the maximum extent
28 possible, the expenditure of state funds and not federal funds. The
29 director of the office of financial management shall notify the
30 appropriate transportation committees of the legislature prior to
31 approving any allotment modifications or transfers under this section.
32 The written notification must include a narrative explanation and
33 justification of the changes, along with expenditures and allotments by
34 program and appropriation, both before and after any allotment
35 modifications or transfers.

1 payments and administrative costs associated with capital improvement
2 and preservation project and financial management.

3 (2) (~~(\$3,612,000)~~) \$3,425,000 of the motor vehicle account--state
4 appropriation is provided solely for high priority safety projects that
5 are directly linked to employee safety, environmental risk, or minor
6 works that prevent facility deterioration. This includes the
7 administrative costs associated with those projects and the
8 reconstruction of the Wandermere facility that was destroyed in the
9 2008-09 winter storms.

10 **Sec. 1003.** 2010 c 247 s 301 (uncodified) is amended to read as
11 follows:

12 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

13 Rural Arterial Trust Account--State Appropriation . . .	((\$73,000,000))
	<u>\$54,400,000</u>
15 Motor Vehicle Account--State Appropriation	\$1,048,000
16 County Arterial Preservation Account--State	
17 Appropriation	((\$31,400,000))
	<u>\$30,400,000</u>
19 TOTAL APPROPRIATION	((\$105,448,000))
	<u>\$85,848,000</u>

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

23 (1) \$1,048,000 of the motor vehicle account--state appropriation
24 may be used for county ferry projects as developed pursuant to RCW
25 47.56.725(4).

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

34 (3) \$22,000,000 of the rural arterial trust account--state
35 appropriation is provided solely for additional grants for county road
36 projects as approved by the county road administration board.

1 by January 2010 to the transportation committees of the legislature on
2 the findings of the King county noise reduction solutions pilot
3 project.

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

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

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 and transportation 2003
19 account (nickel account) projects relating to bridge rail, guard rail,
20 fish passage barrier removal, and roadside safety projects should be
21 reported on a programmatic basis. Projects within this programmatic
22 level funding should be completed on a priority basis and scoped to be
23 completed within the current programmatic budget. Report formatting
24 and elements must be consistent with the October 2009 quarterly project
25 report. On a representative sample of new construction contracts
26 valued at fifteen million dollars or more, the department must also use
27 an earned value method of project monitoring.

28 (7) The transportation 2003 account (nickel account)--state
29 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
30 from the sale of bonds authorized by RCW 47.10.861.

31 (8) The transportation partnership account--state appropriation
32 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
33 sale of bonds authorized in RCW 47.10.873.

34 (9) The special category C account--state appropriation includes up
35 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds
36 authorized in RCW 47.10.812.

37 (10) The motor vehicle account--state appropriation includes up to

1 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
2 authorized in RCW 47.10.843.

3 (11) The state route number 520 corridor account--state
4 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
5 from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

29 (g) Conduct public work sessions and open houses to provide
30 information to citizens, including users of the bridge and business and
31 freight interests, regarding implementation of tolls on the Interstate
32 5 and to solicit citizen views on the following items:

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

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

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

1 (h) Provide a report to the governor and the legislature by January
2 2010.

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

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

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

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

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

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

24 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
25 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
26 federal appropriation are provided solely for project 100224I, US 2
27 high priority safety project. Expenditure of these funds is for safety
28 projects on state route number 2 between Monroe and Gold Bar, which may
29 include median rumble strips, traffic cameras, and electronic message
30 signs.

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

34 (16) The department shall conduct a public outreach process to
35 identify and respond to community concerns regarding the Belfair
36 bypass. The process must include representatives from Mason county,
37 the legislature, area businesses, and community members. The
38 department shall use this process to consider and develop design

1 alternatives that alter the project's scope so that the community's
2 needs are met within the project budget. The department shall provide
3 a report on the process and outcomes to the legislature by June 30,
4 2010.

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

13 (18) \$250,000 of the motor vehicle account--state appropriation is
14 provided solely for the design and construction of a right turn lane to
15 improve visibility and traffic flow on state route number 195 and
16 Cheney-Spokane Road (project L1000001).

17 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
18 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
19 state appropriation are provided solely for the Westview school noise
20 wall (project WESTV).

21 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
22 appropriation and \$131,000 of the motor vehicle account--federal
23 appropriation are provided solely for interchange design and planning
24 work on US 12 at A Street and Tank Farm Road (project PASCO).

25 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
26 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
27 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor
28 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
29 \$9,422,000 of the motor vehicle account--federal appropriation are
30 provided solely for project 400506A, the I-5/Columbia river
31 crossing/Vancouver project. The funding described in this subsection
32 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
33 Oregon.

