Section 2
Transportation Budget Bill
PSHB 1094

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170, 47.29.170, 88.16.090, 46.16.685, 46.68.060, 46.68.220, 47.12.244, 47.66.090, 46.16.685, and 46.68.060; amending 2006 c 53 s 2 (uncodified); amending 2006 c 370 ss 208, 210, 215, 218, 221, 224, 226, 227, 228, 229, 301, 302, 304, 305, 309, 401, 402, 404, and 406 (uncodified); amending 2005 c 313 s 301 (uncodified); adding a new section to 2005 c 313 (uncodified); creating new sections; repealing RCW 47.01.390; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

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

2007-09 BIENNIUM

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, 2009.

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

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(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 which 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.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation $1,645,000

(1) $850,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(2) $795,000 of the motor vehicle account--state appropriation is provided solely for development of a new transportation capital budgeting system and transition of a copy of the TEIS system to LEAP.

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

Grade Crossing Protective Account--State Appropriation . . . $505,000

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

Motor Vehicle Account--State Appropriation $3,054,000

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

(1) $2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) $75,000 of the motor vehicle account--state appropriation is provided solely to address transportation budget and reporting requirements.

NEW SECTION. **Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State
Appropriation $422,000

NEW SECTION. **Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation $985,000

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. 106. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation $1,358,000

The appropriations in this section are 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) $1,007,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the manufacturer, distributor, and retailer level.

NEW SECTION. **Sec. 107. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation $223,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided 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. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

As part of its 2007-09 biennium work plan, the joint legislative audit and review committee shall:

(1) Review the Washington state ferries' assignment of preservation costs as required by Engrossed Substitute House Bill No. 2358, for fiscal year 2008, to determine whether costs are capital costs and whether they meet the statutory requirements for preservation activities, and report to the legislature not later than January, 2009; and

(2) Evaluate the Washington state ferries' implementation of the life cycle cost model, as required by Engrossed Substitute House Bill No. 2358, and report to the legislature not later than June 30, 2009, on whether the model:

(a) Complies with available industry standards or department-adopted standards when industry standards are not available;

(b) Is maintained and updated when asset inspections are made; and

(c) Is used to appropriately develop maintenance, preservation, and improvement plans and capital project lists.

TRANSPORTATION AGENCIES--OPERATING

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

Highway Safety Account--State Appropriation $2,601,000
Highway Safety Account--Federal Appropriation $15,884,000
School Zone Safety Account--State Appropriation $3,300,000
TOTAL APPROPRIATION $21,785,000

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

Rural Arterial Trust Account--State Appropriation $905,000
Motor Vehicle Account--State Appropriation $2,071,000

County Arterial Preservation Account--State
Appropriation $918,000
TOTAL APPROPRIATION $3,894,000

NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**
Urban Arterial Trust Account--State Appropriation $1,791,000
Transportation Improvement Account--State
Appropriation $1,793,000
TOTAL APPROPRIATION $3,584,000

NEW SECTION. **Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS**
Pilotage Account--State Appropriation $1,156,000

NEW SECTION. **Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE**
Motor Vehicle Account--State Appropriation $2,153,000

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

(1) $500,000 of the motor vehicle account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2358 (regarding state ferries). In addition to committee members, or their designees, the committee shall request the governor to appoint a representative, and the committee may appoint other persons, to assist in the committee's review of the department of transportation's implementation of Engrossed Substitute House Bill No. 2358. The committee shall report the progress and results of these tasks to the legislative transportation committees by December 15, 2007. The joint transportation committee shall:

(a) As directed by Engrossed Substitute House Bill No. 2358, review the operational and pricing strategies, justification for preservation funding, survey of ferry customers, reestablishment of vehicle level of service standards, terminal design standards, and long-range capital plan. The review of the customer survey shall include participation in the development, and reviewing the results of, the survey;

(b) Review the Washington state ferries' update of the terminal life cycle cost model directed by Engrossed Substitute House Bill No. 2358;

(c) Evaluate the maintenance and capital cost allocation

methodology developed by the department to implement Engrossed Substitute House Bill No. 2358;

(d) Participate in the reconciliation of the ridership demand forecasts used in the Washington state ferries draft long-range strategic plan, and review the update of the plan and forecasts;

(e) Review and evaluate the following Washington state ferries' programs and expenditures:

(i) Administrative operating costs;

(ii) Nonlabor and nonfuel operating costs;

(iii) Eagle Harbor maintenance facility program and maintenance costs;

(iv) Administrative and systemwide capital costs; and

(v) Vessel preservation costs; and

(f) To the extent that Washington State ferries' capital needs are determined by the methods identified in Engrossed Substitute House Bill No. 2358, identify financing alternatives for the ferries' capital needs.

(2) The joint transportation committee shall conduct a review of the Washington state patrol aviation section including aircraft usage, cost reimbursement methodologies, and aviation facilities. A final report on findings and recommendations must be submitted to the transportation committees of the legislature on or before December 1, 2007.

(3) $400,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2101 (regional transportation). If House Bill No. 2101 is not enacted by June 30, 2007, this amount shall lapse.

(4) $300,000 of the motor vehicle account--state appropriation is provided solely to implement Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, this amount shall lapse.

NEW SECTION. **Sec. 206. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation $1,327,000
Multimodal Transportation Account--State Appropriation . . . $112,000
TOTAL APPROPRIATION $1,439,000

The appropriations in this section are subject to the following conditions and limitations: Until construction is complete and all

lanes are open to traffic, the transportation commission shall implement $1.50 tolls for all users of the Good To Go electronic toll collection program on the Tacoma Narrows bridge in order to create an incentive for electronic toll payers.

NEW SECTION. **Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation $1,015,000
Motor Vehicle Account--Federal Appropriation $128,000
TOTAL APPROPRIATION $1,143,000

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

(1) The freight mobility strategic investment board shall, on a quarterly basis and in a format approved by the transportation committees of the legislature and the office of financial management, 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.

(2) The freight mobility strategic investment board and the department of transportation shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by chapter 46.06A RCW for the board and as required by this act for the department.

(3) The freight mobility strategic investment board and the department of transportation shall develop a list of freight highway and rail projects funded by the board and the department. The board and the department shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2007, describing how the freight projects address state freight priorities. The criteria used for selecting among competing projects shall be clearly identified.

(4) $320,000 of the motor vehicle account--state appropriation and $128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic

information system technology. TransNow will contribute an additional $192,000 in federal funds which are not appropriated in the transportation budget.

NEW SECTION. **Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State
Appropriation $227,248,000
State Patrol Highway Account--Federal
Appropriation $10,602,000
State Patrol Highway Account--Private/Local
Appropriation $410,000
TOTAL APPROPRIATION $238,260,000

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.

(2) In addition to the user fees, the Washington state patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) 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 Washington state patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and the legislative transportation committees by September 30th of each year.

(4) $1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, this amount shall lapse.

(5) During the 2007-09 biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads. During the 2007-09 biennium, the Washington state patrol shall work with the counties to transition the traffic accident investigations on county roads to the counties by July 1, 2008.

NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation $1,597,000

NEW SECTION. **Sec. 210. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation $103,170,000

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

TOTAL APPROPRIATION $105,178,000

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) $12,641,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.

