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

Prepared by the House Office of Program Research
BILL REQ. #: H-2093.9/11 9th draft

ATTY/TYPIST: BP:rls

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

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

2011–2013 FISCAL BIENNIA

NEW SECTION. Sec. 1. (1) The transportation budget of the state
is hereby adopted and, subject to the provisions set forth, the several
amounts specified, or as much thereof as may be necessary to accomplish
the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2013.

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

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

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

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

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

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

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

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

2011-2013 FISCAL BIENNium
GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Motor Vehicle Account--State Appropriation ............... $402,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.
NEW SECTION.  Sec. 102.  FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Grade Crossing Protective Account--State Appropriation . . . . $504,000

NEW SECTION.  Sec. 103.  FOR THE OFFICE OF FINANCIAL MANAGEMENT
Motor Vehicle Account--State Appropriation . . . . . . . . $871,000
Puget Sound Ferry Operations Account--State Appropriation . . . . . . . . . . . . $104,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $975,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $169,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.
(2) The office of financial management shall study the available data regarding statewide transit, bicycle, and pedestrian trips and recommend additional performance measures that will effectively measure the state's performance in increasing transit ridership and bicycle and pedestrian trips. The office of financial management shall report its findings and recommendations to the transportation committees of the legislature by November 15, 2011, and integrate the new performance measures into the report prepared by the office of financial management pursuant to RCW 47.04.280 regarding progress towards achieving Washington state's transportation system policy goals.
(3) The office of financial management shall ensure the implementation of chapter . . . (House Bill No. 1511), Laws of 2011 (efficiency in the ferry system) as it relates to transferring the responsibilities of the marine employees' commission to the public employment relations commission.

NEW SECTION.  Sec. 104.  FOR THE STATE PARKS AND RECREATION COMMISSION
Motor Vehicle Account--State Appropriation . . . . . . . . $986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.
NEW SECTION.  Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation . . . . . . . . . $1,425,000

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

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

(2) $901,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION.  Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Patrol Highway Account--State Appropriation . . . . . . $600,000

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

(1) $600,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the preengineering communication team consultant's contract and reimbursement for agency management of the consultant's contract. This is the maximum amount the department may expend for this purpose.

(2) To assist and support the Washington state patrol in its efforts to convert to the narrowbanding requirements established by the federal communications commission, the department must convene, coordinate, and lead a preengineering communication team to work in conjunction with a consultant that specializes in emergency radio communications. The consultant selected must be independent of any equipment vendor and have prior experience with first responder agencies. In addition to the person coordinating the team, who must be appointed by the department from within the department, there must be six other team members. The president of the senate and the speaker of the house of representatives shall each select two members, one from each caucus, to be on the preengineering communication team. There must also be one member from the Washington state patrol and one member from the state interoperability executive committee appointed by the respective agency. The members of the preengineering communication team may consult with other communication specialists and work with
agency and legislative staff as required. The consultant must provide
a draft public safety radio network architecture and coverage
assessment by December 1, 2011, to the preengineering communication
team, and a final public safety radio network architecture and coverage
assessment by December 31, 2011, to the office of financial management,
the president of the senate, and the speaker of the house of
representatives.

(3) The final report must:
   (a) Review the existing documentation and publications available
       from the state interoperability executive committee;
   (b) Analyze existing state agencies, cities, counties, and private
       entities network and infrastructure inventory and detail the required
       reprogramming and replacement status of the components;
   (c) Document radio coverage requirements and current radio network
       operations;
   (d) Review existing or planned state, local, and private entities
       communication systems for opportunities to partner with those entities
       to mitigate coverage issues;
   (e) Redesign the system to address coverage and performance gaps,
       after meeting narrowbanding requirements;
   (f) Leverage existing communication systems at the state and local
       levels along with private entities to take advantage of existing or
       planned infrastructure;
   (g) Provide engineering opportunities within budget constraints to
       ensure that the most recent technology and equipment is being used to
       best serve state, local, and private entities strategically for future
       communication platforms;
   (h) Recommend communication plans and designs to be considered for
       radio specifications, performance, and interoperability;
   (i) Develop a migration plan and cost analysis, including
       schedules;
   (j) Develop a request for proposals that will encourage multiple
       proposals;
   (k) Identify the required elements that should be included in a
       request for proposal to ensure that the equipment chosen can be
       integrated with different manufacturers and different protocols for
       flexibility and cost efficiency for future equipment purchasing while
       considering performance and communication systems compatibility; and
(1) Develop a budget proposal with the elements described in this subsection that provides options and considers state, local, and private entities systems that are already in place, or planned to be in place, for partnering opportunities.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE
Motor Vehicle Account--State Appropriation . . . . . . . . . . . . . $513,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Motor Vehicle Account--State Appropriation . . . . . . . . . . . . . $505,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $505,000 of the motor vehicle account--state appropriation is provided solely to provide support for the transportation executive information system.

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

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION
Highway Safety Account--State Appropriation . . . . . . . . . . . . . $3,003,000
Highway Safety Account--Federal Appropriation . . . . . . . . . . . $42,625,000
Highway Safety Account--Local Appropriation . . . . . . . . . . . $50,000
School Zone Safety Account--State Appropriation . . . . . . . . . . . . . . $3,340,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $49,018,000
The appropriations in this section are subject to the following conditions and limitations:

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

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

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

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

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

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

(c) By January 1, 2013, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the pilot projects.
NEW SECTION.  Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation .......... $948,000
Motor Vehicle Account--State Appropriation ............ $2,161,000
County Arterial Preservation Account--State
Appropriation ........................................ $1,480,000
TOTAL APPROPRIATION ................................ $4,589,000

NEW SECTION.  Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD
Urban Arterial Trust Account--State Appropriation ....... $1,854,000
Transportation Improvement Account--State
Appropriation ........................................ $1,857,000
TOTAL APPROPRIATION ................................ $3,711,000

NEW SECTION.  Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE
Motor Vehicle Account--State Appropriation ............ $1,610,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $425,000 of the motor vehicle account--state appropriation is for the joint transportation committee to conduct a study to evaluate the potential for financing state transportation projects using innovative financing methods, including public-private partnerships. The study must compare the costs, advantages, and disadvantages of various forms of public-private partnerships with conventional financing. Projects to be evaluated include Interstate 405, state route number 509, state route number 167, and the Columbia river crossing. At a minimum, for each project the study must evaluate whether public-private partnerships are in the public interest, including the effects of private versus public financing on the state's bonding capacity, and the study must identify the funding models that are most advantageous to the state. The committee shall issue a report of its evaluation to the house of representatives and senate transportation committees by December 16, 2011.
(2) $200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) for the joint transportation committee to study and make recommendations on RCW 90.03.525. The study must include: (a) An inventory of state highways subject to the federal clean water act (40 C.F.R. Parts 122 through 124) (national pollutant discharge elimination...
system) that are within city boundaries; (b) a survey of cities that
impose storm water fees or charges to the department of transportation,
or otherwise manage storm water runoff from state highways within their
jurisdiction; (c) case studies from a representative cross-section of
cities on how the department and cities have used RCW 90.03.525; and
(d) recommendations on how to achieve efficiencies in the cost and
management of state highway storm water runoff within cities under RCW
90.03.525.

NEW SECTION.  Sec. 205. FOR THE TRANSPORTATION COMMISSION
Motor Vehicle Account--State Appropriation ................ $1,975,000
Multimodal Transportation Account--State Appropriation .... $112,000
TOTAL APPROPRIATION ............................... $2,087,000

The appropriations in this section are subject to the following
conditions and limitations:
(1) In accordance with the actions taken by the legislature in
chapter ... (Substitute Senate Bill No. 5700), Laws of 2011, and
pursuant to RCW 43.135.055 and 47.60.315, during the 2011-2013 fiscal
biennium, the transportation commission is authorized to review and, if
necessary, modify the schedule of fares for the Washington state ferry
system, as required under RCW 47.60.315. For purposes of this
subsection, "modify" includes increases or decreases to the schedule.

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

NEW SECTION.  Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC
INVESTMENT BOARD
Motor Vehicle Account--State Appropriation ................ $656,000

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

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

Vehicle Licensing Fraud Account--State Appropriation .... $100,000
State Patrol Highway Account--State Appropriation .................. $349,487,000
State Patrol Highway Account--Federal Appropriation .................. $10,903,000
State Patrol Highway Account--Private/Local Appropriation .................. $3,369,000

TOTAL APPROPRIATION .................. $363,859,000

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

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

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

(3) Within existing resources, the Washington state patrol shall make every reasonable effort to increase the enrollment in each academy
class that commences during the 2011-2013 fiscal biennium to fifty-five cadets.

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

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

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

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

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

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

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

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

(12) $1,511,000 of the state patrol highway account--state appropriation is provided solely for the mobile office platform.
(13) $550,000 of the state patrol highway account--state appropriation is provided solely for the certificates of participation debt service payments for the narrowbanding project.

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

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

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

Marine Fuel Tax Refund Account--State Appropriation . . . . . $32,000
Motorcycle Safety Education Account--State Appropriation . . . . . $4,411,000
Wildlife Account--State Appropriation . . . . . . . . . . . . . . $859,000
Highway Safety Account--State Appropriation . . . . . . . $147,502,000
Highway Safety Account--Federal Appropriation . . . . . . . $2,884,000
Motor Vehicle Account--State Appropriation . . . . . . . . . $84,596,000
Motor Vehicle Account--Private/Local Appropriation . . . . $1,381,000
Motor Vehicle Account--Federal Appropriation . . . . . . . . $242,000
Department of Licensing Services Account--State Appropriation . . . $5,851,000
Ignition Interlock Device Revolving Account--State Appropriation . . $1,315,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . $249,073,000

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

(1) $11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services.
offices; extended hours at those licensing services offices; cross-
border tourism education; and other education campaigns. This is the
maximum amount the department may expend for this purpose.

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

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

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

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

(6) $282,000 of the highway safety account--state appropriation is
provided solely for implementation of chapter ... (House Bill No.
1536), Laws of 2011 (congestion reduction charge) or chapter ...
(Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion
reduction charge). If chapter ... (House Bill No. 1536), Laws of 2011
or chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of
2011 is not enacted by June 30, 2011, the amount provided in this
subsection lapses.
(7) $66,000 of the highway safety account--state appropriation is provided solely for implementation of chapter ... (Substitute House Bill No. 1237), Laws of 2011 (selective service registration). Funding for chapter ... (Substitute House Bill No. 1237), Laws of 2011 assumes a financial contribution from the selective service system. If chapter ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

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

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

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

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

(12) $647,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (House Bill No. 1229), Laws of 2011 (commercial drivers). If chapter ... (House Bill No. 1229), Laws of 2011 (commercial drivers) is not enacted by June 30, 2012, the amount provided in this subsection lapses.
NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State
Appropriation .................................................. $1,295,000

Motor Vehicle Account--State Appropriation .............. $551,000

Tacoma Narrows Toll Bridge Account--State
Appropriation .................................................. $23,652,000

State Route Number 520 Corridor Account--State
Appropriation .................................................. $27,295,000

State Route Number 520 Civil Penalties
Account--State Appropriation ......................... $4,622,000

TOTAL APPROPRIATION ............................... $57,415,000

The appropriations in this section are subject to the following
conditions and limitations:
(1) The department shall make detailed quarterly expenditure
reports available to the transportation commission and to the public on
the department's web site using current department resources. The
reports must include a summary of revenue generated by tolls on the
Tacoma Narrows bridge and state route number 520 bridge and an itemized
depiction of the use of that revenue.
(2) $17,786,000 of the state route number 520 corridor
account--state appropriation is provided solely for nonvendor costs
associated with tolling the state route number 520 bridge. Of this
amount, $500,000 must be placed in unallotted status until the office
of financial management deems that these funds are available and are
needed to cover the expenditures. Funds from the state route number
520 corridor account--state appropriation shall not be used to pay for
items prohibited by Executive Order 1057, including subscriptions to
technical publications, employee educational expenses, professional
membership dues and fees, employee recognition and safety awards,
meeting meals and light refreshments, commute trip reduction
incentives, and employee travel.
(3) The department shall report quarterly on the civil penalty
process to the office of financial management and the house of
representatives and senate transportation committees beginning
September 30, 2011. The reports must include a summary table for each
toll facility that includes: The number of notices of civil penalty
issued; the number of recipients who pay before the notice becomes a
penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

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

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

Transportation Partnership Account--State

Appropriation .................................................. $1,460,000

Motor Vehicle Account--State Appropriation ................. $75,409,000

Multimodal Transportation Account--State

Appropriation .................................................. $3,607,000

Transportation 2003 Account (Nickel Account)--State

Appropriation .................................................. $1,460,000

TOTAL APPROPRIATION ........................................ $81,936,000

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

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

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

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

(4) $84,000 of the multimodal transportation account--state appropriation
appropriation is provided solely for the certificates of participation
debt service payments for the time, leave, and labor distribution
system.

