AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170, 47.29.170, 46.68.370, 47.12.244, 46.68.060, 46.63.170, 46.63.160, 43.19.642, 46.68.220, and 43.19.534; reenacting and amending RCW 46.18.060; amending 2010 c 247 ss 103, 104, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 307, 308, 401, 402, and 403 (uncodified); amending 2009 c 470 ss 301 and 305 (uncodified); amending 2010 c 283 s 19 (uncodified); amending 2010 1st sp.s. c 37 s 804 (uncodified); creating new sections; repealing 2010 c 161 s 1126; making appropriations and authorizing expenditures for capital improvements; providing an effective date; providing a contingent effective date; and declaring an emergency.

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

2011–2013 FISCAL 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, 2013.

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

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

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

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

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

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

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

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

2011-2013 FISCAL BIENNUM
GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Motor Vehicle Account--State Appropriation . . . . . . . . . . . . $425,000

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

Grade Crossing Protective Account--State

Appropriation ................................................. $504,000

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

Motor Vehicle Account--State Appropriation ................. $2,399,000
Puget Sound Ferry Operations Account--State

Appropriation ................................................. $4,142,000

TOTAL APPROPRIATION ........................................ $6,541,000

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

(1) The office of financial management, in consultation with the transportation committees of the legislature, shall conduct a budget evaluation study for the new traffic management center proposed by the department of transportation. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the study. The office of financial management shall select the budget evaluation study team members, contract for the study, and report the results to the transportation committees of the legislature and the department of transportation in a timely manner following the study. Options reviewed must include use of existing facilities, including the Wheeler building data center in Olympia. Funds allocated for the new traffic management center must be used by the office of financial management through an interagency agreement with the department of transportation to cover the cost of the study.

(2) $4,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The appropriation is intended to fully fund a two-year policy, and the office of financial management shall increase the deductible or reduce components of the policy in order to keep the total cost of the two-year policy at or below four million dollars.

(3) The office of financial management shall review the department of transportation's predesign requirements for Washington state ferry vessel and terminal projects and modify the requirements such that the requirements continue to meet legal mandates without placing an undue burden on the department.
The office of financial management shall provide to the transportation committees of the legislature, on a quarterly basis, a listing of all demands to bargain with respect to ferry labor relations and the issue that gave rise to the demand to bargain.

(5) $1,033,000 of the motor vehicle account--state appropriation is provided solely for the office of financial management to contract with the Washington state association of counties for a study to identify and evaluate performance measures associated with county transportation activities using study funds distributed to counties under RCW 46.68.120(3). At a minimum, the study must include performance measures related to safety, system preservation, mobility, environmental protection, and project completion. Funding must also provide for the establishment of a data collection and reporting system pilot project that will demonstrate effective and efficient collection and distribution of information associated with county transportation performance measurement. A final report to the legislature must be provided by December 31, 2012.

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION
Motor Vehicle Account--State Appropriation . . . . . . . . . . $918,000

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

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE
Motor Vehicle Account--State Appropriation . . . . . . . . . . $1,200,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.
(2) $686,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.
NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE
Motor Vehicle Account--State Appropriation . . . . . . . . . . $505,000

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION
Highway Safety Account--State Appropriation . . . . . . . . . . $2,546,000
Highway Safety Account--Federal Appropriation . . . . . . . . $42,586,000
Highway Safety Account--Local Appropriation . . . . . . . . . . $50,000
School Zone Safety Account--State Appropriation . . . . . . . . $3,340,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $48,522,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $1,673,900 of the highway safety account--federal appropriation is provided solely for the conclusion of the target zero trooper pilot program, which the commission has developed and implemented in collaboration with the Washington state patrol. The pilot program must continue to demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall continue to apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program.
(2) The commission shall conduct an analysis of drivers using their headlights while their windshield wipers are in use and shall report to the transportation committees of the legislature by December 1, 2011.
(3) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.
   (a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.
   (b) In order to ensure adequate time in the 2011-2013 fiscal
biennium to evaluate the effectiveness of the pilot projects, any
projects authorized by the commission must be authorized by December
31, 2011.