(3) $8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) $5,254,000 of the total appropriation is provided solely for

vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) $384,000 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 department has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. **Sec. 211. FOR THE WASHINGTON STATE PATROL--CRIMINAL HISTORY AND BACKGROUND CHECKS.** In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to collect reasonable fees to perform criminal history and background checks for state and local agencies and nonprofit and other private entities and disseminate the records resulting from these activities. For each type of criminal history and background check and dissemination of these records, the Washington state patrol shall, as nearly as practicable, set fees at levels sufficient to cover the direct and indirect costs. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State Appropriation $4,000
Motorcycle Safety Education Account--State
Appropriation $132,000
Wildlife Account--State Appropriation $100,000
Highway Safety Account--State Appropriation $14,622,000
Motor Vehicle Account--State Appropriation $9,107,000
Motor Vehicle Account--Federal Appropriation $15,000
Department of Licensing Services Account--State
Appropriation $124,000
TOTAL APPROPRIATION $24,104,000

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

(1) $91,000 of the motor vehicle account--state appropriation and $152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

(2) $182,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, this amount shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(3) $23,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (motorcycle driver's license endorsement and education). If Senate Bill No. 5273 is not enacted by June 30, 2007, this amount shall lapse. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an analysis of workload impacts following the initial reviews of motorcycle safety training curriculums.

(4) $434,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, this amount shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend

funds only after prior written approval of the director of financial management.

(5) $100,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1046 (meeting financial responsibility requirements for automobiles). If Substitute House Bill No. 1046 is not enacted by June 30, 2007, this amount shall lapse.

(6) $13,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1588 (providing mobility education to students in driver training programs). If Substitute House Bill No. 1588 is not enacted by June 30, 2007, this amount shall lapse.

NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES**

Marine Fuel Tax Refund Account--State Appropriation $2,000
Washington State Patrol Highway Account--State
Appropriation $1,126,000
Motorcycle Safety Education Account--State
Appropriation $55,000
Wildlife Account--State Appropriation $47,000
Highway Safety Account--State Appropriation $27,234,000
Motor Vehicle Account--State Appropriation $13,286,000
Motor Vehicle Account--Private/Local Appropriation $500,000
Department of Licensing Services Account--State
Appropriation $2,508,000
TOTAL APPROPRIATION $44,758,000

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

(1) $153,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, this amount shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) $17,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (motorcycle driver's license endorsement and education). If Senate Bill No. 5273 is not enacted by June 30, 2007, this amount shall lapse. Funding is provided for fiscal year 2008. The department may request funding for fiscal year 2009 if the request is submitted with an analysis of workload impacts following the initial reviews of motorcycle safety training curriculums.

(3) $6,014,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, this amount shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

(4) $225,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1046 (meeting financial responsibility requirements for automobiles). If Substitute House Bill No. 1046 is not enacted by June 30, 2007, this amount shall lapse.

(5) $1,126,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, this amount shall lapse.

(6) $7,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1588 (providing mobility education to students in driver training programs). If Substitute House Bill No. 1588 is not enacted by June 30, 2007, this amount shall lapse.

(7) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account--State Appropriation $26,000
Washington State Patrol Highway Account--State
Appropriation $19,000
Wildlife Account--State Appropriation $694,000
Highway Safety Account--State Appropriation $460,000
Motor Vehicle Account--State Appropriation $58,169,000
Motor Vehicle Account--Private/Local Appropriation $872,000
Department of Licensing Services Account--State
Appropriation $902,000
TOTAL APPROPRIATION $61,142,000

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

(1) $975,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1046 (meeting financial responsibility requirements for automobiles). If Substitute House Bill No. 1046 is not enacted by June 30, 2007, this amount shall lapse.

(2) $19,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, this amount shall lapse.

NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account--State
Appropriation $3,357,000
Highway Safety Account--State Appropriation $99,357,000
Highway Safety Account--Federal Appropriation $233,000
TOTAL APPROPRIATION $102,947,000

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

(1) $2,606,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, this

amount shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) $319,000 of the motorcycle safety education account--state appropriation is provided solely for implementing Senate Bill No. 5273 (motorcycle driver's license endorsement and education). If Senate Bill No. 5273 is not enacted by June 30, 2007, this amount shall lapse. Funding is provided for fiscal year 2008. The department may request funding for fiscal year 2009 if the request is submitted with an analysis of workload impacts following the initial reviews of motorcycle safety training curriculums.

(3) $2,424,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, this amount shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

(4) $180,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1588 (providing mobility education to students in driver training programs). If Substitute House Bill No. 1588 is not enacted by June 30, 2007, this amount shall lapse.

NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE**

High-Occupancy Toll Lanes Account--State
Appropriation $2,436,000
Motor Vehicle Account--State Appropriation $900,000
Tacoma Narrows Toll Bridge Account--State
Appropriation $28,236,000
TOTAL APPROPRIATION $31,572,000

NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY**

Transportation Partnership Account--State Appropriation $4,556,000

Motor Vehicle Account--State Appropriation $68,660,000

Motor Vehicle Account--Federal Appropriation $1,096,000

Puget Sound Ferry Operations Account--State Appropriation $9,184,000

Multimodal Transportation Account--State Appropriation $363,000

Transportation 2003 Account (Nickel Account)--State Appropriation $4,000,000

TOTAL APPROPRIATION $87,859,000

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

(1) The department must consult with the office of financial management and the department of information services to ensure that:

(a) The department's current and future system development is consistent with the overall direction of other key state systems which includes but is not limited to project management, accounting and budgeting, cost allocation, and human resource systems.

(b) The systems that the department is using are consistent with common statewide information systems to encourage coordination and integration of information used by other state agencies and to avoid duplication of systems and applications.

(2) The department shall develop the project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, 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. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the

ensuing 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) $5,006,000 of the motor vehicle account--state appropriation is provided solely for the department of transportation to join the state government network, which includes a complete inventory and diagram of the department's information systems network and infrastructure along with resolving the identified security concerns (servers, mainframes, software, circuits, equipment, ports, IP addressing, fiberoptic lines, etc.). This amount also includes sufficient funds for the department's mainframe migration to the department of information services.

(4) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--OPERATING**

Motor Vehicle Account--State Appropriation $34,547,000

NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION**

Aeronautics Account--State Appropriation $6,885,000
Aeronautics Account--Federal Appropriation $2,150,000
Multimodal Transportation Account--State Appropriation . . . $631,000
TOTAL APPROPRIATION $9,666,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation is provided solely for the aviation planning council as provided for in RCW 47.68.410.

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT**

Transportation Partnership Account--State
Appropriation $2,422,000
Motor Vehicle Account--State Appropriation $50,374,000
Motor Vehicle Account--Federal Appropriation $500,000
Multimodal Transportation Account--State

Appropriation $250,000
Transportation 2003 Account (Nickel Account)--State
Appropriation $2,422,000
TOTAL APPROPRIATION $55,968,000

The appropriation in this section is subject to the following conditions and limitations: $2,422,000 of the transportation partnership account appropriation and $2,422,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services in the development of the project management and reporting system.

The consultants shall provide an updated copy of the capital construction strategic plan to the legislative transportation committees and to the office of financial management on June 30, 2008, and each year thereafter.

The consultants shall also coordinate their work with other budget and performance efforts, including Roadmap, the joint transportation committee budget study, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by December 31, 2007, on the implementation status of recommended capital budgeting and reporting options. Options must include: Reporting against legislatively-established project identification numbers and may include recommendations for reporting against other appropriate project groupings; measures for reporting progress, timeliness, and cost which create an incentive for the department to manage effectively and report its progress in a transparent manner; and criteria and process for transfers of funds among projects.

NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS**

Motor Vehicle Account--State Appropriation $951,000

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

Motor Vehicle Account--State Appropriation $321,568,000
Motor Vehicle Account--Federal Appropriation $2,000,000
Motor Vehicle Account--Private/Local Appropriation $5,797,000
TOTAL APPROPRIATION $329,365,000

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, 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) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2005-07 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis;

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets; and

(e) Raising the current targets to the average service levels attained over the previous three calendar years.

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

Motor Vehicle Account--State Appropriation $51,980,000
Motor Vehicle Account--Federal Appropriation $2,050,000
Motor Vehicle Account--Private/Local Appropriation $127,000
TOTAL APPROPRIATION $54,157,000

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

(1) $654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) $346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) $6,800,000 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.

NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT**

Motor Vehicle Account--State Appropriation $28,171,000
Motor Vehicle Account--Federal Appropriation $30,000
Puget Sound Ferry Operations Account--State
Appropriation $1,321,000
Multimodal Transportation Account--State
Appropriation $973,000
TOTAL APPROPRIATION $30,495,000

The appropriations in this section are subject to the following conditions and limitations: The department shall conduct a study to determine the resources needed to transition from using the

transportation executive information system for budget preparation to using the capital budget system being developed by the office of financial management. The report must include the amount of additional effort necessary for the department to prepare, submit, and report on capital budget requests submitted using the office of financial management's capital budget system. The department shall give consideration to future approaches to developing and presenting the department's budget such as those recommended in the joint transportation committee's budget methodology study. The department must submit its report to the office of financial management and the legislative transportation committees by September 1, 2007.

NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH**

Transportation Partnership Account--State
Appropriation $3,900,000
Motor Vehicle Account--State Appropriation $26,424,000
Motor Vehicle Account--Federal Appropriation $19,035,000
Multimodal Transportation Account--State
Appropriation $1,027,000
Multimodal Transportation Account--Federal
Appropriation $2,809,000
Multimodal Transportation Account--Private/Local
Appropriation $100,000
TOTAL APPROPRIATION $53,445,000

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

(1) $3,900,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(2) $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.

(3) $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.

NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES**

Motor Vehicle Account--State Appropriation $63,710,000
Motor Vehicle Account--Federal Appropriation $400,000
Multimodal Transportation Account--State
Appropriation $259,000
TOTAL APPROPRIATION $64,369,000

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

(1) $33,229,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. 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 $1,520,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR $1,150,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES $4,157,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL $4,033,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION $33,229,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE $1,838,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT $647,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES $1,070,000

(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT $930,000

(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES $1,138,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE $8,859,000

(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION $158,000

(m) FOR FERRY INSURANCE INCREASE $804,000

NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION**

Regional Mobility Grant Program Account--State
Appropriation $40,000,000

Multimodal Transportation Account--State
Appropriation $86,994,000

Multimodal Transportation Account--Federal
Appropriation $2,582,000

Multimodal Transportation Account--Private/Local
Appropriation $291,000

TOTAL APPROPRIATION $129,867,000

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 2005 as reported in the "Summary of Public Transportation - 2005" 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 - 2005" 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) $12,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may 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. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) $40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-D, Regional Mobility Grant Program Projects as developed March 19, 2007. 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, shall 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. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(5) $2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies. In the future, the Island, Skagit, and Whatcom transit agencies shall apply to the regional mobility grant program for funding.

(6) $2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria. In the future, King county shall apply to the regional mobility grant program for funding.

NEW SECTION. **Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE**

Puget Sound Ferry Operations Account--State
Appropriation $414,759,000
Multimodal Transportation Account--State
Appropriation $1,830,000
TOTAL APPROPRIATION $416,589,000

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

(1) $79,191,000 of the total appropriation is provided for ferry vessel operating fuel in the 2007-2009 biennium.

(2) $1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(3) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

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

(5) $1,830,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(6) $932,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters. Funding for compliance with on-board fueling rules is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an alternative compliance plan filed with the department of ecology, as allowed by rule.

(7) $378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard

requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

(8) $1,044,000 of the Puget Sound ferries operations account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2358 (relating to state ferries), including, but not limited to:

(a) Analysis of the level of service standards for state ferry routes, including determining if boat wait is the appropriate measure;

(b) Development of a cost allocation methodology to conform to the definitions and capital expenditure requirements in Engrossed Substitute House Bill No. 2358;

(c) A survey to gather data on ferry users and help inform level of service, operational, pricing, planning, and investment decisions;

(d) Development of operational and pricing strategies to ensure existing assets are fully utilized and to guide future investment decisions, including an evaluation of the one-way fare collection policy;

(e) Update of the life cycle cost model on capital assets;

(f) Completion of the required predesign studies;

(g) Development of terminal design standards; and

(h) Updating the Washington state ferries long range strategic plan, including reconciliation of the ridership demand forecasts.

If Engrossed Substitute House Bill No. 2358 is not enacted by June 30, 2007, this amount shall lapse.

NEW SECTION. **Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--OPERATING**

Multimodal Transportation Account--State Appropriation . . $37,030,000

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

(1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.

(2)(a) $29,091,000 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.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(3) No Amtrak Cascade runs may be eliminated.

(4) $40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

NEW SECTION. **Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--OPERATING**

Motor Vehicle Account--State Appropriation	$8,614,000
Motor Vehicle Account--Federal Appropriation	$2,567,000
TOTAL APPROPRIATION	$11,181,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. **Sec. 301. FOR THE DEPARTMENT OF TRANSPORTATION--FUND TRANSFERS**

The legislature finds that the delivery of the largest transportation construction program in the state's history is threatened by significant project cost increases, many of which are beyond the state's control, such as extraordinary inflation. The cost estimates for completing the 2003 and 2005 transportation funding packages have surpassed the estimated funding resources dedicated to complete these projects during the sixteen year plan. These transportation funding packages improve and preserve the state's transportation infrastructure and contain safety, mobility, and freight projects which are critical to the state's continued economic growth and competitiveness.

The legislature further finds that cost estimates for projects that are in the early stages of design need substantial contingencies to cover a range of potential costs. This cost range may be reduced by

further engineering work that identifies cost-effective alternative approaches to deliver the results of the project.

The legislature further finds that management flexibility is needed to take advantage of opportunities to achieve these results sooner and at a lower cost and that a management reserve is a useful tool for addressing minor project implementation issues as they arise.

The legislature intends that the department of transportation deliver the promised results of the projects funded by the nickel and transportation partnership acts as identified on the 2007 LEAP lists. The legislature directs the department to manage project cost increases by seeking cost-effective means of delivering project results, including using value engineering, constructability reviews, and reviewing design standards. In its subsequent biennial budget request, the department shall clearly identify project results which can be achieved more cost effectively, those which cannot, and additional revenue needed to deliver the remainder of the construction program.

For the 2007-09 biennium, the department may add up to the greater of $500,000 or five percent of the project budget from the management reserve to a project budget once during the 2007-09 biennium. The department may only make withdrawals from the management reserve above these thresholds with approval from the office of financial management. The office of financial management may only approve such withdrawals to keep a project moving and must assure that approval does not negatively impact the overall project list for the 2007-09 biennium.

If the management reserve does not have sufficient resources to accommodate project delivery, the department of transportation may identify projects experiencing unavoidable implementation delays and request that the office of financial management transfer funds from that project to the management reserve. Any savings in nickel or transportation partnership act funds from a project that is completed under budget shall be deposited into the management reserve.

For budget accountability and transparency, the department must report quarterly to the governor and the legislature its progress compared to the legislative baseline funding and schedules by project identification numbers used in the LEAP lists adopted in sections 306, 307, and 309 through 311 of this act. The report must also include the amounts for each project taken from the management reserve.

NEW SECTION. **Sec. 302. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation $1,550,000

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

(1) $863,000 is provided solely for minor works projects.

(2) $687,000 is provided for design and construction of regional wastewater treatment systems for the Washington state patrol Shelton academy.

NEW SECTION. **Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation $64,000,000
Motor Vehicle Account--State Appropriation $2,368,000
County Arterial Preservation Account--State
Appropriation $33,342,000
TOTAL APPROPRIATION $99,710,000

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

(1) $2,020,000 of the motor vehicle account--state appropriation may be used for county ferries. The board shall review the requests for county ferry funding in consideration with other projects funded from the board. If the board determines these projects are a priority over the projects in the rural arterial and county arterial preservation grant programs, then they may provide funding for these requests.