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

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

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

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

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--
AVIATION--PROGRAM F
Aeronautics Account--State Appropriation . . . . . . . . $6,066,000
Aeronautics Account--Federal Appropriation . . . . . . . . $2,150,000
TOTAL Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . $8,216,000

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

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H
Motor Vehicle Account--State Appropriation . . . . . . . . $47,918,000
Motor Vehicle Account--Federal Appropriation . . . . . . . . $500,000
Multimodal Transportation Account--State
Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . $250,000
TOTAL Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . $48,668,000
The appropriations in this section are subject to the following conditions and limitations:

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

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

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

Motor Vehicle Account--State Appropriation . . . . . . . . . . . . . . . . $602,000
Multimodal Transportation Account--State Appropriation . . . . $50,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $652,000

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

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

(2) $30,000 of the motor vehicle account--state appropriation is provided solely for the continuation of a pilot project allowing advertisements and sponsorships on select web pages. The pilot project must be organized under the partnership model described in the department's web site monetizing feasibility study. Once operational, the pilot project must operate for at least twelve consecutive months. After twelve months of continuous operation, the department shall provide a report with recommendations on whether to continue project operations to the office of financial management and the chairs of the transportation committees of the legislature. The department may end the pilot project after less than twelve consecutive months of operation if insufficient bids or proposals are received from potential bidders.
sponsors or advertisers. For the purpose of this subsection, if a
consultant contract is warranted, the consultant contract is deemed a
revenue generation activity as that term is construed in section

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

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MAINTENANCE--PROGRAM M
Motor Vehicle Account--State Appropriation ............... $380,327,000
Motor Vehicle Account--Federal Appropriation ............ $7,000,000
TOTAL APPROPRIATION ................................ $387,327,000

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

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

(2) The department shall request an unanticipated receipt for any
federal moneys received for emergency snow and ice removal and shall
place an equal amount of the motor vehicle account--state appropriation
into unallotted status. This exchange shall not affect the amount of
funding available for snow and ice removal.
(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third-party damages that are in excess of the motor vehicle account--state appropriation.

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

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

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

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

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

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

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

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

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

(1) $6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or
provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

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

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

(4) During the 2011-2013 biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. By June 30, 2013, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or
to otherwise create an entitlement or other claim by private users to public infrastructure. If chapter ... (Substitute Senate Bill No. 5791), Laws of 2011 is enacted by June 30, 2011, this subsection is null and void.

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

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

Motor Vehicle Account--State Appropriation ............... $28,430,000
Motor Vehicle Account--Federal Appropriation ............... $30,000
Multimodal Transportation Account--State
   Appropriation ................................................. $973,000
   TOTAL APPROPRIATION .................................. $29,433,000

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

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

Motor Vehicle Account--State Appropriation ............... $23,194,000
Motor Vehicle Account--Federal Appropriation ............... $21,885,000
Multimodal Transportation Account--State
   Appropriation ................................................. $662,000
Multimodal Transportation Account--Federal
   Appropriation ................................................. $2,809,000
Multimodal Transportation Account--Private/Local
   Appropriation ................................................. $100,000
   TOTAL APPROPRIATION .................................. $48,650,000

The appropriations in this section are subject to the following conditions and limitations:
   (1) $70,000 of the motor vehicle account--state appropriation is a reappropriation provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.
By October 1, 2011, the department shall make recommendations to the office of financial management and the transportation committees of the legislature on cost savings that can be achieved through consolidating reporting and planning functions within the department.

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

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

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<tr>
<td>Motor Vehicle Account--State Appropriation</td>
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<td>Motor Vehicle Account--Federal Appropriation</td>
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<td>Multimodal Transportation Account--State Appropriation</td>
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<td>TOTAL APPROPRIATION</td>
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The appropriations in this section are subject to the following conditions and limitations:

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

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

   a. FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES $1,506,000
   b. FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR $153,000
   c. FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION $13,100,000
   d. FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL $12,402,000
   e. FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION $44,163,000
   f. FOR ARCHIVES AND RECORDS MANAGEMENT $541,000
   g. FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES $1,311,000
(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS

PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . . . . . . . . . $1,111,000

(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE

DEPARTMENT OF INFORMATION SERVICES . . . . . . . . . . . . . . . . . . . . $539,000

(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

GENERAL'S OFFICE . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $9,451,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

FOR THE SECOND PHASE OF THE BOLDT

LITIGATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $237,000

(l) FOR WORKER COMPENSATION CHARGES . . . . . . . . . . . . . . . . . . . $2,496,000

(m) FOR DATA CENTER RATE INCREASE . . . . . . . . . . . . . . . . . . . . . $2,759,000

(n) FOR OFFICE OF FINANCIAL MANAGEMENT INFORMATION

TECHNOLOGY SERVICES . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $72,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--

PUBLIC TRANSPORTATION--PROGRAM V

Rural Mobility Grant Program Account--State

Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $17,000,000

Regional Mobility Grant Program Account--State

Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $48,942,000

Multimodal Transportation Account--State

Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $42,617,000

Multimodal Transportation Account--Federal

Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $2,582,000

Multimodal Transportation Account--Private/Local

Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $1,027,000

State Vehicle Parking Account--State Appropriation . . . . . . . . . . . . $452,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $112,620,000

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

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

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

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

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

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

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

(3)(a) $6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be
hired from the funds provided in this section for the vanpool grant
program, and supplanting of transit funds currently funding vanpools is
not allowed. The department shall encourage grant applicants and
recipients to leverage funds other than state funds.

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

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

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

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

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

(7) $40,000,000 of the regional mobility grant program
account--state appropriation is provided solely for the regional
mobility grant projects identified in LEAP Transportation Document
2011-B, as developed March 21, 2011. The department shall review all
projects receiving grant awards under this program at least
semiannually to determine whether the projects are making satisfactory
progress. Any project that has been awarded funds, but does not report
activity on the project within one year of the grant award, must be
reviewed by the department to determine whether the grant should be
terminated. The department shall promptly close out grants when
projects have been completed, and any remaining funds available must be
used only to fund projects identified in LEAP Transportation Document
2011-B, as developed March 21, 2011. The department shall provide
annual status reports on December 15, 2011, and December 15, 2012, to
the office of financial management and the transportation committees of
the legislature regarding the projects receiving the grants. It is the
intent of the legislature to appropriate funds through the regional
mobility grant program only for projects that will be completed on
schedule.

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

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

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

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State
Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $472,950,000

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

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

(2) The office of financial management budget instructions require
agencies to recast enacted budgets into activities. The Washington
state ferries shall include a greater level of detail in its 2013-2015
omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

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

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

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

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

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

(8) The department shall continue to investigate the use of liquid natural gas on existing vessels as well as the planned 144-car class vessels including, but not limited to: The fuel consumption benefits of liquid natural gas when compared with diesel; a review of United States coast guard required regulations for storage and transport of liquid natural gas; security risks and strategies to reduce risk; the impact of liquid natural gas on vessel performance, including the impact on speed and travel times; the impact on marine insurance costs;
and the capital costs associated with either retrofitting existing vessels or incorporating design changes into the 144-car vessel designs. A report is due to the legislature by December 31, 2011.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**

**RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State

| Appropriation | $29,688,000 |

Multimodal Transportation Account--Federal

| Appropriation | $300,000 |

**TOTAL APPROPRIATION** | $29,988,000 |

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

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

2. Amtrak Cascade runs may not be eliminated.

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

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**

**LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation | $8,865,000

Motor Vehicle Account--Federal Appropriation | $2,567,000

**TOTAL APPROPRIATION** | $11,432,000
NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation .......... $28,351,000

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

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

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

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

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

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

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

Rural Arterial Trust Account--State Appropriation .......... $54,517,000
Motor Vehicle Account--State Appropriation ................. $1,714,000
County Arterial Preservation Account--State Appropriation .................. $29,360,000
TOTAL APPROPRIATION .......................................... $85,591,000
The appropriations in this section are subject to the following conditions and limitations:

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

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

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

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD
Small City Pavement and Sidewalk Account--State Appropriation .................. $4,112,000
Urban Arterial Trust Account--State Appropriation .... $102,326,000
Transportation Improvement Account--State Appropriation .................. $71,143,000
TOTAL APPROPRIATION ................. $177,581,000

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

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

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

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

Motor Vehicle Account--State Appropriation . . . . . . . . . $3,146,000

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

1. $1,364,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.
2. $1,382,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety and environmental risk.
3. $400,000 of the motor vehicle account--state appropriation is provided solely to continue compliance with storm water permit requirements.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

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<td>Transportation Partnership Account—State</td>
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<td>Motor Vehicle Account—Federal Appropriation</td>
<td>$418,788,000</td>
</tr>
<tr>
<td>Motor Vehicle Account—Private/Local</td>
<td>$50,485,000</td>
</tr>
<tr>
<td>Transportation 2003 Account (Nickel Account)—State</td>
<td>$450,705,000</td>
</tr>
<tr>
<td>State Route Number 520 Corridor Account—State</td>
<td>$1,019,460,000</td>
</tr>
<tr>
<td><strong>TOTAL APPROPRIATION</strong></td>
<td><strong>$4,016,388,000</strong></td>
</tr>
</tbody>
</table>

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

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

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

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

(4) The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Report formatting and elements must be consistent with the October 2009 quarterly project report.

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

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

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

(8) The motor vehicle account--state appropriation includes up to $91,622,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.
The state route number 520 corridor account--state appropriation includes up to $987,717,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

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

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

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

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

(19) The department shall apply for the competitive portion of
federal transit administration funds for eligible transit-related costs
of the state route number 520 bridge replacement and HOV project and
the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by October 1, 2011.

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

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

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

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

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

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

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

(27) $5,000 of the motor vehicle account--state appropriation is provided solely for the US 12/SR 122/Mossyrock - Intersection project (401212R) for safety improvements.
(28) $932,000 of the motor vehicle account--federal appropriation is provided solely for the US 97A/North of Wenatchee - Wildlife Fence project (209790B).

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

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

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

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

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

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

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

(c) Regularly report to the Washington state transportation
commission regarding the progress of the study for the purpose of
guiding the commission's toll setting on the project; and

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

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

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

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

(b) The tolling advisory committee must be comprised of seven
members, including two elected officials residing in legislative
districts on the east side of Lake Washington that are affected by the
state route number 520 bridge replacement and HOV program, two elected
officials residing in legislative districts on the west side of Lake
Washington that are affected by the state route number 520 bridge
replacement and HOV program, and three permanent residents of the
affected project area. The governor shall appoint the members of the
tolling advisory committee.
(c) No toll charge may be imposed or modified unless the tolling advisory committee has been given at least twenty days to review and comment on any proposed toll charge schedule. In setting toll charge rates, the commission shall consider any recommendations of the tolling advisory committee.

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

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

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

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

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

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

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

(44) $253,444,000 of the transportation partnership account--state appropriation and $66,034,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). Funds may not be used to renovate any buildings until a real estate procurement and management plan as outlined in section 604 of this act is complete.
(45) $2,000,000 of the motor vehicle account--federal appropriation and $14,000 of the motor vehicle account--state appropriation are provided solely for the I-5/Vicinity of Center Drive - Interchange Improvements project (300596L).

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

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

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

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

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

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

(52) $1,019,460,000 of the state route number 520 corridor account--state appropriation, $226,809,000 of the transportation partnership account--state appropriation, and $1,360,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 520/Bridge Replacement and HOV project (8BI1003). Funds may not
be used to construct a new traffic management center until a real
estate procurement and management plan as outlined in section 604 of
this act is complete.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--

TRANSPORTATION PARTNERSHIP ACCOUNT--STATE

Transportation Partnership Account--State

Appropriation .............................................. $34,182,000

Motor Vehicle Account--State Appropriation ............. $96,790,000

Motor Vehicle Account--Federal Appropriation ........... $607,489,000

Motor Vehicle Account--Private/Local Appropriation ..... $19,253,000

TOTAL APPROPRIATION ................................. $757,714,000

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

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

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

(3) The department shall, on a quarterly basis beginning July 1,
2011, provide to the office of financial management and the legislature
reports providing the status on each active project funded in part or
whole by the transportation 2003 account (nickel account) or the
transportation partnership account. Funding provided at a programmatic
level for transportation partnership account projects relating to
seismic bridges must be reported on a programmatic basis. Projects
within this programmatic level funding must be completed on a priority
basis and scoped to be completed within the current programmatic
budget. The department shall work with the office of financial
management and the transportation committees of the legislature to
agree on report formatting and elements. Elements must include, but
not be limited to, project scope, schedule, and costs. The department
shall also provide the information required under this subsection on a
quarterly basis.

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

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

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

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

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

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

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

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

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

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

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

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

Motor Vehicle Account--State Appropriation .................. $7,039,000
Motor Vehicle Account--Federal Appropriation ............. $5,600,000
TOTAL APPROPRIATION ........................................ $12,639,000

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

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

Puget Sound Capital Construction Account--State Appropriation .................. $68,516,000
Puget Sound Capital Construction Account--Federal Appropriation .................. $57,620,000
Transportation 2003 Account (Nickel Account)--State Appropriation .................. $55,038,000
Transportation Partnership Account--State
  Appropriation .................................................$12,536,000
Multimodal Transportation Account--State
  Appropriation .................................................$43,265,000
  TOTAL APPROPRIATION .........................................$236,975,000

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

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

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

(3) $33,404,000 of the multimodal transportation account--state appropriation, $18,069,000 of the transportation 2003 account (nickel account)--state appropriation, $2,000,000 of the Puget Sound capital construction account--state appropriation, and $11,500,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of one 144-car vessel in fiscal year 2013, assuming new and sufficient resources are available (project L1000031).
The department shall use as much already procured equipment as is practicable on the 144-car vessel.