34 (22) It is important that the public and policymakers have accurate
35 and timely access to information related to the Alaskan Way viaduct
36 replacement project as it proceeds to, and during, the construction of
37 all aspects of the project including, but not limited to, information
38 regarding costs, schedules, contracts, project status, and neighborhood

1 impacts. Therefore, it is the intent of the legislature that the
2 state, city, and county departments of transportation establish a
3 single source of accountability for integration, coordination,
4 tracking, and information of all requisite components of the
5 replacement project, which must include, at a minimum:

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

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

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

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

25 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
26 account--state appropriation is provided solely for project 109040Q,
27 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
28 project, as indicated in the LEAP transportation document referenced in
29 subsection (1) of this section.

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

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

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

6 (28) Within the motor vehicle account--state appropriation and
7 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 (29) Within the amounts provided in this section, \$200,000 of the
11 transportation partnership account--state appropriation is provided
12 solely for the department to prepare a comprehensive tolling study of
13 the state route number 167 corridor to determine the feasibility of
14 administering tolls within the corridor, identified as project number
15 316718A in the LEAP transportation document described in subsection (1)
16 of this section. The department shall report to the joint
17 transportation committee by September 30, 2010. The department shall
18 regularly report to the Washington transportation commission regarding
19 the progress of the study for the purpose of guiding the commission's
20 potential toll setting on the facility. The elements of the study must
21 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 (30) Within the amounts provided in this section, \$200,000 of the
27 transportation partnership account--state appropriation is provided
28 solely for the department to prepare a comprehensive tolling study of
29 the state route number 509 corridor to determine the feasibility of
30 administering tolls within the corridor, identified as project number
31 850901F in the LEAP transportation document described in subsection (1)
32 of this section. The department shall report to the joint
33 transportation committee by September 30, 2010. The department shall
34 regularly report to the Washington transportation commission regarding
35 the progress of the study for the purpose of guiding the commission's
36 potential toll setting on the facility. The elements of the study must
37 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 (31) Within the amounts provided in this section, (~~(\$28,000,000)~~)
6 \$44,429,000 of the transportation partnership account--state
7 appropriation is for project 600010A, as identified in the LEAP
8 transportation document in subsection (1) of this section: NSC-North
9 Spokane corridor design and right-of-way - new alignment. Expenditure
10 of these funds is for preliminary engineering and right-of-way
11 purchasing to prepare for four lanes to be built from where existing
12 construction ends at Francis Avenue for three miles to the Spokane
13 river. Additionally, any savings realized on project 600001A, as
14 identified in the LEAP transportation document in subsection (1) of
15 this section: US 395/NSC-Francis Avenue to Farwell Road - New
16 Alignment, must be applied to project 600010A.

17 (32) \$400,000 of the motor vehicle account--state appropriation is
18 provided solely for the department to conduct a state route number 2
19 route development plan (project L2000016) that will identify essential
20 improvements needed between the port of Everett/Naval station and
21 approaching the state route number 9 interchange near the city of
22 Snohomish.

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

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

1 archaeologists that are knowledgeable about the region and its cultural
2 resources.

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

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

15 (37) \$10,000,000 of the transportation partnership account--state
16 appropriation is provided solely for the Spokane street viaduct portion
17 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
18 indicated in the LEAP transportation document referenced in subsection
19 (1) of this section.

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

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

36 (40) \$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 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
2 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
3 account--state appropriation are provided solely for the US 12/Nine
4 Mile Hill to Woodward Canyon Vic - Build New Highway project,
5 identified as project 501210T.

6 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
7 appropriation is provided solely for the Express Lanes System Concept
8 Study project, identified as project 800020A. As part of this project,
9 the department shall prepare a comprehensive tolling study of the
10 Interstate 5 express lanes to determine the feasibility of
11 administering tolls within the corridor. The department shall
12 regularly report to the Washington transportation commission regarding
13 the progress of the study. The elements of the study must include, at
14 a minimum:

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

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

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

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

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

23 (~~(+44)~~ ~~-\$226,000~~) (43) \$110,000 of the motor vehicle account--
24 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle
25 account--state appropriation are provided solely for the SR 16/Rosedale
26 Street NW Vicinity - Frontage Road project (301639C). These funds must
27 not be expended before an agreement stating that the city of Gig Harbor
28 will take ownership of the road has been signed. The frontage road
29 must be built for driving speeds of no more than thirty-five miles per
30 hour.

31 (~~(+45)~~) (44) The department shall work with the Washington state
32 transportation commission, the Oregon state department of
33 transportation, and the Oregon state transportation commission to
34 analyze and review potential options for a bistate, toll setting
35 framework. As part of the analysis, the department shall undertake the
36 following actions: Review statutory provisions and the governance
37 structures of toll facilities in the United States that are located
38 within two or more states; review relevant federal law regarding

1 transportation facilities that are located within two or more states;
2 consult with the state treasurers in Washington and Oregon regarding
3 the appropriate structure for the issuance of debt for toll facilities
4 that are located within two states; report findings and recommendations
5 to the Columbia river project sponsor's council by October 1, 2010; and
6 provide a final report to the governor and the legislature by June 30,
7 2011.