(2) $481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

NEW SECTION. **Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State
Appropriation $4,500,000
Urban Arterial Trust Account--State Appropriation $129,600,000
Transportation Improvement Account--State
Appropriation $90,643,000
State Capital Building Account--State Appropriation $1,750,000
TOTAL APPROPRIATION $226,493,000

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.

(3) $1,750,000 in the state building construction account--state appropriation is provided solely for the city of University Place for the construction of a town square/plaza and the Drexler Drive extension.

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

Motor Vehicle Account--State Appropriation $1,902,000

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

(1) $584,000 of the motor vehicle account--state appropriation is for statewide administration.

(2) $750,000 of the motor vehicle account--state appropriation is for regional minor projects.

(3) $568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.

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

Transportation Partnership Account--State
Appropriation $1,196,400,000
Motor Vehicle Account--State Appropriation $73,154,000
Motor Vehicle Account--Federal Appropriation $400,642,000
Motor Vehicle Account--Private/Local
Appropriation $44,436,000
Special Category C Account--State Appropriation $37,368,000
Tacoma Narrows Toll Bridge Account--State
Appropriation $142,484,000
Transportation 2003 Account (Nickel Account)--State
Appropriation $1,092,325,000

TOTAL APPROPRIATION $2,986,809,000

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

(1) The motor vehicle account--state appropriation includes up to $11,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(2) 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 the LEAP transportation document 2007-1, dated March 19, 2007. Transfers to specific line-item project appropriations from the management reserve may occur subject to the conditions and limitations in section 301 of this act.

(3) The department shall not commence construction on any part of the SR 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 SR 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 SR 520 bridge replacement and HOV project.

(4) The motor vehicle account--state appropriation includes up to $11,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The transportation partnership account--state appropriation includes up to $860,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) The Tacoma Narrows toll bridge account--state appropriation includes up to $131,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The transportation 2003 account (nickel account)--state appropriation includes up to $900,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(8) The special category C account--state appropriation includes up

to $30,000,000 in proceeds from the sale of bonds authorized in House Bill No. 1121. If House Bill No. 1121 is not enacted by June 30, 2007, this amount shall lapse.

(9) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(10) 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 the improvement and preservation programs, including, but not limited to, the SR 167, SR 395, SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(11) The department shall apply for federal transit administration funds for eligible costs of the SR 520 bridge replacement and HOV project.

(12) Within the amounts provided in this section, $12,278,000 of the transportation partnership account--state appropriation and $11,004,443 of the transportation 2003 account (nickel account)--state appropriation are for project 109040T as identified in the LEAP transportation document in subsection (2) of this section: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of the funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may only have access to the center lanes when alternative R8A is complete.

(13) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. 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 shall

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 via the transportation executive information systems (TEIS).

(14) The funding described in this section includes $8,095,541 of the transportation 2003 account (nickel account)--state appropriation and $237,241 of the motor vehicle account--private/local appropriation, which are provided solely for the SR 519 project. The total project is expected to cost no more than $74,400,000 including an additional $8,400,000 in contributions from project partners.

(15) To promote and support community-specific noise reduction solutions, the department shall:

(a) Prepare a draft directive that establishes how each community's priorities and concerns may be identified and addressed in order to allow consideration of a community's preferred methods of advanced visual shielding and aesthetic screening, for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers. The intent is for these provisions to be supportable by existing project budgets. The directive shall also include direction on the coordination and selection of visual and aesthetic options with local communities. The draft directive shall be provided to the standing transportation committees of the legislature by January 2008; and

(b) Pilot the draft directive established in (a) of this subsection in two locations along major state roadways. If practicable, the department should begin work on the pilot projects while the directive is being developed. One pilot project shall be located in Clark county on a significant capacity improvement project. The second pilot project shall be located in urban King county, which shall be on a corridor highway project through mixed land use areas that is nearing or under construction. The department shall provide a written report to the standing transportation committees of the legislature on the findings of the Clark county pilot project by January 2009, and the King county pilot project by January 2010. Based on results of the pilot projects, the department shall update its design manual, environmental procedures, or other appropriate documents to incorporate the directive.

(16) 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.

(17) Of the amounts in this section provided for the SR 304/Bremerton transportation center access improvement tunnel project, up to $3,000,000 is provided for project cost increases.

(18) If the "Green Highway" provisions of House Bill No. 1303 (cleaner energy) are enacted, the department shall erect signs on the interstate highways included in those provisions noting that these interstates have been designated "Washington Green Highways."

(19) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

(20) If on the I-405/I-90 to SE 8th Street Widening project the department finds that there is an alternative investment to preserve reliable rail accessibility to major manufacturing sites within the I-405 corridor that are less expensive than replacing the Wilburton Tunnel, the department may enter into the necessary agreements to implement that alternative provided that costs remain within the approved project budget.

(21) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed $2,800,000,000.

(c) A final design decision will be made by December 31, 2008.

(22) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic

upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION**

Transportation Partnership Account--State
Appropriation $221,075,000
Motor Vehicle Account--State Appropriation $71,007,000
Motor Vehicle Account--Federal Appropriation $424,938,000
Motor Vehicle Account--Private/Local Appropriation $15,285,000
Transportation 2003 Account (Nickel Account)--State
Appropriation $5,666,000
Puyallup Tribal Settlement--State Appropriation $11,000,000
TOTAL APPROPRIATION $748,971,000

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

(1) 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 the LEAP transportation document 2007-1, dated March 19, 2007. Transfers to specific line-item project appropriations from the management reserve may occur subject to the conditions and limitations in section 301 of this act.

(2) The motor vehicle account--state appropriation includes up to $3,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(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 the improvement and preservation programs, including, but not limited to, the SR 167, SR 395, SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(4) $9,665 of the motor vehicle account--state appropriation, $12,652,812 of the motor vehicle account--federal appropriation, and $138,174,581 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(5) 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.

(6) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. 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 shall 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 via the transportation executive information systems (TEIS).

(7) $2,604,501 of the motor vehicle account--federal appropriation and $3,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on SR 101, SR 4, SR 107, and SR 105 must be funded from this amount if federal emergency funds are not available.

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--CAPITAL**

Motor Vehicle Account--State Appropriation $9,437,000
Motor Vehicle Account--Federal Appropriation $15,726,000
Motor Vehicle Account--Private/Local Appropriation $74,000
TOTAL APPROPRIATION $25,237,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes $2,903,654 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**

WASHINGTON STATE FERRIES CONSTRUCTION

Puget Sound Capital Construction Account--State
Appropriation $128,744,000
Puget Sound Capital Construction Account--Federal
Appropriation $51,742,000
Multimodal Transportation Account--State
Appropriation $5,600,000
Transportation 2003 Account (Nickel Account)--State
Appropriation $92,014,000
TOTAL APPROPRIATION $278,100,000

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

(1) The entire transportation 2003 account (nickel account) appropriation and the entire multimodal transportation account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in the LEAP transportation document 2007-1, dated March 19, 2007. Transfers to specific line-item project appropriations from the management reserve may occur subject to the conditions and limitations in section 301 of this act.

(2) The Puget Sound capital construction account--state appropriation includes up to $82,689,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The multimodal transportation account--state appropriation includes up to $5,600,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(4) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall 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).

NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--CAPITAL**

Essential Rail Assistance Account--State Appropriation . . . $500,000
Transportation Infrastructure Account--State
Appropriation $2,500,000
Multimodal Transportation Account--State
Appropriation $158,515,000
Multimodal Transportation Account--Federal
Appropriation $27,050,000
Multimodal Transportation Account--Private/Local
Appropriation $7,894,000
TOTAL APPROPRIATION $196,459,000

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

(1)(a) The entire essential rail assistance account appropriation and the entire multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in the LEAP transportation document 2007-1, dated March 19, 2007. Transfers to specific line-item project appropriations from the management reserve may occur subject to the conditions and limitations in section 301 of this act.