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

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

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

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

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

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

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

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

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

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

(14) The department shall continue to provide service to Sidney, British Columbia and shall explore the option of purchasing a foreign built vehicle and passenger ferry vessel either with safety of life at sea (SOLAS) certification or the ability to be retrofitted for SOLAS certification to operate solely on the Anacortes to Sidney, British Columbia route currently served by vessels of the Washington state ferries fleet. The vessel should have the capability of carrying at least one hundred standard vehicles and approximately four hundred to five hundred passengers. Further, the department shall explore the possibilities of contracting a commercial company to operate the vessel exclusively on this route so long as the contractor's employees assigned to the vessel are represented by the same employee organizations as the Washington state ferries. The department shall report back to the transportation committees of the legislature regarding: The availability of a vessel; the cost of the vessel,
including transport to the Puget Sound region; and the need for any statutory changes for the operation of the Sydney, British Columbia service by a private company.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--
RAIL--PROGRAM Y--CAPITAL
Essential Rail Assistance Account--State
Appropriation $1,000,000
Transportation Infrastructure Account--State
Appropriation $5,838,000
Multimodal Transportation Account--State
Appropriation $54,037,000
Multimodal Transportation Account--Federal
Appropriation $352,006,000
Multimodal Transportation Account--Private/Local
Appropriation $1,292,000
TOTAL APPROPRIATION $414,173,000

The appropriations in this section are subject to the following conditions and limitations:
(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ALL PROJECTS 2011-2 as developed March 21, 2011, Program - Rail Capital Program (Y).
(b) Within the amounts provided in this section, $800,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett (BIN 722810A) for a new rail track to connect a cement loading facility to the mainline. The department shall issue the loan referenced in this subsection (1)(b) with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loan.
(c) Within the amounts provided in this section, $2,103,000 of the transportation infrastructure account--state appropriation is for the department to provide low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in subsection (1)(a) of this section.
(d) Within the amounts provided in this section, $2,899,000 of the transportation infrastructure account--state appropriation is for the department to provide low-interest loans through the freight rail investment bank program for eligible projects that applied for, but did not receive, funds through the statewide emergent freight rail assistance program.

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

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

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

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

(c) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:
(i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;

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

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

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

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

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

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

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

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

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

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

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

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

Highway Infrastructure Account--State Appropriation .................. $207,000
Highway Infrastructure Account--Federal Appropriation ......................... $1,602,000
Freight Mobility Investment Account--State Appropriation .................. $11,347,000
Transportation Partnership Account--State Appropriation .................. $6,035,000
Motor Vehicle Account--State Appropriation .................. $3,521,000
Motor Vehicle Account--Federal Appropriation .................. $28,541,000
Freight Mobility Multimodal Account--State Appropriation .................. $8,648,000
Freight Mobility Multimodal Account--Local Appropriation .................. $4,581,000
Multimodal Transportation Account--State Appropriation .................. $14,932,000
Passenger Ferry Account--State Appropriation .................. $1,115,000
TOTAL APPROPRIATION .................. $80,529,000

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

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

2. $1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

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

4. Federal funds may be transferred from program Z to programs I and P and state funds must be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations must initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the
office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2011, and December 1, 2012.

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

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

(7) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation
(8) For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

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

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

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

(12) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the department. The department must specifically identify any such selected projects and shall annually notify the transportation committees of the legislature of the selected projects.
(13) With the approval of the office of financial management, funds may be transferred from program P to program Z for the purposes of providing capitalization advances and local match for federal emergency funding. After the receipt of federal funds for the identified emergencies, program Z shall transfer sufficient funds to program P to replace amounts used for capitalization advances on a dollar-for-dollar basis.

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

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

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

NEW SECTION. Sec. 311. CERTIFICATES OF PARTICIPATION

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

(1) Washington state patrol: Enter into a financing contract for up to $20,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Washington state patrol's narrowbanding communication project to convert the state patrol's existing communication system from 25 MHz to 12.5 MHz as required by the federal communications commission. This authorization is subject to approval by the house of representatives and senate transportation committees of the legislature during the 2012 legislative session. The
funding must be used for the replacement of portable radios that must be replaced, upgrading the land mobile radio infrastructure, and completing the system integration and engineering required as outlined in the preengineering report to the 2012 legislature.

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

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

(4) Department of licensing: Enter into a financing contract for up to $7,414,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the replacement of the prorate and fuel tax systems with an off-the-shelf product that has proven industry acceptance, and includes the fuel tax, the international fuel tax agreement, and the international registration plan systems. The department is required to receive from its vendor or vendors explicit permission to grant a security interest in information system property. It will be necessary to include in the system purchase or license documents special provisions that permit the department to grant the required security interest and permit assignment by the certificate of participation trustee to another user notwithstanding any other provision in the system purchase or license documents to the contrary. The maximum financeable term will be for seven years.
participation trustee to another user notwithstanding any other provision in the system purchase or license documents to the contrary. The maximum financeable term will be for seven years.

TRANSFERS AND DISTRIBUTIONS

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

<table>
<thead>
<tr>
<th>Account</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Toll Bond Retirement Account--State</td>
<td>$34,492,000</td>
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<tr>
<td>Transportation Partnership Account--State</td>
<td>$7,872,000</td>
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<tr>
<td>Highway Bond Retirement Account--State</td>
<td>$882,100,000</td>
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<td>Ferry Bond Retirement Account--State</td>
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<td>State Route Number 520 Corridor Account--State</td>
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<td>Nondebt-Limit Reimbursable Account</td>
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<td>Motor Vehicle Account--State</td>
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<td>Urban Arterial Trust Account--State</td>
<td>$29,000</td>
</tr>
<tr>
<td>Transportation Improvement Account--State</td>
<td>$15,000</td>
</tr>
<tr>
<td>Multimodal Transportation Account--State</td>
<td>$345,000</td>
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<tr>
<td>Transportation 2003 Account (Nickel Account)--State</td>
<td>$2,323,000</td>
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<td>TOTAL APPROPRIATION</td>
<td>$1,002,450,000</td>
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NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

<table>
<thead>
<tr>
<th>Account</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>State Route Number 520 Corridor Account--State</td>
<td>$322,000</td>
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Transportation Partnership Account--State Appropriation .................. $1,325,000
Motor Vehicle Account--State Appropriation .................. $125,000
Transportation 2003 Account (Nickel Account)--State Appropriation .................. $391,000
Urban Arterial Trust Account--State Appropriation .................. $3,000
Transportation Improvement Account--State Appropriation .................. $2,000
Multimodal Transportation Account--State Appropriation .................. $59,000
TOTAL APPROPRIATION .................. $2,227,000

NEW SECTION.  Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS
Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction Account .................. $57,516,000

The department of transportation is authorized to sell up to $57,516,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION.  Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties .................. $478,155,000

NEW SECTION.  Sec. 405. FOR THE STATE TREASURER--TRANSFERS
Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers .................. $1,246,357,000

NEW SECTION.  Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS
Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers .................. $127,984,000
NEW SECTION.  Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE

TRANSFERS

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

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

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

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

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

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

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

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

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

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

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

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

(13) Motor Vehicle Account--State Appropriation:
For transfer to the Special Category C Account--State . . . $1,500,000

(14) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State . . . . $30,000,000

(15) The transfers identified in this section are subject to the following conditions and limitations:
   (a) The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-2007 fiscal biennium.
   (b) Any cash balance in the waste tire removal account in excess of one million dollars must be transferred to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.
   (c) The transfer in subsection (8) of this section represents toll revenue collected from toll violations.

NEW SECTION.  Sec. 408.  STATUTORY APPROPRIATIONS
In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

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

COMPENSATION
NEW SECTION.  Sec. 501.  COMPENSATION--REVISE PENSION CONTRIBUTION RATES

Aeronautics Account--State .................. ($27,000)
County Arterial Preservation Account--State ........ ($18,000)
Department of Licensing Services Account--State .... ($26,000)
High Occupancy Toll Lanes Operations Account--State ... ($10,000)
Highway Safety Account--Federal .................. ($37,000)
Highway Safety Account--State ................... ($1,400,000)
Motor Vehicle Account--Private/Local ............... ($3,000)
Motor Vehicle Account--State ..................... ($7,023,000)
Motorcycle Safety Education Account--State ........ ($15,000)
Multimodal Transportation Account--State .......... ($119,000)
Pilotage Account--Non-Appropriation ............... ($5,000)
Puget Sound Ferry Operations Account--State ....... ($3,861,000)
Rural Arterial Trust Account--State ............... ($12,000)
Tacoma Narrows Toll Bridge Account--State ........ ($29,000)
Transportation Improvement Account--State ......... ($17,000)
Urban Arterial Trust Account--State ............... ($17,000)
State Wildlife Account--State ................... ($12,000)
State Patrol Highway Account--State ............... ($1,392,000)

Appropriations are adjusted to reflect savings resulting from changes to pension plans under chapter ... (House Bill No. 2021), Laws of 2011. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document GL2-2011. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies and programs by an amount that conforms with funding adjustments enacted in the 2011-2013 omnibus operating appropriations act. Any allotment reductions under this section must be placed in reserve status and remain unexpended.

NEW SECTION.  Sec. 502.  SALARY ADJUSTMENT

Aeronautics Account--State .................. ($44,000)
County Arterial Preservation Account--State ........ ($32,000)
Department of Licensing Services Account--State .... ($44,000)
High Occupancy Toll Lanes Operations Account--State ... ($16,000)
Highway Safety Account--Federal .................. ($72,000)
Highway Safety Account--State ...................... ($2,387,000)
Motor Vehicle Account--Private/Local .................. ($4,000)
Motor Vehicle Account--State ............................ ($11,972,000)
Motorcycle Safety Education Account--State ................. ($27,000)
Multimodal Transportation Account--State ................. ($204,000)
Pilotage Account--Non-Appropriation .................. ($8,000)
Puget Sound Ferry Operations Account--State .............. ($452,000)
Rural Arterial Trust Account--State .................... ($20,000)
Tacoma Narrows Toll Bridge Account--State ............ ($50,000)
Transportation Improvement Account--State .......... ($28,000)
Urban Arterial Trust Account--State ................... ($28,000)
State Wildlife Account--State ........................ ($20,000)
State Patrol Highway Account--State ................... ($2,554,000)

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 503. COLLECTIVE BARGAINING AGREEMENTS

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

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

(1) Agreements have been reached between the governor and the following unions effective July 1, 2011: Inlandboatmen's union of the pacific; Puget Sound metal trades council; office of professional employees international union local no. 8; marine engineers' beneficial association (unlicensed engine room employees); marine engineers'
beneficial association (licensed engineer officers); master, mates, and pilots marine operations watch supervisors; and master, mates, and pilots, under chapter 47.64 RCW for the 2011-2013 fiscal biennium subject to union internal processes and procedures.

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

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

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

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

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

NEW SECTION. Sec. 505. GENERAL GOVERNMENT COLLECTIVE BARGAINING AGREEMENTS

Agreements have been reached between the governor and the Washington federation of state employees and the international federation of professional and technical engineers local 17 under chapter 41.80 RCW for the 2011-2013 fiscal biennium subject to union internal processes/procedures. Funding is reduced to reflect a three percent temporary salary reduction for all employees making $2,500 or more per month covered under the agreements for fiscal years 2012 and 2013 through June 29, 2013. Effective June 30, 2013, the salary
schedules effective July 1, 2009, through June 30, 2011, will be
reinstated. Temporary salary reduction leave is granted for the term
of the 2011-2013 agreement.

NEW SECTION. Sec. 506. COLLECTIVE BARGAINING AGREEMENT--WSP
TROOPERS ASSOCIATION
No agreement has been reached between the governor and the
Washington state patrol trooper's association under chapter 41.56 RCW
for the 2011-2013 fiscal biennium. Appropriations for the Washington
state patrol in this act are sufficient to fund the provisions of the
2009-2011 agreement.

NEW SECTION. Sec. 507. COLLECTIVE BARGAINING AGREEMENTS--WSP
LIEUTENANTS ASSOCIATION
No agreement has been reached between the governor and the
Washington state patrol lieutenant's association under chapter 41.56
RCW for the 2011-2013 fiscal biennium. Appropriations for the
Washington state patrol in this act are sufficient to fund the
provisions of the 2009-2011 agreement.