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

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

Rural Arterial Trust Account--State Appropriation ........... $936,000
Motor Vehicle Account--State Appropriation .............. $2,134,000
County Arterial Preservation Account--State
   Appropriation ........................................ $1,460,000
   TOTAL Appropriation .................................. $4,530,000

The appropriations in this section are subject to the following
conditions and limitations: The county road administration board shall
submit a report to the transportation committees of the legislature by
December 1, 2011, on the implementation of the recommendations that
resulted from the evaluation of efficiencies in the delivery of
transportation funding and services to local governments that was
required under section 204(8), chapter 247, Laws of 2010. The report
must include a description of how recommendations were implemented,
what efficiencies were achieved, and an explanation of any
recommendations that were not implemented.

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

Transportation Improvement Account--State
   Appropriation ........................................ $3,673,000

The appropriation in this section is subject to the following
conditions and limitations: The transportation improvement board shall
submit a report to the transportation committees of the legislature by
December 1, 2011, on the implementation of the recommendations that
resulted from the evaluation of efficiencies in the delivery of
transportation funding and services to local governments that was
required under section 204(8), chapter 247, Laws of 2010. The report
must include a description of how recommendations were implemented,
what efficiencies were achieved, and an explanation of any
recommendations that were not implemented.
NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE
Motor Vehicle Account--State Appropriation ............... $1,546,000

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

(1) $200,000 of the motor vehicle account--state appropriation is for a study of Washington state ferries fares that recommends the most appropriate fare media for use with the reservation system and the implementation of demand management pricing. The study must include direct collaboration with transportation commission members.

(2) $150,000 of the motor vehicle account--state appropriation is for a study of the management organization structure at the Washington state ferries. The study results must make recommendations on changes to the organizational structure that will result in more efficient operations and a more balanced management organization structure scaled to the workforce.

(3) $200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) for the joint transportation committee to study and make recommendations on RCW 90.03.525. The study must include: (a) An inventory of state highways subject to the federal clean water act (40 C.F.R. Parts 122 through 124) (national pollutant discharge elimination system) that are within city boundaries; (b) a survey of cities that impose storm water fees or charges to the department of transportation, or otherwise manage storm water runoff from state highways within their jurisdiction; (c) case studies from a representative cross-section of cities on how the department and cities have used RCW 90.03.525; and (d) recommendations on how to achieve efficiencies in the cost and management of state highway storm water runoff within cities under RCW 90.03.525.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION
Motor Vehicle Account--State Appropriation ............... $2,125,000
Multimodal Transportation Account--State Appropriation .... $112,000
TOTAL APPROPRIATION ..................................... $2,237,000

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

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2011-2013 fiscal biennium, the legislature authorizes the
transformation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.56.403, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project only in amounts not greater than those sufficient to effectively maintain travel time, speed, and reliability on the facility such that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(3) Consistent with RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

(4) The total appropriation provided in this section includes funding to conduct a survey to gather data on users of the statewide transportation system, including the state ferry system, as required under chapter ... (Substitute Senate Bill No. 5128), Laws of 2011 (statewide transportation planning).

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
Motor Vehicle Account--State Appropriation . . . . . . . . . . $649,000

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall submit a report to the transportation committees of the
legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

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

State Patrol Highway Account--State

Appropriation .................. $348,311,000

State Patrol Highway Account--Federal

Appropriation .................. $10,903,000

State Patrol Highway Account--Private/Local

Appropriation .................. $3,369,000

TOTAL APPROPRIATION .................. $362,583,000

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

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

(2) The Washington state patrol shall continue to collaborate with the Washington traffic safety commission on the target zero trooper pilot program referenced in section 201(1) of this act.

(3) $370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(5) of this act. The Washington
state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(4) $12,655,000 of the total appropriation is provided solely for automobile fuel in the 2011-2013 fiscal biennium. The Washington state patrol shall analyze their fuel consumption and submit a report to the legislative transportation committees by December 31, 2011, on fuel conservation methods that could be used to minimize costs and ensure that the Washington state patrol is managing fuel consumption effectively.