(b) The funding described in (a) of this subsection includes $2,500,000 of the transportation infrastructure account-state appropriation, which is for low-interest loans or grants for rail capital projects through the freight rail investment bank program. The department shall submit criteria for the use of such funds to the office of financial management and the transportation committees of the legislature prior to issuing a call for projects.

(2) The multimodal transportation account--state appropriation includes up to $136,895,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(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 the rail capital program, including, but not limited to the "Tacoma - bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is

received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5)(a) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006.

(b) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(c) In addition to existing criteria established by the department for evaluating rail projects, the department shall use the benefit/impact analysis in subsection (5)(a) of this section when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken, and the conclusions derived from the analysis.

(d) The Stampede Pass corridor rail project shall be evaluated using the benefit/impact analysis method developed under this section, as soon as the analysis method is completed, and the results reported to the office of financial management and to the house and senate transportation committees of the legislature.

(e) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this act for the department and as required by chapter 46.06A RCW for the board.

(6) Upon the expiration of the operating agreements contained in the memorandum of understanding between the office of financial management and Watco for the CW, P&L, and PV Hooper rail lines for the 2007 harvest season, the state will transfer the operating rights to an intergovernmental entity or local rail district which will own the long term operating rights to the rail lines.

NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--CAPITAL**

Transportation Infrastructure Account--State Appropriation $5,000,000
Highway Infrastructure Account--State Appropriation $207,000
Highway Infrastructure Account--Federal Appropriation $1,602,000
Freight Mobility Investment Account--State Appropriation $12,500,000
Transportation Partnership Account--State Appropriation $6,906,000
Motor Vehicle Account--State Appropriation $6,440,000
Motor Vehicle Account--Federal Appropriation $51,900,000
State Building Construction Account--State Appropriation $400,000
Freight Mobility Multimodal Account--State Appropriation $12,100,000
Multimodal Transportation Account--State Appropriation $27,167,000
Transportation 2003 Account (Nickel Account)--State Appropriation $2,706,000
Passenger Ferry Account--State Appropriation $8,500,000
TOTAL APPROPRIATION $135,428,000

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

(1) The entire freight mobility investment account appropriation, the entire transportation partnership account appropriation, the entire freight mobility multimodal account appropriation, the entire transportation 2003 account (nickel account) appropriation, and the entire multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in the LEAP transportation document 2007-1, dated March 19, 2007. Transfers to specific line-item project appropriations from the management reserve may occur subject to the conditions and limitations in section 301 of this act.

(2) 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 the rail program, including, but not limited to the "Tacoma - bypass of Pt. Defiance" project.

(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 the improvement and preservation programs, including, but not limited to, the SR 167, SR 395, SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(4) Federal funds may be transferred from local programs to the improvement and preservation programs and state funds shall be transferred from the improvement and preservation programs to local programs 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, 2007, and December 1, 2008.

(5) $8.5 million 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 between Vashon Island and downtown Seattle.

(6) $400,000 of the state building construction account--state appropriation is provided solely for the Pasco SR 395 pedestrian and bicycle overpass.

(7) $11,672,000 of the multimodal transportation account--state appropriation, $8,711,000 of the motor vehicle account--federal appropriation, and $4,000,000 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 on the LEAP Transportation Document 2007-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 19, 2007. 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, shall 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. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

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**

Highway Bond Retirement Account Appropriation $549,418,000
Ferry Bond Retirement Account Appropriation $38,059,000
Transportation Improvement Board Bond Retirement
Account--State Appropriation $27,650,000
Nondebt-Limit Reimbursable Account Appropriation $15,645,000
Transportation Partnership Account--State
Appropriation $8,354,000
Motor Vehicle Account--State Appropriation $1,065,000
Transportation Improvement Account--State Appropriation . . . $211,000
Multimodal Transportation Account--State
Appropriation $1,354,000
Transportation 2003 Account (Nickel Account)
Appropriation $7,645,000
Special Category C Account Appropriation $285,000
Urban Arterial Trust Account--State Appropriation $113,000
TOTAL APPROPRIATION $649,799,000

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**

Transportation Partnership Account--State Appropriation . . . $440,000

Motor Vehicle Account--State Appropriation $100,000
Transportation Improvement Account--State Appropriation . . . $11,000
Multimodal Transportation Account--State Appropriation . . . $130,000
Transportation 2003 Account (Nickel Account)--State
Appropriation $600,000
Special Category C Account--State Appropriation $30,000
Urban Arterial Trust Account--State Appropriation $37,000
TOTAL APPROPRIATION $1,348,000

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

(1) Motor Vehicle Account--State Reappropriation:
For transfer to the Tacoma Narrows toll bridge
account $131,016,000

The department of transportation is authorized to sell up to $131,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction
account $82,689,000

The department of transportation is authorized to sell up to $82,689,000 in bonds authorized by RCW 47.10.843.

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

Motor Vehicle Account Appropriation for
motor vehicle fuel tax distributions to cities
and counties $526,543,000

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

(1) Recreational Vehicle Account--State
Appropriation: For transfer to the Motor Vehicle

Account--State $2,954,000

(2) Highway Safety Account--State Appropriation: For transfer to the State Patrol Highway Account--State $12,000,000

(3) License Plate Technology Account--State Appropriation: For the Highway Safety Account--State $4,500,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the High-Occupancy Toll Lanes Operations--State Account $3,000,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation Partnership Account--State $21,000,000

(6) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State $25,000,000

(7) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State $23,500,000

(8) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State $44,100,000

(9) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State $30,000,000

(10) Licensing Service Account--State Appropriation: For transfer to the State Patrol Highway Account--State . . $2,500,000

(11) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State $5,000,000

NEW SECTION. **Sec. 406. 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. 407.** 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--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** The appropriations for state agencies, 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 $707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed $732 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. From January 1, 2008, through December 31, 2008, the subsidy shall be $165.31. Starting January 1, 2009, the subsidy shall be $184.26 per month.

NEW SECTION. **Sec. 502. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, 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, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed $707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed $732 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. From January 1, 2008, through December 31, 2008, the subsidy shall be $165.31. Starting January 1, 2009, the subsidy shall be $184.26 per month.

NEW SECTION. **Sec. 503. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapters 41.80, 41.56, and 47.64 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently $707 per month for fiscal year 2008 and $732 per month for fiscal year 2009. The agreements also include a one-time payment of $756 for each employee who is eligible for insurance for the month of June, 2007, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

NEW SECTION. **Sec. 504. COMPENSATION--PENSION CONTRIBUTIONS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are provided to fund employer contributions to state pension funds at the rates adopted by the pension funding council.

NEW SECTION. **Sec. 505. COMPENSATION--REVISE PENSION GAIN SHARING.** The appropriations for (schools) state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in House Bill No. 1711 (gainsharing).

NEW SECTION. **Sec. 506. NONREPRESENTED EMPLOYEE COMPENSATION.** The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2007, and for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(3) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under the personnel system reform act of 2002.

(4) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan.

(5) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(6) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

NEW SECTION. **Sec. 507. COLLECTIVE BARGAINING AGREEMENTS.** Provisions of the collective bargaining agreements contained in sections 508 through 518 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 506 through 516 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. 508. COLLECTIVE BARGAINING AGREEMENT--IBU.** Appropriations in this act contain funding for the collective bargaining agreement reached between the governor and the inlandboatmen's union of the pacific under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1.5% to 4% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 509. COLLECTIVE BARGAINING AGREEMENT--MEBA-LICENSED.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1% to 6% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 510. COLLECTIVE BARGAINING AGREEMENT--MEBA-UNLICENSED.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008.