NEW SECTION. Sec. 508. COMPENSATION--NONREPRESENTED EMPLOYEES--
INSURANCE BENEFITS
Appropriations in this act for state agencies are sufficient to
fund nonrepresented state employee health benefits for state agencies
and are subject to the following conditions and limitations:
(1)(a) The monthly employer funding rate for insurance benefit
premiums, public employees' benefits board administration, and the
uniform medical plan shall not exceed $850 per eligible employee for
fiscal year 2012. For fiscal year 2013, the monthly employer funding
rate shall not exceed $850 per eligible employee.
(b) In order to achieve the level of funding provided for health
benefits, the public employees' benefits board shall require any or all
of the following: Employee premium copayments; increases in point-of-
service cost sharing; the implementation of managed competition; or
make other changes to benefits consistent with RCW 41.05.065.
(c) The health care authority shall deposit any moneys received on
behalf of the uniform medical plan as a result of rebates on
prescription drugs, audits of hospitals, subrogation payments, or any
other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE
No agreements have been reached between the governor and service employees international union local no. 6 and the ferry agents, supervisors, and project administrators association under chapter 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this act reflect funding to maintain the provisions or terms and conditions of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013 appropriations are reduced to reflect management priorities in collective bargaining.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. STAFFING LEVELS
(1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

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

(3) In order to meet these targets and to continue to successfully deliver the highway construction program, the department of transportation may contract out engineering and technical services. In addition, the department may continue the incentive program for
retirements and employee separations. The department shall report quarterly to the office of financial management and the transportation committees of the legislature on its progress and plans to reduce highway construction workforce levels to two thousand FTEs by June 2015. This report must also be posted on the department's web site.

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

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

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

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

NEW SECTION. Sec. 603. FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP
Transportation Document 2011-1 as developed March 21, 2011, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations or transportation partnership account appropriations in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

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

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

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

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

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

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

(g) Transfers between projects may be made by the department of transportation until the transfer amount by project exceeds two hundred
fifty thousand dollars, or ten percent of the project, whichever is
less. These transfers must be reported quarterly to the director of
financial management and the chairs of the house of representatives and
senate transportation committees.

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

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

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

NEW SECTION. Sec. 604. FACILITIES PLANNING

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

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

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

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

(d) A list of options for consolidating staff, equipment, and
operations activities to reduce costs. This list must include an
evaluation of the costs and benefits of owning properties as compared
to leasing them; and
(e) A process and plan for regularly evaluating needs for office space, tunnel and bridge operations and maintenance facilities, and traffic management.

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

NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION
As part of its budget submittal, the department shall provide an annual update to the report provided to the legislature and office of financial management in 2008 that:

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

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

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

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

(5) Identifies contingency amounts allocated to projects.

MISCELLANEOUS 2011-2013 FISCAL BIENNIAL

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

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ((2007-2009 and)) 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
from the RV account to the motor vehicle fund such amounts as reflect
the excess fund balance of the RV account to accomplish the purposes
identified in this section.

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

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

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

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

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

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

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

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

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

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

The commission may adopt other rules as necessary to avoid
conflicts with existing laws, statutes, or contractual obligations of
the state.
The commission may not accept or consider any unsolicited proposals before July 1, (2011) 2013.

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

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

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

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

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that
project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 and 2011-2013 fiscal ((biennium)) biennia.

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

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

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

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

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.
(2) Duties of the department include but are not limited to the following:

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

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

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

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

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

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

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010.
During the (2007-2009 and) 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

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

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

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

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

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

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

(1) Information and service delivery systems for the department;
(2) Reimbursement of county licensing activities; and
(3) County auditor or other agent and subagent support including, but not limited to, the replacement of department-owned equipment in the possession of county auditors or other agents and subagents appointed by the director. During the (2007-2009 and 2009-2011) 2011-2013 fiscal (biennia) biennium, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.
Sec. 711. RCW 43.19.642 and 2010 c 247 s 701 are each amended to read as follows:

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

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

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

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

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

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

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

Sec. 712. RCW 47.06B.900 and 2009 c 515 s 17 are each amended to read as follows:
The agency council on coordinated transportation is terminated on June 30, ((2011, as provided in RCW 47.06B.901)) 2013.

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

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

(1) RCW 47.06B.010 and 2009 c 515 s 3, 2007 c 421 s 1, 1999 c 385 s 1, & 1998 c 173 s 1;
(2) RCW 47.06B.012 and 1999 c 385 s 2;
(3) RCW 47.06B.020 and 2009 c 515 s 4, 2007 c 421 s 2, & 1998 c 173 s 2;
(4) RCW 47.06B.030 and ((2009 c 515 s 5,)) 2007 c 421 s 3, 1999 c 385 s 5, & 1998 c 173 s 3;
(5) RCW 47.06B.040 and 2007 c 421 s 4 & 1999 c 385 s 6;
(6) RCW 47.06B.050 and 2009 c 515 s 8 & 2007 c 421 s 6;
(7) RCW 47.06B.060;
(8) ((Section 2 of this act;)
(9) Section 6 of this act;
(10) Section 7 of this act;
(11)) RCW 47.06B.070;
((12)) (9) RCW 47.06B.075; and
((13)) (10) RCW 47.06B.080.

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

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

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;
(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

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

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

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

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

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

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

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

(c) The department shall establish performance standards for the state route 167 high occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety
percent of the time during peak hours. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

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

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

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

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

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

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

(b) If high occupancy vehicle tolls are being collected on June 30, 2013.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll
collection to be compatible with other electronic payment devices or
transponders from the Washington state ferry system, other public
transportation systems, or other toll collection systems to the extent
that technology permits.

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

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

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

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

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

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

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

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

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

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

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

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

(7) It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical. It is further the intent of this section that all collective bargaining agreements be concluded by October 1st of the even-numbered year before the commencement of the
biennial budget year during which the agreements are to be in effect. After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

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

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

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

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

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

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

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

(c) The legislature shall approve or reject the submission of the request for funds necessary to implement the collective bargaining agreements or arbitration awards as a whole for each agreement or award. Except as provided in subsection (11) of this section, the legislature shall not consider a request for funds to implement a
collective bargaining agreement or arbitration award unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement and award or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 47.64.210 and 47.64.300.

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

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

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

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

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

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

(4) For the 2011-2013 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee must be a separate agreement for which the governor may request funds necessary to
implement the agreement. If such an agreement is negotiated and funded by the legislature, this agreement supersedes any terms and conditions of an expired 2009-2011 biennial collective bargaining agreement under this chapter regarding health care benefits.

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

1 The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:
2 (a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.
3 (b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.
4 (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of ((section 201(2), chapter 470, Laws of 2009)) section 201(4) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.
5 (d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.
6 (e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction.
This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

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

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

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

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

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall
be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

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

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

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

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

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

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

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade
crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the (2009-2011) 2011-2013 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of (section 201(2), chapter 470, Laws of 2009).

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

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

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

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

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

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

(2) The rules adopted under this section:

(a) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance
(b) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment; and

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

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

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

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

(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.
Sec. 720. RCW 47.60.355 and 2010 c 283 s 3 are each amended to read as follows:

(1) Terminal and vessel preservation funding requests shall only be for assets in the life-cycle cost model.

(2) Except for the 2011-2013 fiscal biennium, terminal and vessel preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

Sec. 721. RCW 47.12.244 and 2009 c 470 s 709 are each amended to read as follows:

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

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

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

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

During the (2007-2009 and) 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

2009-2011 FISCAL BIENNIA

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 801. 2010 c 247 s 104 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
TRANSPORTATION AGENCIES--OPERATING

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

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation .................. $2,163,000
Multimodal Transportation Account--State Appropriation .. (($400,000))

TOTAL APPROPRIATION .................. (($2,563,000))

$2,513,000

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

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

(2) $200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.
(3) $300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by November 1, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xi) Other individuals deemed appropriate.

Nonlegislative members of the advisory panel must seek reimbursement for travel and other membership expenses through their respective agencies or organizations. The committee may make
exceptions and approve certain expenses for good cause on a case-by-
case basis.

(d) The joint transportation committee shall submit a report on the
study to the standing transportation committees of the legislature by

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

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

(8)(a) $200,000 of the motor vehicle account--state appropriation
is for the joint transportation committee to evaluate funding
assistance and services provided by the county road administration
board, transportation improvement board, freight mobility strategic
investment board, and the department of transportation's highway and
local programs division. In 2010, the governor recommended
consolidating small transportation agencies as part of an overall
effort to streamline state government, provide economies of scale, and
improve customer service. The evaluation may include recommendations
on consolidating the agencies within the department of transportation,
within another existing agency, or within a newly created agency. The
study may also make recommendations on restructuring grant programs to
generate efficiencies or other more efficient ways to distribute associated revenues.

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

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

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

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

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

((10)(a)) $50,000 of the multimodal transportation account--state appropriation is for the joint transportation committee to conduct an analysis of the storm water permit requirements issued by the department of ecology in February 2009 to determine the costs and benefits of alternative options for the department of transportation to meet the requirements. However, if the committee does not include the analysis as part of its 2009-11 fiscal biennium work plan by April 15, 2010, the amount provided in this subsection lapses. The analysis must include, at a minimum, an analysis of the following:
The department of transportation performing the functions of the permit in-house;

(ii) The functions of the permit being consolidated within the department of ecology or otherwise centralizing efforts for all state agencies; and

(iii) The use of an external firm or organization to meet the requirements.

(b) The committee shall provide a report to the legislature by December 2010.}

Sec. 902. 2010 c 247 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation . . . . . . . . . . (($2,328,000))

$2,157,000
Multimodal Transportation Account--State Appropriation . . (($112,000))

$111,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . (($2,440,000))

$2,268,000

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

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

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

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

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

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

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

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

(8) As part of its development of the statewide transportation plan, the commission shall review prioritized projects, including preservation and maintenance projects, from regional transportation and metropolitan planning organizations to identify statewide transportation needs. The review should include a brief description and status of each project along with the funding required and associated timeline from start to completion. The commission shall submit the review, along with recommendations, to the house of representatives and senate transportation committees by January 2011.
Sec. 903.  2010 c 247 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State
Appropriation ............................................... ($227,958,000)
$224,558,000

State Patrol Highway Account--Federal
Appropriation ................................................ $10,903,000

State Patrol Highway Account--Private/Local
Appropriation ............................................... ($867,000)
$939,000

TOTAL APPROPRIATION ..................................... ($239,728,000)
$236,400,000

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

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

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

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

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

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

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

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

(8) $2,832,000 of the state patrol highway account--state
appropriation is provided solely for the aerial traffic enforcement
program. The Washington state patrol shall evaluate the costs
associated with aerial traffic highway enforcement to determine if the
costs are accurately apportioned between the state patrol highway
account and the general fund. It is the intent of the legislature that
the state patrol highway account incurs costs that result only from
highway enforcement activities and that the general fund incurs costs
associated with the King Airs. The Washington state patrol shall
report the results of the evaluation to the legislature by June 30,
2010.

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

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

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

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

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

The appropriation in this section is subject to the following
conditions and limitations: The appropriations to the Washington state
patrol must be expended for the programs and in the amounts specified
in this act. However, after May 1, 2011, unless specifically
prohibited, the state patrol may transfer state patrol highway
account--state appropriations for the 2009-2011 fiscal biennium between
operating programs after approval by the director of the office of
financial management. However, the state patrol shall not transfer
state moneys that are provided solely for a specified purpose.
Sec. 905. 2010 c 247 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation . . . (($108,560,000))
$105,488,000

State Patrol Highway Account--Private/Local

Appropriation .................. .................. $2,510,000
TOTAL APPROPRIATION .................. (($111,070,000))
$107,998,000

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

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

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

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

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

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

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

(7) $345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state
(8) The appropriations to the Washington state patrol must be expended for the programs and in the amounts specified in this act. However, after May 1, 2011, unless specifically prohibited, the state patrol may transfer state patrol highway account--state appropriations for the 2009-2011 fiscal biennium between operating programs after approval by the director of the office of financial management. However, the state patrol shall not transfer state moneys that are provided solely for a specified purpose.

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

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

High Occupancy Toll Lanes Operations Account--State

Appropriation .................................................. ($2,852,000)

$2,732,000

Motor Vehicle Account--State Appropriation ............. ($575,000)

$2,945,000

Tacoma Narrows Toll Bridge Account--State

Appropriation .................................................. $26,543,000

State Route Number 520 Corridor Account--State

Appropriation .................................................. ($28,000,000)

$1,236,000

State Route Number 520 Civil Penalties

Account--State Appropriation .................. ($2,130,000)

$130,000

TOTAL APPROPRIATION .................................. ($60,100,000)

$33,586,000

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

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

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

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

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

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

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

(7) $2,435,000 of the motor vehicle account--state appropriation is provided solely to provide a reserve for state route number 520 tolling operations. This appropriation must be held in unallotted status until the office of financial management deems that revenues applicable to
the state route number 520 tolling operations are not sufficient to
cover the expenditures. Repayment of any expenditures must occur in
the 2011-2013 fiscal biennium.