(5) $7,421,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

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

(7) $1,724,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(8) $1,200,000 of the total appropriation is provided solely for outfitting officers. The Washington state patrol shall prepare a cost-benefit analysis of the standard trooper uniform as compared to a battle dress uniform and uniforms used by other states and jurisdictions. The Washington state patrol shall report the results of the analysis to the transportation committees of the legislature by December 1, 2011.
NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

<table>
<thead>
<tr>
<th>Account</th>
<th>State Appropriation</th>
<th>Federal Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Fuel Tax Refund Account</td>
<td>$32,000</td>
<td></td>
</tr>
<tr>
<td>Motorcycle Safety Education Account</td>
<td>$4,394,000</td>
<td></td>
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<tr>
<td>Wildlife Account</td>
<td>$847,000</td>
<td></td>
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<tr>
<td>Highway Safety Account</td>
<td>$148,187,000</td>
<td>$2,884,000</td>
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<td>Motor Vehicle Account</td>
<td>$73,000,000</td>
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<tr>
<td>Motor Vehicle Account--Private/Local</td>
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<tr>
<td>Motor Vehicle Account--Federal</td>
<td>$242,000</td>
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<tr>
<td>Department of Licensing Services Account</td>
<td>$5,595,000</td>
<td></td>
</tr>
<tr>
<td>Ignition Interlock Device Revolving Account</td>
<td>$1,315,000</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL APPROPRIATION: $237,874,000

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

1. $66,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter ... (Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

2. $238,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

3. $160,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5366), Laws of 2011 (off-road vehicles). If chapter ... (Engrossed Substitute Senate Bill No. 5366), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

4. $919,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5038), Laws of 2011 (vehicle and vessel quick titles). If chapter ... (Substitute Senate Bill No. 5038), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.
enacted by June 30, 2011, the amount provided in this subsection lapses.

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

(6) $3,126,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(7) By December 31, 2011, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites the tow truck statutes (chapter 46.55 RCW) in plain language.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State Appropriation ....................... $517,000
Motor Vehicle Account--State Appropriation ................. $543,000
Tacoma Narrows Toll Bridge Account--State Appropriation ....................... $23,369,000
State Route Number 520 Corridor Account--State Appropriation ....................... $33,373,000
State Route Number 520 Civil Penalties Account--State Appropriation ....................... $4,646,000

TOTAL APPROPRIATION ....................... $62,448,000

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

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all
operating toll facilities and high occupancy toll lane systems, and an
itemized depiction of the use of that revenue.

(2) $33,373,000 of the state route number 520 corridor account--
state appropriation is provided solely for the costs directly related
to tolling the state route number 520 floating bridge. Of this amount,
$3,009,000 must be retained in unallotted status, and may only be
released by the office of financial management as the need arises.

(3) $4,646,000 of the state route number 520 civil penalties
account--state appropriation and $1,465,000 of the Tacoma Narrows toll
bridge account--state appropriation are provided solely for
expenditures related to the toll adjudication process. The department
shall report quarterly on the civil penalty process to the office of
financial management and the house of representatives and senate
transportation committees beginning September 30, 2011. The reports
must include a summary table for each toll facility that includes: The
number of notices of civil penalty issued; the number of recipients who
pay before the notice becomes a penalty; the number of recipients who
request a hearing and the number who do not respond; workload costs
related to hearings; and revenues generated from notices of civil
penalty.

(4) It is the intent of the legislature that transitioning to a
statewide tolling operations center and preparing for all-electronic
tolling on certain toll facilities will have no adverse revenue or
expenditure impact on the Tacoma Narrows toll bridge account. Any
increased costs related to this transition shall not be allocated to
the Tacoma Narrows toll bridge account. All costs associated with the
toll adjudication process are anticipated to be covered by revenue
collected from the toll adjudication process.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--
INFORMATION TECHNOLOGY--PROGRAM C
Motor Vehicle Account--State Appropriation ............... $68,031,000
Transportation Partnership Account--State
    Appropriation ........................................... $1,460,000
Multimodal Transportation Account--State
    Appropriation ........................................... $363,000
Transportation 2003 Account (Nickel Account)--State
    Appropriation ........................................... $1,460,000
The appropriations in this section are subject to the following conditions and limitations:

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

(2) $1,460,000 of the transportation partnership account--state appropriation and $1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