8 ~~((+46+))~~ (45) \$750,000 of the motor vehicle account--state
9 appropriation is provided solely for improvements from Allan Road to
10 state route number 12 (501207Z).

11 ~~((+47-\$500,000))~~ (46) \$455,000 of the motor vehicle account--state
12 appropriation is provided solely for a traffic signal at the
13 intersection of state route number 7 and state route number 702
14 (300738A).

15 ~~((+48-\$750,000))~~ (47) \$316,000 of the motor vehicle account--state
16 appropriation is provided solely for environmental work on the Belfair
17 Bypass (project 300344C).

18 ~~((+49+))~~ (48) The legislature finds that state route number 522
19 corridor provides an important link between Interstates 5 and 405 and
20 will be impacted by diversion from tolling elsewhere in the region.
21 State route number 522 must be reviewed as part of the scoping work
22 conducted under section 220(4) of this act. As such, the legislature
23 intends to provide additional funding for the corridor as a priority in
24 the next revenue package. The state will work with the affected cities
25 and the federal government to secure the necessary resources to address
26 the needs of this critical corridor.

27 ~~((+50-\$500,000))~~ (49) \$558,000 of the motor vehicle account--state
28 appropriation is provided solely for the US 12/SR 122/Mossyrock -
29 Intersection project (401212R) for safety improvements.

30 ~~((+51-\$200,000))~~ (50) \$527,000 of the motor vehicle account--
31 federal appropriation is provided solely for project US 97A/North of
32 Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is
33 anticipated in the 2011-13 biennium.

34 ~~((+52+))~~ (51) If a planned roundabout in the vicinity of state
35 route number 526 and 84th Street SW would divert commercial traffic
36 onto neighborhood streets, the department may not proceed with
37 improvements at state route number 526 and 84th Street SW until the

1 traffic impacts in the vicinity of state route number 526 and 40th
2 Avenue West are addressed.

3 ((+53+)) (52) The department shall conduct a collision analysis
4 corridor study on state route number 167 from milepost 0 to milepost 5
5 and report to the transportation committees of the legislature on the
6 analysis results by December 1, 2010.

7 ((+54-\$2,600,000)) (53) \$357,000 of the motor vehicle account--
8 federal appropriation is provided solely for the ITS Advanced Traveler
9 Information System project in Whatcom county (100589B).

10 ((+55-\$900,000)) (54) \$94,000 of the motor vehicle account--
11 federal appropriation is provided solely for the US 97/Cameron Lake
12 Road intersection improvements project in Okanogan county (209700W).

13 ((+56-\$400,000)) (55) \$294,000 of the motor vehicle account--
14 federal appropriation and ((+\$100,000)) \$74,000 of the motor vehicle
15 account--state appropriation are provided solely for the SR 9/SR 204
16 Intersection Improvement project (L2000040).

17 ((+57+)) (56) The legislature finds that the state route number 12
18 widening from state route number 124 to Walla Walla is an important
19 east-west corridor in the southeast region of the state. Widening the
20 highway to four lanes will increase safety and improve freight
21 mobility. Therefore, the legislature intends for the department to use
22 up to two million dollars in future redistributed federal obligation
23 authority that may be received by the department for right-of-way
24 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
25 Phase 7-A project (501210T).

26 **Sec. 1006.** 2010 c 247 s 304 (uncodified) is amended to read as
27 follows:

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

29 Transportation Partnership Account--State

30 Appropriation ((+\$75,305,000))

31 \$67,381,000

32 Motor Vehicle Account--State Appropriation ((+\$96,884,000))

33 \$92,733,000

34 Motor Vehicle Account--Federal Appropriation ((+\$556,705,000))

35 \$528,158,000

36 Motor Vehicle Account--Private/Local

37 Appropriation ((+\$18,768,000))

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

6 (6) The department shall, on a quarterly basis beginning July 1,
7 2009, provide to the office of financial management and the legislature
8 reports providing the status on each active project funded in part or
9 whole by the transportation 2003 account (nickel account) or the
10 transportation partnership account. Funding provided at a programmatic
11 level for transportation partnership account projects relating to
12 seismic bridges should be reported on a programmatic basis. Projects
13 within this programmatic level funding should be completed on a
14 priority basis and scoped to be completed within the current
15 programmatic budget. The department shall work with the office of
16 financial management and the transportation committees of the
17 legislature to agree on report formatting and elements. Elements must
18 include, but not be limited to, project scope, schedule, and costs.
19 For new construction contracts valued at fifteen million dollars or
20 more, the department must also use an earned value method of project
21 monitoring. The department shall also provide the information required
22 under this subsection on a quarterly basis via the transportation
23 executive information systems (TEIS).