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

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM

C
Transportation Partnership Account--State

<table>
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<tr>
<th>Appropriation</th>
<th>($2,675,000)</th>
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Motor Vehicle Account--State Appropriation

<table>
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<tr>
<th>Appropriation</th>
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<td>$67,546,000</td>
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Motor Vehicle Account--Federal Appropriation

| Appropriation       | $240,000     |

Multimodal Transportation Account--State

| Appropriation       | $363,000     |

Transportation 2003 Account (Nickel Account)--State

<table>
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<tr>
<th>Appropriation</th>
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<td>$2,426,000</td>
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TOTAL APPROPRIATION

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<th>Appropriation</th>
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The appropriations in this section are subject to the following
conditions and limitations:

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

(2) $1,216,000 of the transportation partnership account--state
appropriation and $1,216,000 of the transportation 2003 account (nickel
account)--state appropriation are provided solely for the department to
develop a project management and reporting system which is a collection
of integrated tools for capital construction project managers to use to
perform all the necessary tasks associated with project management.
The department shall integrate commercial off-the-shelf software with
existing department systems and enhanced approaches to data management
to provide web-based access for multi-level reporting and improved business work flows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

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

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

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

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING
Motor Vehicle Account--State Appropriation . . . . . . . (($25,292,000))

$24,639,000

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

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F
Aeronautics Account--State Appropriation . . . . . . . . ($5,960,000)

$5,761,000
Aeronautics Account--Federal Appropriation . . . . . . . $2,150,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . (($8,110,000))

$7,911,000
The appropriations in this section are subject to the following conditions and limitations:

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

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

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

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

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

Motor Vehicle Account--State Appropriation ........ (($49,331,000)) $45,219,000

Motor Vehicle Account--Federal Appropriation ............... $500,000

Multimodal Transportation Account--State Appropriation ................. $250,000

TOTAL APPROPRIATION ................ (($50,081,000)) $45,969,000

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

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value
exchanges. This plan must accompany the department's 2010 supplemental
budget request. If the department determines that all or a portion of
real property or an interest in real property that was acquired through
condemnation within the previous ten years is no longer necessary for
a transportation purpose, the former owner has a right of repurchase as
described in this subsection. For the purposes of this subsection,
"former owner" means the person or entity from whom the department
acquired title. At least ninety days prior to the date on which the
property is intended to be sold by the department, the department must
mail notice of the planned sale to the former owner of the property at
the former owner's last known address or to a forwarding address if
that owner has provided the department with a forwarding address. If
the former owner of the property's last known address, or forwarding
address if a forwarding address has been provided, is no longer the
former owner of the property's address, the right of repurchase is
extinguished. If the former owner notifies the department within
thirty days of the date of the notice that the former owner intends to
repurchase the property, the department shall proceed with the sale of
the property to the former owner for fair market value and shall not
list the property for sale to other owners. If the former owner does
not provide timely written notice to the department of the intent to
exercise a repurchase right, or if the sale to the former owner is not
completed within seven months of the date of notice that the former
owner intends to repurchase the property, the right of repurchase is
extinguished. By December 1, 2010, the department shall report to the
legislative transportation committees on the individuals and entities
eligible to receive surplus property provided in RCW 47.12.063 to
determine the frequency with which the department transfers property to
those individuals and entities and the implications to the department.
It is the intent of the legislature that the list of individuals and
entities eligible to receive surplus property be periodically evaluated
to determine whether the list is appropriate and provides utility to
the department.

(2) The legislature recognizes that the Dryden pit site (WSDOT
Inventory Control (IC) No. 2-04-00103) is unused state-owned real
property under the jurisdiction of the department of transportation,
and that the public would benefit significantly from the complete
enjoyment of the natural scenic beauty and recreational opportunities
 pervasive at the site. Therefore, pursuant to RCW 47.12.080, the 
legislature declares that transferring the property to the department 
of fish and wildlife for recreational use and fish and wildlife 
restoration efforts is consistent with the public interest in order to 
preserve the area for the use of the public and the betterment of the 
natural environment. The department of transportation shall work with 
the department of fish and wildlife, and shall transfer and convey the 
Dryden pit site to the department of fish and wildlife as is for an 
adjusted fair market value reflecting site conditions, the proceeds of 
which must be deposited in the motor vehicle fund. The department of 
transportation is not responsible for any costs associated with the 
cleanup or transfer of this property. By July 1, 2010, and annually 
thereafter until the entire Dryden pit property has been transferred, 
the department shall submit a status report regarding the transaction 
to the chairs of the legislative transportation committees.

(3) $3,175,000 of the motor vehicle account--state appropriation is 
provided solely for the department's compliance with its national 
pollution discharge elimination system permit.

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

Sec. 911. 2010 c 247 s 216 (uncodified) is amended to read as 
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM

Motor Vehicle Account--State Appropriation . . . . . . . . (($673,000))

$643,000

Multimodal Transportation Account--State

Appropriation . . . . . . . . . . . . . . . . . . (($200,000))

$150,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . (($873,000))

$793,000
The appropriations in this section are subject to the following conditions and limitations:

(1) $150,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

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

(3) $45,000 of the motor vehicle account--state appropriation is provided solely for the implementation of a pilot project allowing advertisements and sponsorships on select web pages. The pilot project must be organized under the partnership model described in the department's web site monetizing feasibility study, which was prepared under subsection (2) of this section. Once operational, the pilot project must operate for at least twelve consecutive months. After twelve months of continuous operation, the department shall provide a report with recommendations on whether to continue project operations to the office of financial management and the chairs of the transportation committees. The department may end the pilot project after less than twelve consecutive months of operation if insufficient bids or proposals are received from potential sponsors or advertisers. For the purpose of this subsection, if a consultant contract is warranted, the consultant contract is deemed a revenue generation activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 912. 2010 c 247 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation . . . . . . ($347,645,000)

$350,229,000

Motor Vehicle Account--Federal Appropriation . . . . . . . $7,000,000

Motor Vehicle Account--Private/Local Appropriation . . ($5,797,000)
The appropriations in this section are subject to the following conditions and limitations:

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

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

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

(4) $7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

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

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

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

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

(7) $650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs.

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

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

(10) $317,000 of the motor vehicle account--state appropriation is provided solely for maintaining a new active traffic management system on Interstate 5, Interstate 90, and SR 520. The department shall track the costs associated with these systems on a corridor basis and report to the legislative transportation committees on the cost and benefits of the system.

(11) $286,000 of the motor vehicle account--state appropriation is provided solely for storm water assessment fees charged by local governments.

(12) $1,286,000 of the motor vehicle account--state appropriation is provided solely for maintenance work resulting from major disasters, including: $104,000 for US 97/Blewett Pass Flood Damage; $347,000 for SR 11 Chuckanut Drive Landslide; $295,000 for US 97A Chelan County Flood Damage; and $540,000 for SR 401 Landslide.

Sec. 913. 2010 c 247 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation . . . . . . ((($51,128,000)) $49,764,000

Motor Vehicle Account--Federal Appropriation . . . . . . $2,050,000

Motor Vehicle Account--Private/Local Appropriation . . . . . . $127,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . . . ((($53,305,000)) $51,941,000

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

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2009-11 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

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

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

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

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;
(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

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

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

(4) $173,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing
companies that meet clearance goals on accidents that involve heavy
trucks. The department shall report to the office of financial
management and the transportation committees of the legislature on the
effectiveness of the clearance goals and submit recommendations to
improve the pilot program with the department's 2010 supplemental
omnibus transportation appropriations act submittal. The tow truck
incentive program may continue to provide incentives for quick
clearance of traffic incidents involving large vehicles. The
department shall make recommendations as part of its biennial budget
proposal for expanding the use of the incentive program.

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

(6) To the extent practicable, the department shall synchronize
traffic lights on state route number 161 in the vicinity of Puyallup.

(7) During the 2009-11 biennium, the department shall implement a
pilot program that expands private transportation providers' access to
high occupancy vehicle lanes. Under the pilot program, when the
department reserves a portion of a highway based on the number of
passengers in a vehicle, the following vehicles must be authorized to
use the reserved portion of the highway if the vehicle has the capacity
to carry eight or more passengers, regardless of the number of
passengers in the vehicle: (a) Auto transportation company vehicles
regulated under chapter 81.68 RCW; (b) passenger charter carrier
vehicles regulated under chapter 81.70 RCW, except marked or unmarked
stretch limousines and stretch sport utility vehicles as defined under
department rules; (c) private nonprofit transportation provider
vehicles regulated under chapter 81.66 RCW; and (d) private employer
transportation service vehicles. For purposes of this subsection,
"private employer transportation service" means regularly scheduled,
fixed-route transportation service that is offered by an employer for
the benefit of its employees. By June 30, 2011, the department shall
report to the transportation committees of the legislature on whether
private transportation provider use of high occupancy vehicle lanes
under the pilot program reduces the speeds of high occupancy vehicle
lanes. Nothing in this subsection is intended to authorize the
conversion of public infrastructure to private, for-profit purposes or
to otherwise create an entitlement or other claim by private users to
public infrastructure.

Sec. 914. 2010 c 247 s 219 (uncodified) is amended to read as
follows:
FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND
SUPPORT--PROGRAM S
Motor Vehicle Account--State Appropriation . . . . . . . . . . . ($28,468,000)
$27,968,000
Motor Vehicle Account--Federal Appropriation . . . . . . . . . . . $30,000
Multimodal Transportation Account--State
  Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $971,000
State Route Number 520 Corridor Account--State
  Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $264,000
  TOTAL Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . ($29,733,000)
$29,233,000

The appropriations in this section are subject to the following
conditions and limitations: $264,000 of the state route number 520
corridor account--state appropriation is provided solely for the costs
directly related to tolling the state route number 520 floating bridge.
This amount must be retained in unallotted status, and may only be
released by the office of financial management after consultation with
the joint transportation committee.

Sec. 915. 2010 c 247 s 220 (uncodified) is amended to read as
follows:
FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,
AND RESEARCH--PROGRAM T
Motor Vehicle Account--State Appropriation . . . . . . . . . . . ($25,955,000)
$25,384,000
Motor Vehicle Account--Federal Appropriation . . . . . . . . . . . $22,002,000
Multimodal Transportation Account--State
  Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $1,090,000
Multimodal Transportation Account--Federal
  Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $3,287,000
Multimodal Transportation Account--Private/Local
The appropriations in this section are subject to the following conditions and limitations:

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

(2) $400,000 of the multimodal transportation account—state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. The study must also consider the interconnectivity benefits of, and potential for, future Amtrak Cascades stops in south King county and north Pierce county. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route. The department shall amend the scope, schedule, and budget of the current study process to accommodate the market analysis. A report on the study must be submitted to the legislature by September 30, 2010.

(3) $365,000 of the motor vehicle account—state appropriation and $81,000 of the motor vehicle account—federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. For the remainder of the biennium, the department may expand data collection to any highways that have high truck volumes. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

(4) $2,000,000 of the motor vehicle account—state appropriation is provided solely for scoping unfunded state highway projects to ensure...
that a well-vetted project list is available for future program funding discussions.

(a) It is the intent of the legislature that the funding provided in this subsection support the development of transportation solutions that benefit all state residents, including addressing the impacts of traffic diversion from tolled facilities. It is further the intent of the legislature that the buying power of future revenue packages is maximized.

(b) Scoping work must be consistent with achieving transportation system policy goals as stated in RCW 47.04.280.

(c) The department shall provide cost-effective design solutions that achieve the desired functional outcomes. This may be achieved by providing one or more design alternatives for legislative consideration, based on a reasonable range of assumptions about traffic volume and speeds.

(d) Prior to the commencement of the 2011 legislative session, the department shall provide a report to the legislative transportation committees and the office of financial management that includes estimated costs and construction time frames.

(5) ($150,000) $80,000 of the motor vehicle account--state appropriation is provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(6) $500,000 of the multimodal transportation account--federal appropriation is provided solely for continued support of the International Mobility and Trade Corridor project and for the department to work with the Whatcom council of governments to examine potential improvements to international border freight and passenger rail movement and the use of diesel multiple units.

(7) $80,000 of the motor vehicle account--state appropriation is provided solely to continue existing work regarding feasibility of a new interchange between Rochester and Harrison Avenue on Interstate 5.

Sec. 916. 2010 c 247 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM
Regional Mobility Grant Program Account--State
Appropriation ............................. ($65,274,000)
$56,332,000

Multimodal Transportation Account--State
Appropriation ............................. ($65,667,000)
$65,547,000

Multimodal Transportation Account--Federal
Appropriation ............................. $2,573,000

Multimodal Transportation Account--Private/Local
Appropriation ............................. $1,025,000

TOTAL APPROPRIATION ............................. ($125,477,000)

The appropriations in this section are subject to the following conditions and limitations:
(1) $25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.
(a) $5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

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

(2) Funds are provided for the rural mobility grant program as follows:
(a) $8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

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

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

(4) $280,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.
(5) $3,318,000 of the multimodal transportation account--state appropriation and ((($21,248,000)) $17,778,000) of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B, as developed April 20, 2007, or the LEAP Transportation Document 2006-D, as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects on the LEAP Transportation Document 2006-D, as developed March 8, 2006; the LEAP Transportation Document 2007-B, as developed April 20, 2007; or the LEAP Transportation Document 2009-B, as developed April 24, 2009. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. However, the Chuckanut park and ride project (101100G) is recognized as a crucial investment in the transportation system. For this reason, the department shall not close out the grant for the Chuckanut park and ride project until Skagit transit has exhausted all other pending opportunities for federal and local funds. If additional funds cannot be secured, the department shall consider this project a priority in the 2011-13 grant process. The department shall make every effort to advance the Chuckanut park and ride project within existing resources.