(3) $210,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(4) Beginning December 1, 2011, 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 time, leave, and labor distribution system identified in section 601 of this act. The first report must include a detailed work plan for the development and integration of the system, including timelines and budget milestones. At a minimum, the ensuing reports must 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. It is the intent of the legislature that the state auditor will have an advisory role in the implementation and acquisition of the time, leave, and labor distribution system. It is further the intent of the legislature that if any portion of the system is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system.
The appropriation in this section is subject to the following conditions and limitations: The department shall submit a predesign proposal for a new traffic management center to the office of financial management consistent with the process followed by nontransportation capital construction projects. The department shall not award a contract for construction of a new traffic management center until the predesign proposal has been submitted and the office of financial management has completed a budget evaluation study that indicates a new building is the recommended option for accommodating additional traffic management operations. The department shall notify the transportation committees of the legislature when any building is being considered for purchase, new construction, or as part of an equal value exchange when the value is estimated to be over five hundred thousand dollars.

**NEW SECTION.** Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--

**AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation .................. $6,037,000
Aeronautics Account--Federal Appropriation .................. $2,150,000
TOTAL APPROPRIATION ........................................... $8,187,000

**NEW SECTION.** Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--

**PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

Motor Vehicle Account--State Appropriation .................. $44,726,000
Motor Vehicle Account--Federal Appropriation .................. $500,000
Multimodal Transportation Account--State Appropriation ........ $250,000
TOTAL APPROPRIATION ........................................... $45,476,000

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

(1) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.
(2) $1,754,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(3) It is the intent of the legislature that the real estate services division of the department will recover the cost of its efforts from future sale proceeds.

(4) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department of transportation is not responsible for any costs associated with the cleanup or transfer of this property. By July 1, 2011, and annually thereafter until the entire Dryden pit property has been transferred, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--
ECONOMIC PARTNERSHIPS--PROGRAM K
Motor Vehicle Account--State Appropriation ....................... $594,000
Multimodal Transportation Account--State Appropriation ........ $50,000
TOTAL APPROPRIATION ............................................. $644,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MAINTENANCE--PROGRAM M
Motor Vehicle Account--State Appropriation ....................... $372,558,000
Motor Vehicle Account--Federal Appropriation ..................... $7,000,000
TOTAL APPROPRIATION ............................................. $379,558,000
The appropriations in this section are subject to the following conditions and limitations:

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

(2) $7,000,000 of the motor vehicle account--state appropriation is provided solely for third-party damages to the highway system where the responsible party is known and reimbursement is anticipated. The department shall request additional appropriation authority for any funds received for reimbursements of third-party damages that are in excess of this appropriation.

(3) $7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

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

(5) $6,530,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall continue to report maintenance accountability process (MAP) targets and achievements on an annual basis. The department shall use available funding to target and deliver a minimum MAP grade of C for the activity of roadway striping.

(7) $500,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service. If chapter . . . (Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee) is not enacted by June 30, 2011, the amount provided in this subsection lapses.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING
Motor Vehicle Account--State Appropriation . . . . . . . . . . $49,536,000
Motor Vehicle Account--Federal Appropriation .......... $2,050,000
Motor Vehicle Account--Private/Local Appropriation ....... $127,000
TOTAL APPROPRIATION ........................................ $51,713,000

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

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

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

3) During the 2011-2013 fiscal biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.
(4) $9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(5) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2011-2013 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

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

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

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

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

(e) For purposes of the 2011-2013 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (5) for an infraction generated
through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

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

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S
Motor Vehicle Account--State Appropriation ............... $27,982,000
Motor Vehicle Account--Federal Appropriation ............... $30,000
Multimodal Transportation Account--State
   Appropriation ........................................ $973,000
   TOTAL APPROPRIATION ............................... $28,985,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T
Motor Vehicle Account--State Appropriation ............... $22,841,000
Motor Vehicle Account--Federal Appropriation ............... $21,885,000
Multimodal Transportation Account--State
   Appropriation ........................................ $662,000
Multimodal Transportation Account--Federal
   Appropriation ........................................ $2,809,000
Multimodal Transportation Account--Private/Local
   Appropriation ........................................ $100,000
TOTAL APPROPRIATION .................. $48,297,000

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

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

2. The total appropriation provided in this section assumes enactment of chapter . . . (Substitute Senate Bill No. 5128), Laws of 2011 (statewide transportation planning) and reflects an accompanying cost savings of at least five hundred thousand dollars.