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

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

33 (i) The current backlog of asphalt and concrete pavement
34 preservation projects;

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

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

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

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

6 (b) Additionally, the department shall work with the department of
7 ecology, the county road administration board, and the transportation
8 improvement board to explore and explain the potential use of permeable
9 asphalt and concrete pavement in state highway construction as an
10 alternative method of storm water mitigation and the potential effects
11 on highway pavement replacement needs.

12 (c) The department shall submit the report to the office of
13 financial management and the transportation committees of the
14 legislature by September 1, 2010, in order to inform the development of
15 the 2011-13 omnibus transportation appropriations act.

16 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
17 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
18 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
19 transportation partnership account--state appropriation are provided
20 solely for the SR 104/Hood Canal bridge - replace east half project,
21 identified as project 310407B in the LEAP transportation document
22 described in subsection (1) of this section.

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

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

30 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
31 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
32 account--state appropriation are provided solely for the environmental
33 impact statement and preliminary planning for the replacement of the
34 state route number 9 Snohomish river bridge (project L2000018).

35 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
36 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
37 account--state appropriation are provided solely for the SR 410/Nile
38 Valley Landslide - Establish Interim Detour project (541002R).

1 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
2 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
3 account--state appropriation are provided solely for the SR 410/Nile
4 Valley Landslide - Reconstruct Route project (541002T).

5 (~~(+16)~~) (15) The legislature anticipates a report in September
6 2010 that will outline the department's recommendation for developing
7 a Keller Ferry replacement at the lowest cost. The legislature
8 supports the request to the federal government for federal aid for a
9 replacement vessel and intends to provide reasonable matching amounts
10 as necessary.

11 (~~(+17)~~-\$2,100,000) (16) \$194,000 of the motor vehicle account--
12 federal appropriation is provided solely for the SR 21/Kettle River to
13 Malo paving project in Ferry county (602117A).

14 **Sec. 1007.** 2010 c 247 s 305 (uncodified) is amended to read as
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
17 **CAPITAL**

18	Motor Vehicle Account--State Appropriation	((\$8,158,000))
19		<u>\$6,847,000</u>
20	Motor Vehicle Account--Federal Appropriation	((\$18,037,000))
21		<u>\$11,412,000</u>
22	Motor Vehicle Account--Private/Local Appropriation	((\$173,000))
23		<u>\$174,000</u>
24	TOTAL APPROPRIATION	((\$26,368,000))
25		<u>\$18,433,000</u>

26 **Sec. 1008.** 2010 c 283 s 19 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**
29 **CONSTRUCTION--PROGRAM W**

30	Puget Sound Capital Construction Account--State	
31	Appropriation	((\$126,824,000))
32		<u>\$106,589,000</u>
33	Puget Sound Capital Construction Account--Federal	
34	Appropriation	((\$60,364,000))
35		<u>\$51,194,000</u>
36	Puget Sound Capital Construction Account--Local	

1	Appropriation	\$200,000
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	((\$51,734,000))
4		<u>\$51,735,000</u>
5	Transportation Partnership Account--State	
6	Appropriation	((\$66,879,000))
7		<u>\$102,660,000</u>
8	Multimodal Transportation Account--State	
9	Appropriation	\$149,000
10	TOTAL APPROPRIATION	((\$306,150,000))
11		<u>\$312,527,000</u>

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

14 (1) ((~~\$126,824,000~~)) \$106,589,000 of the Puget Sound capital
15 construction account--state appropriation, ((~~\$60,364,000~~)) \$51,194,000
16 of the Puget Sound capital construction account--federal appropriation,
17 \$200,000 of the Puget Sound capital construction account--local
18 appropriation, ((~~\$66,879,000~~)) \$102,660,000 of the transportation
19 partnership account--state appropriation, ((~~\$51,734,000~~)) \$51,735,000
20 of the transportation 2003 account (nickel account)--state
21 appropriation, and \$149,000 of the multimodal transportation account--
22 state appropriation are provided solely for ferry capital projects,
23 project support, and administration as listed in LEAP Transportation
24 Document ALL PROJECTS ((~~2010-2~~)) 2011-2 as developed March ((~~8, 2010~~))
25 21, 2011, Program - Ferries Construction Program (W). Of the total
26 appropriation, a maximum of \$10,627,000 may be used for administrative
27 support, a maximum of ((~~\$8,184,000~~)) \$7,635,000 may be used for
28 terminal project support, and a maximum of \$4,497,000 may be used for
29 vessel project support. Of the total appropriation, ((~~\$5,851,000~~))
30 \$2,016,000 is provided solely for a reservation system and associated
31 communications projects.