(6) ((($33,429,000)) $32,882,000) of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed April
24, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(7) $5,671,768 of the regional mobility grant program account--state appropriation must be obligated no later than December 31, 2010, and is provided solely for the following recommended contingency regional mobility grant projects identified in the 2009-11 omnibus transportation appropriations act, LEAP Transportation Document 2009-B, as developed April 24, 2009, as follows:

(a) $4,000,000 is provided solely for the Rainier/Jackson transit priority corridor improvements;
(b) $2,100,000 is provided solely for the state route number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to west of 96th Ave NE) project; and
(c) $4,496,768 is provided solely for the sound transit express bus expansion – Snohomish to King county project.

(8) $300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(9) $130,000 of the multimodal transportation account--state appropriation is provided solely to the department to distribute to support Engrossed Substitute House Bill No. 2072 (special needs transportation).

(a) $80,000 of the amount provided in this subsection is provided solely for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009.
(b) $50,000 of the amount provided in this subsection is provided solely to support the pilot project to be developed or implemented by
the local coordinating coalition comprised of a single county, 
described in sections 9, 10, and 11, chapter . . . (Engrossed 
Substitute House Bill No. 2072), Laws of 2009. The department shall 
assist the local coordinating coalition to seek funding sufficient to 
fully fund the pilot project from a variety of sources including, but 
not limited to, the regional transit authority serving the county, the 
regional transportation planning organization serving the county, and 
other appropriate state and federal agencies and grants. Development 
or implementation of the pilot project is contingent on securing 
funding sufficient to fully fund the pilot project.

(c) If Engrossed Substitute House Bill No. 2072 is not enacted by 
June 30, 2009, the amount provided in this subsection (9) lapses. If 
Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009, 
but a commitment from other sources to fully fund the pilot project 
described in (b) of this subsection has not been obtained by September 
30, 2009, the amount provided in (b) of this subsection lapses.

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

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

(12) $2,309,000 of the multimodal transportation account--state 
appropriation is provided solely for the tri-county connection service 
for Island, Skagit, and Whatcom transit agencies.

Sec. 917. 2010 c 247 s 222 (uncodified) is amended to read as 
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

  Appropriation . . . . . . . . . . . . . . . . . . . . . . . . ((425,922,000))

  $446,961,000

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

(1) ((78,754,952)) $97,053,555 of the Puget Sound ferry operations 
account--state appropriation is provided solely for auto ferry vessel 
operating fuel in the 2009-11 fiscal biennium. This appropriation is
contingent upon the enactment of sections 716 and 701 of this act. All fuel purchased by the Washington state ferries at Harbor Island truck terminal for the operation of the Washington state ferries diesel powered vessels must be a minimum of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent.

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

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

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

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

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

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13
omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) $(4,794,000) $6,115,595 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self-insurance for noncatastrophic events.

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

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

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

(12) The legislature finds that measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act.
(13) As a priority task, the department is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

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

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

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

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

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

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

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

(c) The process of working with the affected employee or employees
in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

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

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

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

(14) $7,300,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purposes of travel time associated with Washington state ferries employees. However, if Engrossed Substitute House Bill No. 3209 (managing costs of ferry system) is enacted by June 30, 2010, containing an appropriation for purposes of travel time associated with Washington state ferries employees, the amount provided in this subsection lapses.

(15) $50,000 of the Puget Sound ferry operations account--state appropriation is provided solely to implement a mechanism to report on-time performance statistics.

(a) The department shall conduct a study to identify process changes that would improve on-time performance on a route-by-route basis. The study must include looking into the slowing down of vessels for fuel economy purposes and touch-and-go sailings on peak runs. The department shall report its findings to the transportation committees of the senate and house of representatives by December 1, 2010.

(b) The department shall, by November 1, 2010, report to the transportation committees of the legislature statistics regarding its on-time arrival and departure status on a route-by-route and month-by-month basis, as well as an annual route-by-route and systemwide basis, weighted by the number of customers on each sailing and distinguishing peak period on-time performance. The statistics must include reasons for any delays over ten minutes from the scheduled time. The statistics must be prominently displayed on the Washington state ferries' web site. Each Washington state ferries vessel and terminal
must prominently display the statistics as they relate to their specific route.

(16) The department shall investigate outsourcing the call center functions planned for the ferry reservation system and report its findings to the transportation committees of the senate and house of representatives by December 15, 2010.

(17) By July 1, 2010, the department shall provide to the governor and the transportation committees of the senate and house of representatives a listing of all benefits that Washington state ferries union employees receive that other state employees do not traditionally receive. The listing must include any costs associated with these benefits.

(18) The appropriations in this section assume savings associated with the memorandum of understanding reached between the governor and the following unions: Inlandboatmen's union of the pacific; Puget Sound metal trades council; office of the professional employees international union local no. 8; marine engineers' beneficial association (unlicensed engine room employees); marine engineers' beneficial association (licensed engineer officers); masters, mates, and pilots marine operations watch supervisors; and masters, mates, and pilots, under chapter 47.64 RCW for the 2009-2011 fiscal biennium.

Sec. 918. 2010 c 247 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State
Appropriation ........................................... ($37,371,000)
$29,871,000

Multimodal Transportation Account--Federal
Appropriation ........................................... $100,000
TOTAL APPROPRIATION ................................ $29,971,000

The appropriations in this section ((46)) are subject to the following conditions and limitations:
(1) ($31,591,000) $24,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon
completion of the rail platform project in the city of Stanwood, the
department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

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

Sec. 919. 2010 c 247 s 224 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--
OPERATING
Motor Vehicle Account--State Appropriation . . . . . . (($8,621,000))

$8,618,000

Motor Vehicle Account--Federal Appropriation . . . . . . $2,545,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . ($11,166,000))

$11,163,000

NEW SECTION. Sec. 920. A new section is added to 2010 c 247
(uncodified) to read as follows:

The appropriations to the department of transportation in chapter
247, Laws of 2010 and this act must be expended for the programs and in
the amounts specified in this act. However, after May 1, 2011, unless
specifically prohibited, the department may transfer state
appropriations for the 2009-2011 fiscal biennium among operating
programs after approval by the director of the office of financial
management. However, the department shall not transfer state moneys
that are provided solely for a specific purpose. The department shall
not transfer funds, and the director of the office of financial
management shall not approve the transfer unless the transfer is
consistent with the objective of conserving, to the maximum extent
possible, the expenditure of state funds and not federal funds. The
director of the office of financial management shall notify the
appropriate transportation committees of the legislature prior to
approving any allotment modifications or transfers under this section.
The written notification must include a narrative explanation and
justification of the changes, along with expenditures and allotments by
program and appropriation, both before and after any allotment
modifications or transfers.
Sec. 1001. 2009 c 470 s 301 (uncodified) is amended to read as
follows:

FOR THE WASHINGTON STATE PATROL
State Patrol Highway Account--State Appropriation . . . (($3,126,000))
$2,481,000

The appropriation in this section is subject to the following
conditions and limitations:
(1) $1,626,000 of the state patrol highway account--state
appropriation is provided solely for the following minor works
projects: $450,000 for Shelton training academy roofs; (($150,000 for
HVAC control replacements);) $168,000 for upgrades to scales; $50,000
for Bellevue electrical equipment upgrades; (($90,000)) $16,000 for
South King detachment window replacement; $200,000 for the replacement
of the Naselle radio tower, generator shelter, and fence; $200,000 for
unforeseen emergency repairs; and $318,000 for the Shelton training
academy drive course/skid pan repair.
(2) (($1,500,000)) $1,079,000 of the state patrol highway account--
state appropriation is provided solely for the Shelton academy of the
Washington state patrol and is contingent upon a signed agreement
between the city of Shelton, the department of corrections, and the
Washington state patrol that provides for an on-going payment to these
three entities, based on their percentage of the total investment in
the project, from all hookup fees, late comer fees, LIDS, and all other
initial fees collected for the new waste water treatment lines, waste
water plants, water lines, and water systems.

Sec. 1002. 2009 c 470 s 305 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF
TRANSPORTATION--ONLY PROJECTS)--CAPITAL
Motor Vehicle Account--State Appropriation . . . . . . (($4,810,000))
$4,623,000

The appropriation in this section is subject to the following
conditions and limitations:
(1) $1,198,000 of the motor vehicle account--state appropriation is
provided solely for the Olympic region site acquisition debt service
payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) ($3,612,000) $3,425,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration. This includes the administrative costs associated with those projects and the reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

Sec. 1003. 2010 c 247 s 301 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation . . . . (($73,000,000))

Motor Vehicle Account--State Appropriation . . . . . . $1,048,000
County Arterial Preservation Account--State Appropriation . . . . . . . . . . . (($31,400,000))

TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . (($105,448,000))

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

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

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

(3) $22,000,000 of the rural arterial trust account--state appropriation is provided solely for additional grants for county road projects as approved by the county road administration board.
Sec. 1004. 2010 c 247 s 302 (uncodified) is amended to read as
follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD
Small City Pavement and Sidewalk Account--State
  Appropriation .......................... .......................... .......................... (($3,927,000))
  $3,737,000
Urban Arterial Trust Account--State Appropriation .......................... ((123,900,000))
  $121,900,000
Transportation Improvement Account--State
  Appropriation .......................... .......................... .......................... (($81,643,000))
  $80,643,000
  TOTAL APPROPRIATION .......................... .......................... ((209,470,000))
  $206,280,000

The appropriations in this section are subject to the following
conditions and limitations:
(1) The transportation improvement account--state appropriation
includes up to $7,143,000 in proceeds from the sale of bonds authorized
in RCW 47.26.500.
(2) The urban arterial trust account--state appropriation includes
up to (($7,143,000)) $15,000,000 in proceeds from the sale of bonds
authorized in RCW 47.26.420.

Sec. 1005. 2010 c 247 s 303 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I
Multimodal Transportation Account--State
  Appropriation .......................... .......................... ((((98,000))))
  $2,000
Transportation Partnership Account--State
  Appropriation .......................... .......................... ((1,665,644,000))
  $1,326,290,000
Motor Vehicle Account--State Appropriation .......................... ((85,534,000))
  $66,876,000
Motor Vehicle Account--Federal Appropriation .......................... ((570,107,000))
  $532,458,000
Motor Vehicle Account--Private/Local
  Appropriation .......................... .......................... ((70,714,000))
  $83,270,000
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<tbody>
<tr>
<td>Special Category C Account--State</td>
<td>$25,221,000</td>
</tr>
<tr>
<td>Transportation 2003 Account (Nickel Account)--State</td>
<td>($713,205,000) $590,797,000</td>
</tr>
<tr>
<td>Freight Mobility Multimodal Account--State</td>
<td>($4,574,000) $4,575,000</td>
</tr>
<tr>
<td>Tacoma Narrows Toll Bridge Account--State</td>
<td>($789,000) $797,000</td>
</tr>
<tr>
<td>State Route Number 520 Corridor Account--State</td>
<td>($231,763,000) $229,838,000</td>
</tr>
<tr>
<td>(State Route Number 520 Civil Penalties Account--State</td>
<td>$1,190,000)</td>
</tr>
<tr>
<td>TOTAL APPROPRIATION</td>
<td>($3,368,839,000) $2,860,124,000</td>
</tr>
</tbody>
</table>

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

1. Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2010-1) 2011-1 as developed March ((8, 2010)) 21, 2011, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

2. ($163,385,000) $158,094,000 of the transportation partnership account--state appropriation and ($231,763,000) $229,838,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV project. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. (3) As required under section 305(6), chapter 518, Laws of 2007, the department shall report
by January 2010 to the transportation committees of the legislature on
the findings of the King county noise reduction solutions pilot
project.

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

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

(6) The department shall, on a quarterly basis beginning July 1,
2009, provide to the office of financial management and the legislature
reports providing the status on each active project funded in part or
whole by the transportation 2003 account (nickel account) or the
transportation partnership account. Funding provided at a programmatic
level for transportation partnership account and transportation 2003
account (nickel account) projects relating to bridge rail, guard rail,
fish passage barrier removal, and roadside safety projects should be
reported on a programmatic basis. Projects within this programmatic
level funding should be completed on a priority basis and scoped to be
completed within the current programmatic budget. Report formatting
and elements must be consistent with the October 2009 quarterly project
report. On a representative sample of new construction contracts
valued at fifteen million dollars or more, the department must also use
an earned value method of project monitoring.

(7) The transportation 2003 account (nickel account)--state
appropriation includes up to $653,630,000 in proceeds
from the sale of bonds authorized by RCW 47.10.861.

(8) The transportation partnership account--state appropriation
includes up to $1,347,939,000 in proceeds from the
sale of bonds authorized in RCW 47.10.873.

(9) The special category C account--state appropriation includes up
to $25,221,000 in proceeds from the sale of bonds
authorized in RCW 47.10.812.