3. $200,000 of the motor vehicle account--state appropriation is provided solely for extending the freight database pilot project that began in 2009. Global positioning system (GPS) data is intended to help guide freight investment decisions and track highway project effectiveness as it relates to freight traffic.

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

Motor Vehicle Account--State Appropriation ................. $85,209,000
Motor Vehicle Account--Federal Appropriation ............... $400,000
Multimodal Transportation Account--State Appropriation ................. $3,320,000

TOTAL APPROPRIATION .................. $88,929,000

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

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

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

   (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES ............... $1,639,000

   (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ......................... $937,000

   (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
GENERAL ADMINISTRATION ............................................. $6,060,000
      (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
PERSONNEL ............................................................. $6,347,000
      (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
PREMIUMS AND ADMINISTRATION ................................. $44,418,000
      (f) FOR ARCHIVES AND RECORDS MANAGEMENT ............ $623,000
      (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
ENTERPRISES .......................................................... $1,008,000
      (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS
PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT ....... $1,143,000
      (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
DEPARTMENT OF INFORMATION SERVICES ....................... $1,980,000
      (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
GENERAL'S OFFICE ................................................... $8,526,000
      (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
LITIGATION ............................................................ $672,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--
PUBLIC TRANSPORTATION--PROGRAM V
State Vehicle Parking Account--State Appropriation ........ $452,000
Regional Mobility Grant Program Account--State
   Appropriation ................................................. $48,942,000
Multimodal Transportation Account--State
   Appropriation ................................................. $58,085,000
Multimodal Transportation Account--Federal
   Appropriation ................................................ $2,582,000
Multimodal Transportation Account--Private/Local
   Appropriation ................................................. $1,027,000
   TOTAL APPROPRIATION ......................................... $111,088,000

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

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

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

(a) $8,500,000 of the 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 - 2009" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(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) $5,614,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only. Operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and
recipients to leverage funds other than state funds. At least $1,600,000 of this amount must be used for vanpool grants in congested corridors.

(4) $8,942,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2007-B, as developed April 20, 2007, or LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in: LEAP Transportation Document 2007-B, as developed April 20, 2007; LEAP Transportation Document 2009-B, as developed April 24, 2009; or LEAP Transportation Document 2011-B, as developed March 22, 2011. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule and that all funds in the regional mobility grant program be used as soon as practicable to advance eligible projects.

(5) $40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2011-B, as developed March 22, 2011. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in LEAP Transportation Document 2011-B, as developed March 22, 2011. The department shall provide annual status reports on December 15, 2011, and December 15, 2012, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. In order
to be eligible to receive a regional mobility grant during the 2011-
2013 fiscal biennium, any jurisdiction that imposes a commercial
parking tax that is based upon gross proceeds, as identified under RCW
82.80.030, must: (a) Have a rate that does not exceed twelve and one-
half percent; and (b) charge one of the following entities no more than
fifty percent of the rate: A public institution of higher education,
or a public or nonprofit hospital, that has: (i) An active commute
trip reduction program as identified in RCW 70.94.531; and (ii)
invested no less than one hundred ten percent of the institution or
hospital's net parking proceeds into the commute trip reduction program
during the previous reporting period.

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

(7) $200,000 of the multimodal transportation account--state
appropriation is contingent on the timely development of an annual
report summarizing the status of public transportation systems as
identified under RCW 35.58.2796.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE--PROGRAM X-1 (ADMINISTRATION)

Puget Sound Ferry Operations Account--State
Appropriation .................. ......................... $51,643,000
Puget Sound Capital Construction Account--State
Appropriation .................. ......................... $21,395,000
TOTAL APPROPRIATION .................. ................ $73,038,000

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

(1) The office of financial management budget instructions require
agencies to recast enacted budgets into activities. The Washington
state ferries shall include a greater level of detail in its 2011-2013
supplemental and 2013-2015 omnibus transportation appropriations act
requests, as determined jointly by the office of financial management,
the Washington state ferries, and the transportation committees of the
legislature.