32 (2) ((~~\$51,734,000~~)) \$51,735,000 of the transportation 2003 account
33 (nickel account)--state appropriation, ((~~\$63,100,000~~)) \$99,891,000 of
34 the transportation partnership account--state appropriation, and
35 ((~~\$10,164,000~~)) \$10,165,000 of the Puget Sound capital construction
36 account--state appropriation are provided solely for the acquisition of
37 three new Island Home class ferry vessels subject to the conditions of
38 RCW 47.56.780. The department shall pursue a contract for the second

1 and third Island Home class ferry vessels with an option to purchase a
2 fourth Island Home class ferry vessel. However, if sufficient
3 resources are available to build one 144-auto vessel prior to
4 exercising the option to build the fourth Island Home class ferry
5 vessel, procurement of the fourth Island Home class ferry vessel will
6 be postponed and the department shall pursue procurement of a 144-auto
7 vessel.

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

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

14 (c) Cost savings from the following initiatives will be included in
15 the funding of these vessels: The department's review and update of
16 the vessel life-cycle cost model as required under this section; and
17 the implementation of technology efficiencies as required under section
18 602 of this act.

19 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
20 state appropriation and (~~(\$2,450,000)~~) \$1,450,000 of the transportation
21 partnership account--state appropriation are provided solely for the
22 following projects related to the design of a 144-vehicle vessel class:
23 (i) \$1,380,000 is provided solely for completion of the contract for
24 owner-furnished equipment; (ii) (~~(\$8,320,000)~~) \$7,320,000 is provided
25 solely for completion of the technical design, detail design, and
26 production drawings, all of which must plan for an aluminum
27 superstructure; (iii) \$480,000 is provided solely for the storage of
28 owner-furnished equipment; and (iv) a maximum of \$720,000 is for
29 construction engineering. In completing the contract for owner-
30 furnished equipment, the department shall use as much of the already
31 procured equipment as is practicable on the Island Home class ferry
32 vessels if it is likely to be obsolete before it is used in procured
33 144-vehicle vessels.

34 (b) The department shall conduct a cost-benefit study on
35 alternative furnishings and fittings for the 144-vehicle vessel class.
36 The study must review the proposed interior furnishings and fittings
37 for the long-term maintenance and out-of-service vessel costs and, if
38 appropriate, propose alternative interior furnishings and fittings that

1 will decrease long-term maintenance and out-of-service vessel costs.
2 The study must include a projection of out-of-service time and a life-
3 cycle cost analysis of planned out-of-service time, including the
4 impact on fleet size. The department must submit the study to the
5 joint transportation committee by August 1, 2010.

6 (c) The department shall identify costs for any additional detail
7 design and production drawings costs related to incorporating the
8 aluminum superstructure and any changes in the proposed furnishings and
9 fittings.

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

12 (5) (~~(\$3,000,000)~~) \$273,000 of the Puget Sound capital construction
13 account--federal appropriation is provided solely for completing the
14 Anacortes terminal design up to the maximum allowable construction cost
15 phase. Beyond preparing environmental work, these funds may be spent
16 only after the following conditions have been met: (a) A value
17 engineering process is conducted on the existing design and the concept
18 of a terminal building smaller than preferred alternative; (b) the
19 office of financial management participates in the value engineering
20 process; (c) the office of financial management concurs with the
21 recommendations of the value engineering process; and (d) the office of
22 financial management gives its approval to proceed with the design
23 work.

24 (6) (~~(\$3,965,000)~~) \$2,189,000 of the Puget Sound capital
25 construction account--state appropriation is provided solely for the
26 following vessel projects: Waste heat recovery pilot project for the
27 Issaquah; jumbo Mark 1 class steering gear ventilation pilot project;
28 and improvements to the Yakima and Kaleetan propulsion controls to
29 allow for two engine operation. Before beginning these projects, the
30 Washington state ferries must ensure the vessels' out-of-service time
31 does not negatively impact service to the system.

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

35 (8) The department shall provide to the office of financial
36 management and the legislature quarterly reports providing the status
37 on each project listed in this section and in the project lists
38 submitted pursuant to this act and on any additional projects for which

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

9 (9) The department shall review and adjust its capital program
10 staffing levels to ensure staffing is at the most efficient level
11 necessary to implement the capital program in the omnibus
12 transportation appropriations act. The Washington state ferries shall
13 report this review and adjustment to the office of financial management
14 and the house and senate transportation committees of the legislature
15 by July 2009.

16 (10) \$1,200,000 of the total appropriation is provided solely for
17 improving the toll booth configuration at the Port Townsend and
18 Keystone ferry terminals.

19 (11) \$2,636,000 of the total appropriation is provided solely for
20 continued permitting work on the Mukilteo ferry terminal. The
21 department shall seek additional federal funding for this project.