(10) The motor vehicle account--state appropriation includes up to
((43,000,000)) $42,960,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The state route number 520 corridor account--state appropriation includes up to ((231,763,000)) $229,838,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

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

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

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

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

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

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

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

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

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

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

   (iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and
(h) Provide a report to the governor and the legislature by January 2010.

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

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

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

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

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

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

(14) (($6,488,000)) $1,323,000 of the motor vehicle account--state appropriation and (($5,000)) $3,628,000 of the motor vehicle account--federal appropriation are provided solely for project 100224I, US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

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

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

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

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

(19) ($730,000) $724,000 of the motor vehicle account--federal appropriation and ($16,000) $17,000 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall (project WESTV).

(20) ($2,000) $3,000 of the motor vehicle account--state appropriation and $131,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road (project PASCO).

(21) ($21,566,000) $13,246,000 of the transportation partnership account--state appropriation, ($26,000) $27,000 of the motor vehicle account--state appropriation, ($30,000,000) $40,000,000 of the motor vehicle account--private/local appropriation, and ($4,334,000) $9,422,000 of the motor vehicle account--federal appropriation are provided solely for project 400506A, the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a ($30,000,000) $40,000,000 contribution from the state of Oregon.

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

(a) A master schedule of all subprojects included in the full replacement project or program; and
(b) A single point of contact for the public, media, stakeholders, and other interested parties.

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

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

(25) ($8,890,000) $5,831,000 of the transportation partnership account--state appropriation is provided solely for project 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as indicated in the LEAP transportation document referenced in subsection (1) of this section.

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

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

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

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

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

(30) Within the amounts provided in this section, $200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 509 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 850901F in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:
(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

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

(c) Economic considerations for future system investments.

(31) Within the amounts provided in this section, ($28,000,000) $44,429,000 of the transportation partnership account--state appropriation is for project 600010A, as identified in the LEAP transportation document in subsection (1) of this section: NSC-North Spokane corridor design and right-of-way - new alignment. Expenditure of these funds is for preliminary engineering and right-of-way purchasing to prepare for four lanes to be built from where existing construction ends at Francis Avenue for three miles to the Spokane river. Additionally, any savings realized on project 600001A, as identified in the LEAP transportation document in subsection (1) of this section: US 395/NSC-Francis Avenue to Farwell Road - New Alignment, must be applied to project 600010A.

(32) $400,000 of the motor vehicle account--state appropriation is provided solely for the department to conduct a state route number 2 route development plan (project L2000016) that will identify essential improvements needed between the port of Everett/Naval station and approaching the state route number 9 interchange near the city of Snohomish.

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

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

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

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

(37) $10,000,000 of the transportation partnership account--state appropriation is provided solely for the Spokane street viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct – Replacement project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

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

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

(40) $5,500,000 of the motor vehicle account--federal appropriation is provided solely for the Alaskan Way Viaduct – Automatic Shutdown project, identified as project L1000034.
(41) $2,937,000 of the motor vehicle account--federal appropriation and $163,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project, identified as project 501210T.

(42) $1,116,000 of the motor vehicle account--federal appropriation is provided solely for the Express Lanes System Concept Study project, identified as project 800020A. As part of this project, the department shall prepare a comprehensive tolling study of the Interstate 5 express lanes to determine the feasibility of administering tolls within the corridor. The department shall regularly report to the Washington transportation commission regarding the progress of the study. The elements of the study must include, at a minimum:

(i) The potential for value pricing to generate revenues for needed transportation facilities;
(ii) Maximizing the efficient operation of the corridor;
(iii) Economic considerations for future system investments; and
(iv) An analysis of the impacts to the regional transportation system.

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

(43) $110,000 of the motor vehicle account--federal appropriation and $5,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). These funds must not be expended before an agreement stating that the city of Gig Harbor will take ownership of the road has been signed. The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

(44) The department shall work with the Washington state transportation commission, the Oregon state department of transportation, and the Oregon state transportation commission to analyze and review potential options for a bistate, toll setting framework. As part of the analysis, the department shall undertake the following actions: Review statutory provisions and the governance structures of toll facilities in the United States that are located within two or more states; review relevant federal law regarding
transportation facilities that are located within two or more states; consult with the state treasurers in Washington and Oregon regarding the appropriate structure for the issuance of debt for toll facilities that are located within two states; report findings and recommendations to the Columbia river project sponsor's council by October 1, 2010; and provide a final report to the governor and the legislature by June 30, 2011.

((46)) (45) $750,000 of the motor vehicle account--state appropriation is provided solely for improvements from Allan Road to state route number 12 (501207Z).

((47) $500,000) (46) $455,000 of the motor vehicle account--state appropriation is provided solely for a traffic signal at the intersection of state route number 7 and state route number 702 (300738A).

((48) $750,000) (47) $316,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass (project 300344C).

((49)) (48) The legislature finds that state route number 522 corridor provides an important link between Interstates 5 and 405 and will be impacted by diversion from tolling elsewhere in the region. State route number 522 must be reviewed as part of the scoping work conducted under section 220(4) of this act. As such, the legislature intends to provide additional funding for the corridor as a priority in the next revenue package. The state will work with the affected cities and the federal government to secure the necessary resources to address the needs of this critical corridor.

((50) $500,000) (49) $558,000 of the motor vehicle account--state appropriation is provided solely for the US 12/SR 122/Mossyrock - Intersection project (401212R) for safety improvements.

((51) $200,000) (50) $527,000 of the motor vehicle account--federal appropriation is provided solely for project US 97A/North of Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is anticipated in the 2011-13 biennium.

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

The department shall conduct a collision analysis corridor study on state route number 167 from milepost 0 to milepost 5 and report to the transportation committees of the legislature on the analysis results by December 1, 2010.

$357,000 of the motor vehicle account--federal appropriation is provided solely for the ITS Advanced Traveler Information System project in Whatcom county (100589B).

$94,000 of the motor vehicle account--federal appropriation is provided solely for the US 97/Cameron Lake Road intersection improvements project in Okanogan county (209700W).

$94,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

The legislature finds that the state route number 12 widening from state route number 124 to Walla Walla is an important east-west corridor in the southeast region of the state. Widening the highway to four lanes will increase safety and improve freight mobility. Therefore, the legislature intends for the department to use up to two million dollars in future redistributed federal obligation authority that may be received by the department for right-of-way purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A project (501210T).

Sec. 1006. 2010 c 247 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P
Transportation Partnership Account--State
Appropriation .................. ($75,305,000) $67,381,000
Motor Vehicle Account--State Appropriation ....... ($96,884,000) $92,733,000
Motor Vehicle Account--Federal Appropriation ....... ($556,705,000) $528,158,000
Motor Vehicle Account--Private/Local
Appropriation .................. ($18,768,000)
Transportation 2003 Account (Nickel Account)--State Appropriation .................. (($6,328,000))

Puyallup Tribal Settlement Account--State Appropriation .................. $6,636,000

TOTAL APPROPRIATION .................. (($760,626,000))

$720,731,000

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

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed March ((8, 2010)) 21, 2011, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) (($542,000)) $546,000 of the motor vehicle account--federal appropriation and (($453,000)) $188,000 of the motor vehicle account--state appropriation are provided solely for project 602110F, SR 21/Keller ferry boat - Preservation. Funds are provided solely for preservation work on the existing vessel, the Martha S.

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

(4) $6,636,000 of the Puyallup tribal settlement account--state appropriation is provided solely for costs associated with the Murray Morgan/11th Street bridge project. The city of Tacoma may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed $40,270,000. The city of Tacoma has taken ownership of the bridge in its entirety, and the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.
(5) The department and the city of Tacoma must present to the legislature an agreement on the timing of the transfer of ownership of the Murray Morgan/11th Street bridge and any additional necessary state funding required to achieve the transfer and rehabilitation of the bridge by January 1, 2010.

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

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

(8)(a) The department shall conduct an analysis of state highway pavement replacement needs for the next ten years. The report must include:

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

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

(iii) Strategies for addressing the recent rapid escalation of asphalt prices, including alternatives to using hot mix asphalt;
(iv) Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile; and

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

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

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

(9) $299,000 of the motor vehicle account--state appropriation, ($23,425,000) $25,207,000 of the motor vehicle account--federal appropriation, and ($373,000) $273,000 of the transportation partnership account--state appropriation are provided solely for the SR 104/Hood Canal bridge - replace east half project, identified as project 310407B in the LEAP transportation document described in subsection (1) of this section.

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

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

(12) $1,440,000 of the motor vehicle account--federal appropriation and ($60,000) $54,000 of the motor vehicle account--state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

(13) $12,503,000 of the motor vehicle account--federal appropriation and ($497,000) $479,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Establish Interim Detour project (541002R).
(14) ($4,239,000) $3,933,000 of the motor vehicle account--
federal appropriation and ($662,000) $615,000 of the motor vehicle
account--state appropriation are provided solely for the SR 410/Nile
Valley Landslide - Reconstruct Route project (541002T).

(15) The legislature anticipates a report in September
2010 that will outline the department's recommendation for developing
a Keller Ferry replacement at the lowest cost. The legislature
supports the request to the federal government for federal aid for a
replacement vessel and intends to provide reasonable matching amounts
as necessary.

(16) $2,100,000 $194,000 of the motor vehicle account--
federal appropriation is provided solely for the SR 21/Kettle River to
Malo paving project in Ferry county (602117A).

Sec. 1007. 2010 c 247 s 305 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--
CAPITAL
Motor Vehicle Account--State Appropriation .............. ($8,158,000)
$6,847,000
Motor Vehicle Account--Federal Appropriation ....... ($18,037,000)
$11,412,000
Motor Vehicle Account--Private/Local Appropriation .... ($173,000)
$174,000
TOTAL APPROPRIATION ........ .................... ($26,368,000)
$18,433,000

Sec. 1008. 2010 c 283 s 19 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES
CONSTRUCTION--PROGRAM W
Puget Sound Capital Construction Account--State
Provided Capital Construction Account--State Appropriation .......... ($126,824,000)
$106,589,000
Puget Sound Capital Construction Account--Federal
Provided Capital Construction Account--Federal Appropriation ......... ($60,364,000)
$51,194,000
1 Appropriation ................................. $200,000
2 Transportation 2003 Account (Nickel Account)--State
   Appropriation .............................. ($51,734,000)
   $51,735,000
3 Transportation Partnership Account--State
   Appropriation .............................. ($66,879,000)
   $102,660,000
4 Multimodal Transportation Account--State
   Appropriation .............................. $149,000
   TOTAL APPROPRIATION .......................... ($306,150,000)
   $312,527,000

The appropriations in this section are subject to the following conditions and limitations:
(1) ($126,824,000) $106,589,000 of the Puget Sound capital construction account--state appropriation, ($60,364,000) $51,194,000 of the Puget Sound capital construction account--federal appropriation, $200,000 of the Puget Sound capital construction account--local appropriation, ($66,879,000) $102,660,000 of the transportation partnership account--state appropriation, ($51,734,000) $51,735,000 of the transportation 2003 account (nickel account)--state appropriation, and $149,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS (2010-2) 2011-2 as developed March (8, 2010) 21, 2011, Program - Ferries Construction Program (W). Of the total appropriation, a maximum of $10,627,000 may be used for administrative support, a maximum of ($8,184,000) $7,635,000 may be used for terminal project support, and a maximum of $4,497,000 may be used for vessel project support. Of the total appropriation, ($5,851,000) $2,016,000 is provided solely for a reservation system and associated communications projects.
(2) ($51,734,000) $51,735,000 of the transportation 2003 account (nickel account)--state appropriation, ($63,100,000) $99,891,000 of the transportation partnership account--state appropriation, and ($10,164,000) $10,165,000 of the Puget Sound capital construction account--state appropriation are provided solely for the acquisition of three new Island Home class ferry vessels subject to the conditions of RCW 47.56.780. The department shall pursue a contract for the second
and third Island Home class ferry vessels with an option to purchase a fourth Island Home class ferry vessel. However, if sufficient resources are available to build one 144-auto vessel prior to exercising the option to build the fourth Island Home class ferry vessel, procurement of the fourth Island Home class ferry vessel will be postponed and the department shall pursue procurement of a 144-auto vessel.

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

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

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

(3)(a) $8,450,000 of the Puget Sound capital construction account--state appropriation and ($2,450,000) $1,450,000 of the transportation partnership account--state appropriation are provided solely for the following projects related to the design of a 144-vehicle vessel class: (i) $1,380,000 is provided solely for completion of the contract for owner-furnished equipment; (ii) $7,320,000 is provided solely for completion of the technical design, detail design, and production drawings, all of which must plan for an aluminum superstructure; (iii) $480,000 is provided solely for the storage of owner-furnished equipment; and (iv) a maximum of $720,000 is for construction engineering. In completing the contract for owner-furnished equipment, the department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessels if it is likely to be obsolete before it is used in procured 144-vehicle vessels.

(b) The department shall conduct a cost-benefit study on alternative furnishings and fittings for the 144-vehicle vessel class. The study must review the proposed interior furnishings and fittings for the long-term maintenance and out-of-service vessel costs and, if appropriate, propose alternative interior furnishings and fittings that
will decrease long-term maintenance and out-of-service vessel costs. The study must include a projection of out-of-service time and a life-cycle cost analysis of planned out-of-service time, including the impact on fleet size. The department must submit the study to the joint transportation committee by August 1, 2010.