NEW SECTION. **Sec. 511. COLLECTIVE BARGAINING AGREEMENT--MM&P.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 2.5% to 7.5% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 512. COLLECTIVE BARGAINING AGREEMENT--MM&P-WATCH SUPERVISORS.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the

international organization of master, mates & pilots, watch supervisors, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 3% increase to address this specific classification which is below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 513. COLLECTIVE BARGAINING AGREEMENT--METAL TRADES COUNCIL.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Puget Sound metal trades council under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a $0.95/hour salary adjustment to all classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 514. COLLECTIVE BARGAINING AGREEMENT--FASPAA.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the ferry agents, supervisors, & project administrators association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 10% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 515. COLLECTIVE BARGAINING AGREEMENT--OPEIU.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the office & professional employees international union, local 8, under chapter 47.64 RCW. For employees

covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a one salary range (5%) increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 516. COLLECTIVE BARGAINING AGREEMENT--SEIU.** Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employees international union, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 5% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. **Sec. 517. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

NEW SECTION. **Sec. 518. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION.** Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also

effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

MISCELLANEOUS 2007-09 BIENNIUM

NEW SECTION. **Sec. 601.** Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. **Sec. 602. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

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

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

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

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

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

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

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

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall

ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

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

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

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The

quality assurance plans shall set out the functionality requirements for each phase of a project.

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

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

NEW SECTION. **Sec. 603. MEGA-PROJECTS.** (1) Mega-projects are defined as individual or groups of related projects that cost $1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way Viaduct, SR 520, SR 167, SR 395, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia River Crossing.

(2) The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature.

(3) The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

Sec. 604. RCW 46.68.170 and 1996 c 237 s 2 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 2005-2007 and 2007-2009 fiscal biennium, 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.

Sec. 605. RCW 47.29.170 and 2006 c 370 s 604 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 ((~~June 30, 2007~~)) July 1, 2009.

NEW SECTION. **Sec. 606.** 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.

NEW SECTION. **Sec. 607.** The department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's (GASB) statement number 34 including a complete inventory and valuation of the state's highway system. The financial reporting value of the state's highway system must be adjusted for any new additions to the system. The biennial reporting of the condition of the system must be related to the funding levels of maintaining the system. The department must maintain a current inventory of the state's highway system and estimate the actual cost to maintain and preserve the assets. In addition to the GASB statement 34, the department of transportation with the office of financial management's assistance must establish an asset replacement value for the entire state's highway system. During 2007, the speaker of the house of representatives and the president of the senate must select one member from each caucus to work with the office of financial management and the department of transportation. The purpose of this effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project

management and asset preservation. The office of financial management will coordinate and manage the inventory and the valuation. The office of financial management must submit a final report to the legislative transportation committees on or before December 1, 2008.

NEW SECTION. **Sec. 608.** It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals established under this section are deemed consistent with the benchmark categories adopted by the state's blue ribbon commission on transportation on November 30, 2000. Public investments in transportation should support achievement of these policy goals:

(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

NEW SECTION. **Sec. 609.** RCW 47.01.390 (Alaskan Way viaduct, Seattle Seawall, and state route No. 520 improvements--Requirements--Exceptions) and 2006 c 311 s 27 are each repealed.

Sec. 610. RCW 88.16.090 and 2005 c 26 s 2 are each amended to read as follows:

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

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

(i) Is a citizen of the United States;

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

(iii) Is a resident of the state of Washington at the time of licensure as a pilot;

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

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

(C) The board may establish such other federal license requirements for applicants and pilots as it deems appropriate; and

(v) Successfully completes a board-specified training program.

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

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

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

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

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant

be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

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

(5) The board may appoint a special independent committee or may contract with a firm knowledgeable and experienced in the development of professional tests and evaluations for development and grading of the examinations and other evaluation methods. Active licensed state pilots may be consulted for the general development of any examinations and evaluation exercises but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination or evaluation development committee it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee ((~~of three thousand dollars~~)) <u>in an amount set by the board by rule. The fees established under this subsection (6) may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 for the fiscal year ending 2009</u>. The fees must be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(7) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum

health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or applicant is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

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

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

Sec. 611. RCW 46.16.685 and 2003 c 370 s 4 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) 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. <u>During the 2007-09 fiscal biennium, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess account balance of the license plate technology account.</u>

Sec. 612. RCW 46.68.060 and 1969 c 99 s 11 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. <u>During the 2007-09 fiscal biennium, the legislature may transfer from the highway safety fund to the state patrol highway account amounts as reflect the excess fund balance of the highway safety fund.</u>

Sec. 613. RCW 46.68.220 and 1992 c 216 s 5 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 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. <u>During the 2007-09 fiscal biennium, the legislature may transfer from the department of licensing services account to the state patrol highway account amounts as reflect the excess account balance of the department of licensing services account.</u>

Sec. 614. RCW 47.12.244 and 1991 c 291 s 2 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.

(4) During the 2007-09 fiscal biennium, 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.

Sec. 615. RCW 47.66.090 and 2005 c 312 s 4 are each amended to read as follows:

The high-occupancy toll lanes operations account is created in the state treasury. The department shall deposit all revenues received by the department as toll charges collected from high-occupancy toll lane users. Moneys in this account may be spent only if appropriated by the legislature. Moneys in this account may be used for, but be not limited to, debt service, planning, administration, construction, maintenance, operation, repair, rebuilding, enforcement, and expansion of high-occupancy toll lanes and to increase transit, vanpool and carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor. During the 2007-09 fiscal biennium, any funds transferred from the motor vehicle account shall be spent in a manner consistent with Article II, section 40 of the state Constitution.

2005-07 BIENNIUM

TRANSPORTATION AGENCIES--OPERATING

Sec. 701. 2006 c 53 s 2 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation . . . . . ((~~$1,017,000~~))
$1,317,000

((~~The appropriation in this section is subject to the following conditions and limitations: $500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board.~~))

Sec. 702. 2006 c 370 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation . . ((~~$201,063,000~~)) $201,102,000

State Patrol Highway Account--Federal Appropriation . . . $10,544,000

State Patrol Highway Account--Private/Local Appropriation . . $169,000

TOTAL APPROPRIATION . . . . . ((~~$211,776,000~~)) $211,815,000

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. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) 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 transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) $29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) $5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

(7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed $1,900,000.

(8)(a) $834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded

after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) $62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) $2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

Sec. 703. 2006 c 370 s 210 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation . . ((~~$91,359,000~~)) $91,629,000

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

TOTAL APPROPRIATION . . . . . ((~~$93,367,000~~)) $93,637,000

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

(1) $247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol 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 transportation committees of the senate and house of representatives 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.

(3) $8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

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

(5) $384,000 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 patrol.

(6)(a) $28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase

supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) $2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

NEW SECTION. **Sec. 704.** A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE DEPARTMENT OF LICENSING. The appropriations to the department of licensing in chapter 370, Laws of 2006 shall be expended for the programs and in the amounts specified herein. However, after May 1, 2007, unless specifically prohibited, the department may transfer motor vehicle account--state appropriations for the 2005-2007 fiscal biennium, highway safety account--state appropriations for the 2005-2007 fiscal biennium, and department of licensing services

account--state appropriations for the 2005-2007 fiscal biennium between programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this section.