22 (12) The department shall develop a proposed ferry vessel
23 maintenance, preservation, and improvement program and present it to
24 the transportation committees of the legislature by July 1, 2010. The
25 proposal must:

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

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

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

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

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

4 (iv) A review of the department's vessel maintenance, preservation,
5 and improvement program contracting process and contractual
6 requirements;

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

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

12 (vii) Coordination with required United States coast guard dry
13 dockings;

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

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

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

21 (13) \$247,000 of the Puget Sound capital construction account--
22 state appropriation is provided solely for the Washington state ferries
23 to review and update its vessel life-cycle cost model and report the
24 results to the house of representatives and senate transportation
25 committees of the legislature by December 1, 2010. This review will
26 evaluate the impact of the planned out-of-service periods scheduled for
27 each vessel on the ability of the overall system to deliver
28 uninterrupted service and will assess the risk of service disruption
29 from unscheduled maintenance or longer than planned maintenance
30 periods.

31 (14) The department shall work with the department of archaeology
32 and historic preservation to ensure that the cultural resources
33 investigation is properly conducted on all large ferry terminal
34 projects. These projects must be conducted with active archaeological
35 management. Additionally, the department shall establish a scientific
36 peer review of independent archaeologists that are knowledgeable about
37 the region and its cultural resources.

1 (15) The Puget Sound capital construction account--state
2 appropriation includes up to (~~(\$114,000,000)~~) \$76,179,000 in proceeds
3 from the sale of bonds authorized in RCW 47.10.843.

4 (16) The Puget Sound capital construction account--state
5 appropriation reflects the reduction of three terminal positions due to
6 decreased terminal activity and funding.

7 (17) The department shall provide data to the transportation
8 committees of the senate and house of representatives for a transparent
9 analysis of travel pay policies.

10 **Sec. 1009.** 2010 c 247 s 307 (uncodified) is amended to read as
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

13	Essential Rail Assistance Account--State	
14	Appropriation	((\$333,000))
15		<u>\$334,000</u>
16	Transportation Infrastructure Account--State	
17	Appropriation	((\$13,184,000))
18		<u>\$12,348,000</u>
19	Multimodal Transportation Account--State	
20	Appropriation	((\$102,202,000))
21		<u>\$84,733,000</u>
22	Multimodal Transportation Account--Federal	
23	Appropriation	((\$619,527,000))
24		<u>\$48,445,000</u>
25	(Multimodal Transportation Account--Private/Local	
26	Appropriation	(\$81,000))
27	TOTAL APPROPRIATION	((\$735,327,000))
28		<u>\$145,860,000</u>

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

31 (1)(a) Except as provided otherwise in this section, the entire
32 appropriations in this section are provided solely for the projects and
33 activities as listed by project and amount in LEAP Transportation
34 Document ALL PROJECTS (~~(2010-2)~~) 2011-2 as developed March (~~(8, 2010)~~)
35 21, 2011, Program - Rail Capital Program (Y).

36 (b)(i) Within the amounts provided in this section, \$116,000 of the

1 transportation infrastructure account--state appropriation is for a
2 low-interest loan through the freight rail investment bank program to
3 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

4 (ii) Within the amounts provided in this section, (~~(\$1,200,000)~~)
5 \$400,000 of the transportation infrastructure account--state
6 appropriation is for a low-interest loan through the freight rail
7 investment bank program to the Port of Everett (BIN 722810A) for a new
8 rail track to connect a cement loading facility to the mainline.

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

13 (c)(i) Within the amounts provided in this section, \$1,713,000 of
14 the multimodal transportation account--state appropriation and \$333,000
15 of the essential rail assistance account--state appropriation are for
16 statewide - emergent freight rail assistance projects as follows: Port
17 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
18 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)
19 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
20 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
21 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved
22 locomotive facility (BIN 711010B) \$525,000.

23 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)
24 \$346,000 of the multimodal transportation account--state appropriation
25 is for a statewide - emergent freight rail assistance project grant for
26 the Lincoln County PDA/Creston - new rail spur (BIN (~~710510A~~))
27 F01001E) project, provided that the grantee first documents to the
28 satisfaction of the department sufficient commitments from the new
29 shipper or shippers to locate in the publicly owned industrial park
30 west of Creston to ensure that the net present value of the public
31 benefits of the project is greater than the grant amount.

32 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
33 \$8,079,000 of the transportation infrastructure account--state
34 appropriation is for grants to any intergovernmental entity or local
35 rail district to which the department of transportation assigns the
36 management and oversight responsibility for the business and economic
37 development elements of existing operating leases on the Palouse River
38 and Coulee City (PCC) rail lines. \$300,000 of the transportation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (5) The department shall provide quarterly reports to the office of
11 financial management and the transportation committees of the
12 legislature regarding applications that the department submits for
13 federal funds and the status of such applications.

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

20 (7) The multimodal transportation account--state appropriation
21 includes up to \$48,000,000 in proceeds from the sale of bonds
22 authorized in RCW 47.10.867.