(c) The department shall identify costs for any additional detail design and production drawings costs related to incorporating the aluminum superstructure and any changes in the proposed furnishings and fittings.

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

(5) ($3,000,000) $273,000 of the Puget Sound capital construction account--federal appropriation is provided solely for completing the Anacortes terminal design up to the maximum allowable construction cost phase. Beyond preparing environmental work, these funds may be spent only after the following conditions have been met: (a) A value engineering process is conducted on the existing design and the concept of a terminal building smaller than preferred alternative; (b) the office of financial management participates in the value engineering process; (c) the office of financial management concurs with the recommendations of the value engineering process; and (d) the office of financial management gives its approval to proceed with the design work.

(6) ($3,965,000) $2,189,000 of the Puget Sound capital construction account--state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project for the Issaquah; jumbo Mark 1 class steering gear ventilation pilot project; and improvements to the Yakima and Kaleetan propulsion controls to allow for two engine operation. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

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

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

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

(10) $1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.

(11) $2,636,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal. The department shall seek additional federal funding for this project.

(12) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:

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

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

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

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;
(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

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

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

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

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

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

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

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

(13) $247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2010. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

(14) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.
(15) The Puget Sound capital construction account--state appropriation includes up to ($114,000,000) $76,179,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

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

(17) The department shall provide data to the transportation committees of the senate and house of representatives for a transparent analysis of travel pay policies.

Sec. 1009. 2010 c 247 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State
Appropriation .................. ............... (($333,000)) $334,000

Transportation Infrastructure Account--State
Appropriation .................. ............... (($13,184,000)) $12,348,000

Multimodal Transportation Account--State
Appropriation .................. ............... (($102,202,000)) $84,733,000

Multimodal Transportation Account--Federal
Appropriation .................. ............... (($619,527,000)) $48,445,000

((Multimodal Transportation Account--Private/Local
Appropriation .................. ............... $81,000))

TOTAL APPROPRIATION .................. ............... (($735,327,000)) $145,860,000

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

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ALL PROJECTS ((2010-2)) 2011-2 as developed March ((8, 2010)) 21, 2011, Program - Rail Capital Program (Y).

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

(ii) Within the amounts provided in this section, ($1,200,000) $400,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett (BIN 722810A) for a new rail track to connect a cement loading facility to the mainline.

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

(c)(i) Within the amounts provided in this section, $1,713,000 of the multimodal transportation account--state appropriation and $333,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) $363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) $420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) $371,000; Chelatchie Prairie owned railroad/Vancouver - track rehabilitation (BIN 710110A) $367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) $525,000.

(ii) Within the amounts provided in this section, ($338,000) $346,000 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN (710510A) F01001E) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) Within the amounts provided in this section, ($8,115,000) $8,079,000 of the transportation infrastructure account--state appropriation is for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. $300,000 of the transportation
infrastructure account--state appropriation is provided solely for the
fence line replacement project on the CW line. The PCC rail line
system is made up of the CW, P&L, and PV Hooper rail lines. Business
and economic development elements include such items as levels of
service and business operating plans, but must not include the state's
oversight of railroad regulatory compliance, rail infrastructure
condition, or real property management issues. The PCC rail system
must be managed in a self-sustaining manner and best efforts must be
used to ensure that it does not require state capital or operating
subsidy beyond the level of state funding expended on it to date. The
assignment of the stated responsibilities to an intergovernmental
entity or rail district must be on terms and conditions as the
department of transportation and the intergovernmental entity or rail
district mutually agree. The grant funds may be used only to refurbish
the rail lines. It is the intent of the legislature to make the funds
appropriated in this section available as grants to an
intergovernmental entity or local rail district for the purposes stated
in this section at least until June 30, 2012, and to reappropriate as
necessary any portion of the appropriation in this section that is not
used by June 30, 2011.

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

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

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

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

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

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

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

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

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

(9) $22,354,000 of the multimodal transportation account--federal appropriation is provided solely for high-speed rail projects awarded to Washington state from the high-speed intercity passenger rail program under the American recovery and reinvestment act. Funding will allow for two additional round trips between Seattle and Portland, and other rail improvements.

(10) $1,856,000 of the multimodal transportation account--state appropriation is provided solely for expenditures related to the capital high-speed passenger rail grant that are not federally reimbursable.

(11) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does
not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

(12) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for additional expenditures along the Chelatchie Prairie railroad (\((LN2000025)\)) (710110A).

(13) $984,000 of the multimodal transportation account—state appropriation is provided solely for the department for expenditures associated with the Port of Quincy project (BIN F01170A). The department shall seek federal or other reimbursement for these funds and shall include this project in the quarterly reports described in subsection (6) of this section.

Sec. 1010. 2010 c 247 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

((Highway Infrastructure Account—State Appropriation .... $207,000
Highway Infrastructure Account—Federal Appropriation .................. $1,602,000))

Freight Mobility Investment Account—State Appropriation ......................... ($13,848,000)

$9,170,000

Transportation Partnership Account—State Appropriation ......................... ($8,863,000)

$6,828,000

Motor Vehicle Account—State Appropriation ................ ($14,068,000)

$9,901,000

Motor Vehicle Account—Federal Appropriation ................ ($43,835,000)

$25,727,000

Freight Mobility Multimodal Account—State Appropriation ......................... ($15,620,000)

$7,472,000

Freight Mobility Multimodal Account—Local Appropriation ......................... ($3,258,000)

$3,058,000
Multimodal Transportation Account--Federal

Appropriation .............................................................. $2,118,000

Multimodal Transportation Account--State

Appropriation .............................................................. (($28,855,000))

Transportation 2003 Account (Nickel Account)--State

Appropriation .............................................................. $2,709,000

Passenger Ferry Account--State Appropriation ....................... (($2,879,000))

$1,764,000

Puyallup Tribal Settlement Account--State

Appropriation .............................................................. (($5,895,000))

$5,905,000

TOTAL APPROPRIATION ............................................... (($143,757,000))

$95,575,000

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

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

(2) (($2,729,000)) $1,614,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

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

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

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

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

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

(9) $13,733,000 of the multimodal transportation account--state appropriation, $7,104,000 of the motor vehicle account--federal appropriation, and $2,805,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report...
activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ALL PROJECTS ((2010-2)) 2011-2 as developed March ((8, 2010)) 21, 2011, Program - Local Program (Z).

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

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

(13) ($5,894,000) $5,905,000 of the Puyallup tribal settlement account--state appropriation is provided solely for costs associated with the Murray Morgan/11th Street bridge project. The city of Tacoma may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and bridge mitigation. The department's participation, including prior expenditures, may not exceed $40,270,000. The city of Tacoma has taken ownership of the bridge in its entirety, and the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.
1. Up to ($3,702,000) $52,000 of the motor vehicle account--federal appropriation and ($75,000) $52,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (project 1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures. The amount provided in this subsection is contingent on the enactment by June 30, 2010, of Senate Bill No. 6555.

2. The department shall consider the condition of the Broadway bridge in the city of Everett when prioritizing bridge projects.

3. In order to make the Hood Canal bridge safe for cyclists, the department must work with stakeholders to review bicycle safety needs on the bridge, including consideration of accident data and improvements already made to this project.

4. $250,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency access road and bicycle/pedestrian path.

5. $500,000 of the motor vehicle account--state appropriation is provided solely for improvements to the 150th and Murray Road intersection in the city of Lakewood.

6. $250,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins.

7. $200,000 of the motor vehicle account--state appropriation is provided solely for improvements to the intersection of 39th Ave SE and state route number 96 in Snohomish county.

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2010 c 247 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND
**DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>Highway Bond Retirement Account</td>
<td>($733,667,000)</td>
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<tr>
<td>Ferry Bond Retirement Account</td>
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<tr>
<td>State Route Number 520 Corridor Account--State</td>
<td>($33,770,000)</td>
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<tr>
<td>Transportation Improvement Board Bond Retirement Account--State</td>
<td>($682,000)</td>
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<tr>
<td>Nondebt-Limit Reimbursable Account</td>
<td>($21,084,000)</td>
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<td>Transportation Partnership Account--State</td>
<td>($33,770,000)</td>
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<td>Motor Vehicle Account--State</td>
<td>($672,000)</td>
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<tr>
<td>Transportation 2003 Account (Nickel Account)--State</td>
<td>($85,000)</td>
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<tr>
<td>Special Category C Account--State</td>
<td>($136,000)</td>
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<tr>
<td>Urban Arterial Trust Account--State</td>
<td>$41,000</td>
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<tr>
<td>Transportation Improvement Account--State</td>
<td>$283,000</td>
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<tr>
<td>Multimodal Transportation Account--State</td>
<td>$164,000</td>
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<tr>
<td><strong>TOTAL APPROPRIATION</strong></td>
<td>$804,259,000</td>
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**Sec. 1102.** 2010 c 247 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND...
FISCAL AGENT CHARGES

State Route Number 520 Corridor Account--State Appropriation

Transportation Partnership Account--State Appropriation

Motor Vehicle Account--State Appropriation

Transportation 2003 Account (Nickel Account)--State Appropriation

Special Category C Account--State Appropriation

Urban Arterial Trust Account--State Appropriation

Transportation Improvement Account--State Appropriation

Multimodal Transportation Account--State Appropriation

TOTAL APPROPRIATION

$1,033,000

Sec. 1103. 2010 c 247 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Capital Construction Account

$76,179,000

The department of transportation is authorized to sell up to $76,179,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 1104. 2010 c 247 s 404 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for
motor vehicle fuel tax distributions to cities
and counties ........................................... ($478,753,000)

$471,101,000

Sec. 1105. 2010 c 247 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State
Appropriation: For motor vehicle fuel tax
refunds and statutory transfers ....................... ($1,247,260,000)

$1,227,760,000

Sec. 1106. 2010 c 247 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State
Appropriation: For motor vehicle fuel tax
refunds and transfers ........................................ ($120,688,000)

$115,110,000

Sec. 1107. 2010 1st sp.s. c 37 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

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

(2)) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations
Account--State ............................................ ($54,100,000)

$78,000,000

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

$1,800,000

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

((5))  (4) Multimodal Transportation Account--State
Appropriation: For transfer to the Puget Sound
Ferry Operations Account--State ................... (($9,000,000))

$10,000,000

((6) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation
Account--State ............................................ $10,000,000

((7))  (5) Department of Licensing Services Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State ........................................... $10,000,000

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

((9) State Route Number 520 Civil Penalties
Account--State Appropriation: For transfer to the
State Route Number 520 Corridor Account--State .... $190,000

((10))  (7) Advanced Environmental Mitigation Revolving
Account--State Appropriation: For transfer to the
Motor Vehicle Account--State ................. $5,000,000

((11))  (8) Regional Mobility Grant Program Account--State
Appropriation: For transfer to the Multimodal
Transportation Account--State ..................... $4,000,000

((12))  (9) Motor Vehicle Account--State Appropriation:
For transfer to the State Patrol Highway
Account--State ................................. (($5,600,000))

$4,600,000

(10) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State .... $19,000,000

((13))  (11) The transfers identified in this section are subject
to the following conditions and limitations:

((a) The amount transferred in subsection (1) of this section
represents repayment of operating loans and reserve payments provided
in the Tacoma Narrows toll bridge account from the motor vehicle
account in the 2005-07 fiscal biennium. However, if Engrossed
Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the
transfer in subsection (1) of this section shall not occur.

((b)) Any cash balance in the waste tire removal account in excess

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of one million dollars must be transferred to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.

((e) The transfer in subsection (9) of this section represents toll revenue collected from toll violations.))

MISCELLANEOUS

NEW SECTION. Sec. 1201. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1202. Except for sections 704, 707, 709, 710, and 718 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1203. Sections 704, 707, 710, and 718 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2011.

(End of bill)
WASHINGTON TRAFFIC SAFETY COMMISSION
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU
WASHINGTON STATE PATROL
UTILITIES AND TRANSPORTATION COMMISSION
STATUTORY APPROPRIATIONS
STATE TREASURER
STATE PARKS AND RECREATION COMMISSION
STAFFING LEVELS
SALARY ADJUSTMENT
MARINE EMPLOYEES COMMISSION
GENERAL GOVERNMENT COLLECTIVE BARGAINING
JOINT TRANSPORTATION COMMITTEE
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE
FACILITIES PLANNING
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
FUND TRANSFERS
ADMINISTRATIVE TRANSFERS
BOND RETIREMENT AND INTEREST
BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR
STATE REVENUES FOR DISTRIBUTION
STATE TREASURER
STATUTORY APPROPRIATIONS
TRANSPORTATION COMMISSION
TRANSPORTATION IMPROVEMENT BOARD
UTILITIES AND TRANSPORTATION COMMISSION
VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSIZING INCENTIVES
WASHINGTON STATE PATROL
FIELD OPERATIONS BUREAU
TECHNICAL SERVICES BUREAU
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU
WASHINGTON TRAFFIC SAFETY COMMISSION

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