Sec. 705. 2006 c 370 s 215 (uncodified) is amended to read as follows:

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

Tacoma Narrows Toll Bridge Account--State Appropriation ((~~$8,294,000~~))
$5,200,000

Sec. 706. 2006 c 370 s 218 (uncodified) is amended to read as follows:

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

Aeronautics Account--State Appropriation . . . . . ((~~$7,137,000~~))
$6,925,000
Aeronautics Account--Federal Appropriation $2,150,000
Multimodal Transportation Account--State Appropriation . . . $100,000
Multimodal Transportation Account--Federal Appropriation . . $900,000
TOTAL APPROPRIATION . . . . . ((~~$10,287,000~~))
$10,075,000

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

(1)(a) $433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 707. 2006 c 370 s 221 (uncodified) is amended to read as follows:

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

Motor Vehicle Account--State Appropriation . . . . . ((~~$299,720,000~~))
$300,920,000

Motor Vehicle Account--Federal Appropriation . . . . . ((~~$1,426,000~~))
$3,926,000

Motor Vehicle Account--Private/Local Appropriation $4,315,000

TOTAL APPROPRIATION . . . . . ((~~$305,461,000~~))
$309,161,000

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, 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) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 708. 2006 c 370 s 224 (uncodified) is amended to read as follows:

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

Motor Vehicle Account--State Appropriation . . . . . ((~~$24,052,000~~))
$23,053,000

Motor Vehicle Account--Federal Appropriation $16,756,000

Multimodal Transportation Account--State Appropriation . . $2,279,000

Multimodal Transportation Account--Federal
Appropriation $2,829,000

Multimodal Transportation Account--Private/Local
Appropriation $100,000

Transportation Partnership Account--State
Appropriation $2,300,000

TOTAL APPROPRIATION . . . . . ((~~$48,316,000~~))
$47,317,000

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

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) $175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(3) $150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality

issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

(5) $50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) ((~~$700,000~~)) $440,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) $750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature

finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) $2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) $100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that

has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) $150,000 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.

Sec. 709. 2006 c 370 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State
Appropriation . . . . . ((~~$87,233,000~~))
$70,005,000

Multimodal Transportation Account--Federal
Appropriation $2,603,000

Multimodal Transportation Account--Private/Local
Appropriation $155,000

TOTAL APPROPRIATION . . . . . ((~~$89,991,000~~))
$72,763,000

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 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first $450,000 provided to King county shall be used as follows:

(i) $320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) $130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

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

(a) $7,000,000 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 - 2003 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) $7,000,000 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) $8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a)

Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may 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. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) $3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union.

(5) $1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) ((~~$20,000,000~~)) $2,832,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects as developed March 8, 2006. 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, shall 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. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005,

and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) $2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) $2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) $750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) ((~~$200,000~~)) $140,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 710. 2006 c 370 s 227 (uncodified) is amended to read as follows:

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

Puget Sound Ferry Operations Account--State
Appropriation . . . . . ((~~$372,254,000~~))
$388,061,000

Multimodal Transportation Account--State
Appropriation $3,660,000

TOTAL APPROPRIATION . . . . . ((~~$375,914,000~~)) $391,721,000

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

(1) ((~~$75,280,000~~)) $80,476,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed ((~~$226,455,000~~)) $235,325,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes $6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and $1,339,000 for labor productivity gains agreements and $8,870,000 in full satisfaction of the arbitration awards and the negotiated collective bargaining agreements for the 2003-2005 and 2005-2007 biennia. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) $1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security

operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

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

(6) $3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules.

(7) $350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 711. 2006 c 370 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation . . . . . ((~~$36,876,000~~))

<u>$35,376,000</u>

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

(1)(a) $29,091,000 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.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) ((~~$2,750,000~~)) $1,500,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) $40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) $500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) $60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane county.

Sec. 712. 2006 c 370 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation . . . . . ((~~$8,500,000~~))

$8,836,000

Motor Vehicle Account--Federal Appropriation $2,597,000

Multimodal Transportation Account--State Appropriation . . . $411,000

TOTAL APPROPRIATION . . . . . ((~~$11,508,000~~))

$11,844,000

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

(1) $211,000 of the motor vehicle account--state appropriation and $411,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) ((~~$525,000~~)) $861,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 801. 2005 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation . . . ((~~$2,801,000~~))

$4,138,000

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

(1) $1,535,000 of the appropriation is provided solely for the Shelton training academy domestic water and wastewater treatment project.

(2) $1,266,000 of the appropriation is provided solely for minor works projects.

Sec. 802. 2006 c 370 s 301 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation . . ((~~$64,933,000~~))

$38,046,000

Motor Vehicle Account--State Appropriation $355,000

County Arterial Preservation Account--State

Appropriation . . . . . ((~~$32,697,000~~))

$31,882,000

TOTAL APPROPRIATION . . . . . ((~~$97,985,000~~))

$70,283,000

The appropriations in this section are subject to the following conditions and limitations: $355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 803. 2006 c 370 s 302 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation . . ((~~$101,425,000~~))

$93,425,000

Small City Preservation and Sidewalk

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

$1,696,000

Transportation Improvement Account--State

Appropriation . . . . . ((~~$94,401,000~~))

$82,258,000

TOTAL APPROPRIATION . . . . . ((~~$197,826,000~~))

$177,379,000

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

(1) The transportation improvement account--state appropriation includes up to ((~~$14,143,000~~)) $7,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) ((~~$2,000,000~~)) $1,696,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 804. 2006 c 370 s 304 (uncodified) is amended to read as follows:

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

Transportation 2003 Account (Nickel Account)--State
Appropriation . . . . . ((~~$1,190,511,000~~))
$1,190,261,000
Motor Vehicle Account--State Appropriation $85,165,000
Motor Vehicle Account--Federal Appropriation $395,043,000
Motor Vehicle Account--Private/Local Appropriation $58,522,000
Special Category C Account--State Appropriation $3,479,000
Tacoma Narrows Toll Bridge Account Appropriation $274,038,000
Transportation Partnership Account--State
Appropriation $384,186,000
Multimodal Transportation Account--State
Appropriation . . . . . ((~~$1,002,000~~))
$750,000
TOTAL APPROPRIATION . . . . . ((~~$2,391,946,000~~))
$2,391,444,000

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

(1)(a) 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 2006-1, Highway Improvement Program (I) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, $6,835,000 of the transportation partnership account--state appropriation, $5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and $2,645,000 of the motor vehicle account--federal appropriation are for project 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, $500,000 of the transportation partnership account--state appropriation is for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, $800,000 of the transportation partnership account--state appropriation is for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, $6,000,000 of the transportation partnership account--state appropriation is for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, $12,841,000 of the transportation 2003 account (nickel account)--state appropriation and $4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional $8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, $19,262,149 of the motor vehicle account--federal appropriation and $1,873,478 of the transportation 2003 account (nickel account) appropriation are for project 154302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes up to $50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) 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 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.

(4) The transportation partnership account--state appropriation

includes up to $150,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to $257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes up to $17,022,000 in unexpended proceeds from the March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes up to $880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003.

(7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. 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 shall 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 via the transportation executive information systems (TEIS).

(8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

(9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

(10) The motor vehicle account--state appropriation includes up to $14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The special category C account--state appropriation includes up to $1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(13) $500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.

(14) $6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.

(15) $3,509,738 of the motor vehicle account--federal appropriation and $30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

((~~(17)~~)) (16) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary

of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

((~~(18)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and~~

~~phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.~~

~~(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.~~))

Sec. 805. 2006 c 370 s 305 (uncodified) is amended to read as follows:

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

Transportation 2003 Account (Nickel Account)--State
Appropriation $1,687,000
Motor Vehicle Account--State Appropriation $94,799,000
Motor Vehicle Account--Federal Appropriation . . . . ((~~$435,310,000~~))
$434,483,000
Motor Vehicle Account--Private/Local Appropriation $8,485,000
Puyallup Tribal Settlement Account--State
Appropriation $11,000,000
Transportation Partnership Account--State
Appropriation $24,540,000
TOTAL APPROPRIATION . . . . . ((~~$575,821,000~~))
$574,994,000

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

(1) 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 2006-1, Highway Preservation Program (P) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) $11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The

department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed $26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) $740,000 of the motor vehicle account--state appropriation, $106,149,000 of the motor vehicle account--federal appropriation, and $10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes up to $735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) 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.