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

27 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
28 account--federal appropriation is provided solely for high-speed rail
29 projects awarded to Washington state from the high-speed intercity
30 passenger rail program under the American recovery and reinvestment
31 act. Funding will allow for two additional round trips between Seattle
32 and Portland, and other rail improvements.

33 (10) (~~(\$2,200,000)~~) \$1,856,000 of the multimodal transportation
34 account--state appropriation is provided solely for expenditures
35 related to the capital high-speed passenger rail grant that are not
36 federally reimbursable.

37 (11) The Burlington Northern Santa Fe Skagit river bridge is an
38 integral part of the rail system. Constructed in 1916, the bridge does

1 not meet current design standards and is at risk during flood events
2 that occur on the Skagit river. The department shall work with
3 Burlington Northern Santa Fe and local jurisdictions to secure federal
4 funding for the Skagit river bridge and to develop an appropriate
5 replacement plan and schedule.

6 (12) \$1,000,000 of the multimodal transportation account--state
7 appropriation is provided solely for additional expenditures along the
8 Chelatchie Prairie railroad (~~((LN2000025))~~) (710110A).

9 (13) \$984,000 of the multimodal transportation account--state
10 appropriation is provided solely for the department for expenditures
11 associated with the Port of Quincy project (BIN F01170A). The
12 department shall seek federal or other reimbursement for these funds
13 and shall include this project in the quarterly reports described in
14 subsection (6) of this section.

15 **Sec. 1010.** 2010 c 247 s 308 (uncodified) is amended to read as
16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
18 **CAPITAL**

19	((Highway Infrastructure Account--State Appropriation	\$207,000
20	Highway Infrastructure Account--Federal	
21	Appropriation	\$1,602,000))
22	Freight Mobility Investment Account--State	
23	Appropriation	(((\$13,848,000))
24		<u>\$9,170,000</u>
25	Transportation Partnership Account--State	
26	Appropriation	(((\$8,863,000))
27		<u>\$6,828,000</u>
28	Motor Vehicle Account--State Appropriation	(((\$14,068,000))
29		<u>\$9,901,000</u>
30	Motor Vehicle Account--Federal Appropriation	(((\$43,835,000))
31		<u>\$25,727,000</u>
32	Freight Mobility Multimodal Account--State	
33	Appropriation	(((\$15,620,000))
34		<u>\$7,472,000</u>
35	Freight Mobility Multimodal Account--Local	
36	Appropriation	(((\$3,258,000))
37		<u>\$3,058,000</u>

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

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

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

22 (9) (~~(\$18,289,000)~~) \$13,733,000 of the multimodal transportation
23 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
24 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
25 of the transportation partnership account--state appropriation are
26 provided solely for the pedestrian and bicycle safety program projects
27 and safe routes to schools program projects identified in LEAP
28 Transportation Document 2009-A, pedestrian and bicycle safety program
29 projects and safe routes to schools program projects, as developed
30 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
31 bicycle safety program projects and safe routes to schools program
32 projects, as developed April 20, 2007, and LEAP Transportation Document
33 2006-B, pedestrian and bicycle safety program projects and safe routes
34 to schools program projects, as developed March 8, 2006. Projects must
35 be allocated funding based on order of priority. The department shall
36 review all projects receiving grant awards under this program at least
37 semiannually to determine whether the projects are making satisfactory
38 progress. Any project that has been awarded funds, but does not report

1 activity on the project within one year of the grant award must be
2 reviewed by the department to determine whether the grant should be
3 terminated. The department shall promptly close out grants when
4 projects have been completed, and identify where unused grant funds
5 remain because actual project costs were lower than estimated in the
6 grant award.

7 (10) 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 project and amount in LEAP Transportation
10 Document ALL PROJECTS ((2010-2)) 2011-2 as developed March ((8, 2010))
11 21, 2011, Program - Local Program (Z).

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

18 (12) (~~(\$913,386 of the motor vehicle account--state appropriation~~
19 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
20 ~~provided solely for completion of the US 101 northeast peninsula safety~~
21 ~~rest area and associated roadway improvements east of Port Angeles at~~
22 ~~the Deer Park scenic view point. The department must surplus any~~
23 ~~right of way previously purchased for this project near Sequim.~~
24 ~~Approval to proceed with construction is contingent on surplus of~~
25 ~~previously purchased right of way. \$865,000 of the motor vehicle~~
26 ~~account--state appropriation is to be placed into unallotted status~~
27 ~~until such time as the right of way sale is completed.~~

28 (~~13) \$5,894,000~~) \$5,905,000 of the Puyallup tribal settlement
29 account--state appropriation is provided solely for costs associated
30 with the Murray Morgan/11th Street bridge project. The city of Tacoma
31 may use the Puyallup tribal settlement account appropriation and other
32 appropriated funds for bridge rehabilitation, bridge replacement,
33 bridge demolition, and bridge mitigation. The department's
34 participation, including prior expenditures, may not exceed
35 \$40,270,000. The city of Tacoma has taken ownership of the bridge in
36 its entirety, and the payment of these funds extinguishes any real or
37 implied agreements regarding future bridge expenditures.

1 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

2 Motor Vehicle Account Appropriation for
3 motor vehicle fuel tax distributions to cities
4 and counties ((~~\$478,753,000~~))
5 \$471,101,000

6 **Sec. 1105.** 2010 c 247 s 405 (uncodified) is amended to read as
7 follows:

8 **FOR THE STATE TREASURER--TRANSFERS**

9 Motor Vehicle Account--State
10 Appropriation: For motor vehicle fuel tax
11 refunds and statutory transfers ((~~\$1,247,260,000~~))
12 \$1,227,760,000

13 **Sec. 1106.** 2010 c 247 s 406 (uncodified) is amended to read as
14 follows:

15 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

16 Motor Vehicle Account--State
17 Appropriation: For motor vehicle fuel tax
18 refunds and transfers ((~~\$120,688,000~~))
19 \$115,110,000

20 **Sec. 1107.** 2010 1st sp.s. c 37 s 804 (uncodified) is amended to
21 read as follows:

22 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

23 (1) ((~~Tacoma Narrows Toll Bridge Account--State~~
24 ~~Appropriation: For transfer to the Motor Vehicle~~
25 ~~Account--State \$5,288,000~~

26 (+2)) Motor Vehicle Account--State Appropriation:
27 For transfer to the Puget Sound Ferry Operations
28 Account--State ((~~\$54,100,000~~))
29 \$78,000,000

30 ((+3)) (2) Recreational Vehicle Account--State
31 Appropriation: For transfer to the Motor Vehicle
32 Account--State ((~~\$2,000,000~~))
33 \$1,800,000

34 ((+4)) (3) License Plate Technology Account--State
35 Appropriation: For transfer to the Highway Safety

1 Account--State \$2,750,000
2 ((+5)) (4) Multimodal Transportation Account--State
3 Appropriation: For transfer to the Puget Sound
4 Ferry Operations Account--State ((\$9,000,000))
5 \$10,000,000
6 ~~((+6) Highway Safety Account--State Appropriation:~~
7 ~~For transfer to the Multimodal Transportation~~
8 ~~Account--State \$18,750,000~~
9 ~~(+7)) (5) Department of Licensing Services Account--State~~
10 Appropriation: For transfer to the Motor Vehicle
11 Account--State \$1,300,000
12 ((+8)) (6) Advanced Right-of-Way Account: For transfer
13 to the Motor Vehicle Account--State \$14,000,000
14 ~~((+9) State Route Number 520 Civil Penalties~~
15 ~~Account--State Appropriation: For transfer to the~~
16 ~~State Route Number 520 Corridor Account--State \$190,000~~
17 ~~(+10)) (7) Advanced Environmental Mitigation Revolving~~
18 Account--State Appropriation: For transfer to the
19 Motor Vehicle Account--State \$5,000,000
20 ((+11)) (8) Regional Mobility Grant Program Account--State
21 Appropriation: For transfer to the Multimodal
22 Transportation Account--State \$4,000,000
23 ((+12)) (9) Motor Vehicle Account--State Appropriation:
24 For transfer to the State Patrol Highway
25 Account--State ((\$5,600,000))
26 \$4,600,000
27 (10) Highway Safety Account--State Appropriation:
28 For transfer to the Motor Vehicle Account--State \$19,000,000
29 ((+13)) (11) The transfers identified in this section are subject
30 to the following conditions and limitations:
31 ~~((a) The amount transferred in subsection (1) of this section~~
32 ~~represents repayment of operating loans and reserve payments provided~~
33 ~~to the Tacoma Narrows toll bridge account from the motor vehicle~~
34 ~~account in the 2005-07 fiscal biennium. However, if Engrossed~~
35 ~~Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the~~
36 ~~transfer in subsection (1) of this section shall not occur.~~
37 ~~(b)) Any cash balance in the waste tire removal account in excess~~

1 of one million dollars must be transferred to the motor vehicle account
2 for the purpose of road wear-related maintenance on state and local
3 public highways.

4 ~~((c) The transfer in subsection (9) of this section represents~~
5 ~~toll revenue collected from toll violations.))~~

6 **MISCELLANEOUS**

7 NEW SECTION. **Sec. 1201.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 1202.** Except for sections 704, 707, 709, 710,
12 and 718 of this act, this act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

16 NEW SECTION. **Sec. 1203.** Sections 704, 707, 710, and 718 of this
17 act are necessary for the immediate preservation of the public peace,
18 health, or safety, or support of the state government and its existing
19 public institutions, and take effect July 1, 2011.

(End of bill)

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