(6) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. 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 shall 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 via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to $912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to $6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) ((~~$4,000,000~~)) $3,200,000 of the motor vehicle account--federal appropriation and $6,000,000 of the motor vehicle account--state appropriation, as specified in subsection (8) of this section, are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

Sec. 806. 2006 c 370 s 309 (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~~))
Motor Vehicle Account--Federal Appropriation . . . . . ((~~$48,998,000~~))
$16,734,000
Motor Vehicle Account--State Appropriation . . . . . ((~~$8,340,000~~))
$1,900,000
Transportation Partnership Account--State Appropriation ((~~$2,008,000~~))
$694,000
((~~Freight Mobility Investment Account--State Appropriation . . . . . $6,000,000~~
~~Passenger Ferry Account--State Appropriation . . . . . $9,000,000~~))
Multimodal Transportation Account--State Appropriation . . . . . ((~~$39,403,000~~))
$21,110,000
Transportation 2003 Account (nickel account)--State Appropriation . . . . . ((~~$557,000~~))
$145,000
Freight Mobility Multimodal Account--State Appropriation . . . . . ((~~$9,700,000~~))
$1,900,000
Freight Mobility Multimodal Account--Private/Local Appropriation $3,050,000
TOTAL APPROPRIATION . . . . . ((~~$125,815,000~~))

$45,533,000

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

(1) To manage some projects more efficiently, 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 transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. 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).

(3) The multimodal transportation account--state appropriation includes up to $6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(4) $1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) ((~~$206,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. 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 traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must 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. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.~~

~~(6) The motor vehicle account--state appropriation includes up to $905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.~~

~~(7) $607,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.~~

~~(8) $16,110,000 of the motor vehicle account--federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, $4,992,000; Colville Alternate Truck Route, $1,746,000; S. 228th Street Extension and Grade Separation, $6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., $2,000,000; Granite Falls Alternate Route, $122,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, $750,000.~~

~~(9) $2,898,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent~~

~~Transportation Systems (ITS), $2,382,000; Port of Kennewick/Piert Road, $516,000.~~

~~(10) $6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.~~

~~(11) The department shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference shall be given to projects that provide a local match.~~

~~(12) $18,370,000 of the multimodal transportation account--state appropriation, $6,000,000 of the freight mobility multimodal account--state appropriation, $2,008,000 of the transportation partnership account--state appropriation, and $6,000,000 of the freight mobility investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Local Programs (Z) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.~~

~~(13) $870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.~~

~~(14) $5,000,000 of the multimodal transportation account--state appropriation and $2,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the 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, shall 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. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.~~

~~(15) $9,700,000 of the motor vehicle account--federal appropriation is provided solely for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.~~

~~(16) $19,500,000 of the motor vehicle account--federal appropriation is provided solely for rural county two-lane roadway pilot projects including $7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.~~

~~(17) $2,500,000 of the motor vehicle account--state appropriation is provided solely for the Yakima downtown futures initiative.~~

~~(18) $810,000 of the multimodal transportation account--state appropriation is provided solely for the projects identified in this subsection: Des Moines creek trail, $250,000; SR 282 to Port of Ephrata connector, $385,000; Mount Baker Ridge viewpoint, $175,000.~~

~~(20) $688,000 of the motor vehicle account--federal appropriation is provided solely for completion of the Coal Creek Parkway project.~~

~~(21) $9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If~~

~~Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.~~))

$827,000 of the motor vehicle account--federal appropriation is provided solely for the projects identified in this subsection: The Franklin county slide project, $800,000; and the Loomis-Oroville Road guardrail replacement project, $27,000.

(6) $252,000 of the multimodal transportation account--state appropriation is provided solely for the Winthrop pedestrian and bike path project.

TRANSFERS AND DISTRIBUTIONS

Sec. 901. 2006 c 370 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

Highway Bond Retirement Account Appropriation . . . . ((~~$334,313,000~~))
$329,713,000

Nondebt-Limit Reimbursable Account Appropriation . . . ((~~$6,091,000~~))
$5,791,000

Ferry Bond Retirement Account Appropriation $38,241,000

Transportation Improvement Board Bond Retirement
Account--State Appropriation $30,923,000

Motor Vehicle Account--State Appropriation . . . . . ((~~$682,000~~))
$782,000

Transportation Improvement Account--State
Appropriation $120,000

Multimodal Transportation Account--State
Appropriation . . . . . ((~~$370,000~~))
$390,000

Transportation 2003 Account (Nickel Account)
Appropriation $6,600,000

Transportation Partnership Account--State
Appropriation . . . . . ((~~$1,125,000~~))
$975,000

TOTAL APPROPRIATION . . . . . ((~~$418,465,000~~))

$413,535,000

Sec. 902. 2006 c 370 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

Motor Vehicle Account--State Appropriation $248,000
Transportation Improvement Account--State Appropriation . ((~~$13,000~~)) $18,000
Multimodal Transportation Account--State Appropriation $35,000
Transportation 2003 Account (Nickel Account)--State Appropriation . . . . . ((~~$2,200,000~~)) $2,098,000
Transportation Partnership Account--State Appropriation $375,000
TOTAL APPROPRIATION . . . . . ((~~$2,871,000~~)) $2,876,000

Sec. 903. 2006 c 370 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 . . . . . ((~~$487,612,000~~)) $468,391,000

Sec. 904. 2006 c 370 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State . . . ((~~$2,000,000~~)) $815,000

(2) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction Account--State $73,000,000

(3) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State $5,000,000

(4) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations
Account--State . . . . . ((~~$31,000,000~~))
<u>$50,680,000</u>

(5) Motor Vehicle Account--State Appropriation:
For transfer to the Transportation Partnership
Account--State $33,127,000

(6) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation
Account--State $25,980,000

(7) Transportation Partnership Account--State Appropriation:
For transfer to the Small City Pavement and Sidewalk
Account--State $1,000,000

(8) Transportation Partnership Account--State Appropriation:
For transfer to the Transportation Improvement
Account--State $2,500,000

(9) Transportation Partnership Account--State Appropriation:
For transfer to the County Arterial Preservation
Account--State $1,500,000

(10) License Plate Technology Account--State Appropriation:
For transfer to the Motor Vehicle Account--State $2,500,000

(11) Multimodal Transportation Account--State Appropriation:
For transfer to the Transportation Partnership
Account--State $29,417,000

(12) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility Multimodal
Account--State, up to a maximum of . . . . . ((~~$3,700,000~~))
<u>$3,537,000</u>

(13) Multimodal Transportation Account--State Appropriation:
For transfer to the Tacoma Narrows Toll Bridge
Account--State $1,300,000

(14) Multimodal Transportation Account--State Appropriation:
For transfer to the Freight Mobility Multimodal
Account--State $4,610,000

<u>(15) Motor Vehicle Account--State Appropriation:
For transfer to the Tacoma Narrows Toll Bridge
Account--State . . . . . $5,288,000</u>

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

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

(d) The amount transferred in subsection (13) of this section is appropriated as a nonreimbursable state financial contribution to the project and does not require repayment.

Sec. 905. RCW 46.16.685 and 2003 c 370 s 4 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) 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 2005-07 fiscal biennium, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess account balance of the license plate technology account.

Sec. 906. RCW 46.68.060 and 1969 c 99 s 11 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 2005-07 fiscal biennium, the legislature may transfer from the highway safety fund to the state patrol highway account amounts as reflect the excess fund balance of the highway safety fund.

MISCELLANEOUS

NEW SECTION. **Sec. 1001.** 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. 1002.** 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.

(End of bill)

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