(2) $1,100,000 of the Puget Sound ferry operations account--state
appropriation is provided solely for a marketing program.
(a) The department shall collaborate with the local ferry communities as part of its marketing program.

(b) The department shall investigate the use of promotional fares to increase ridership.

(c) The department shall have the marketing program in place within the Washington state ferries' headquarters office, with staff positions filled, by July 31, 2011.

(d) The department shall present to the transportation committees of the legislature its plan to increase ridership to meet the underlying assumptions of its long range strategic plan by October 1, 2011.

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

(4) The legislature finds that measuring the performance of the Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and the office of financial management on the development of these measurements along with recommendations to the 2012 legislature.

(5) The department shall continue to identify and implement process changes that will improve on-time performance on a route-by-route basis. These changes must include considering the slowing down of vessels for fuel economy purposes and touch-and-go sailings on peak runs. The department shall report its findings to the transportation committees of the legislature by December 1, 2011.

(6) Until a reservation system is operational on the San Juan islands inner-island route, the department shall provide the same priority loading benefits on the San Juan islands inner-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(7) The department shall request from the United States coast guard variable minimum staffing levels on all of its vessels by December 31, 2011.

(8) No portion of the total appropriation provided in this section may be used to purchase marine insurance.
(9) The department shall provide quarterly reports to the
transportation committees of the legislature outlining wages and
benefits provided to employees.

(10) $7,167,000 of the Puget Sound ferry operations account--state
appropriation is provided solely for the reservation and communications
system project.

(11) The department shall investigate moving the headquarters
building to a more cost-effective location and shall report the results
of that investigation to the transportation committees of the
legislature by December 1, 2011.

(12) The department shall provide support to the legislative
evaluation and accountability program committee's work of upgrading the
transportation executive information system to include more detailed
information for ferry projects.

(13) The department shall, on a quarterly basis, report to the
transportation committees of the legislature statistics regarding its
on-time arrival and departure performance of peak-direction and peak-
time runs on a route-by-route and month-by-month basis. The statistics
must include reasons for any delays over five minutes and any delays
over ten minutes from the scheduled time. These statistics must also
be prominently displayed at its terminals, on its vessels, and on its
web site. Peak times for the Mukilteo/Clinton, Edmonds/Kingston,
Seattle/Bainbridge, Seattle/Bremerton, Fauntleroy/Southworth/Vashon,
and Point Defiance/Tahlequah routes means weekdays from 5:00 a.m. to
9:00 a.m. and 3:00 p.m. to 7:00 p.m. Peak times for the Coupeville
(Keystone)/Port Townsend and Anacortes/San Juan islands routes means
Fridays from 3:00 p.m. to closing, Saturdays all day, Sundays all day,
holidays all day, and Mondays from opening to 12:00 p.m.

(14) Appropriations used for labor costs may be used only for
obligations under applicable collective bargaining agreements, civil
service laws, court orders, and judgments.

(15) Two Twa-di-tabil class ferry vessels must be placed on the
Port Townsend/Coupeville (Keystone) route. After all three vessels as
funded under section 309(2) of this act are in service, the two most
appropriate of these vessels for the Port Townsend/Coupeville
(Keystone) route must be placed on the route.

(16) The department shall continue to provide service to Sidney,
British Columbia and shall explore the world market and investigate the
option of purchasing a foreign-built vehicle and passenger ferry vessel
with, or with the ability to be retrofitted with, safety of life at sea
(SOLAS) certification to operate solely on the Anacortes to Sidney,
British Columbia route currently served by vessels of the Washington
state ferries fleet. The vessel should have the capability of carrying
at least one hundred standard vehicles and approximately four hundred
to five hundred passengers. Further, the department shall explore the
possibilities of contracting with a commercial company to operate the
vessel exclusively on this route, assuming the contractor's employees
assigned to the vessel are represented by the same employee
organizations as the Washington state ferries. The department shall
submit its findings to the office of financial management and the
transportation committees of the legislature by December 15, 2011.

(17) For the 2011-2013 fiscal biennium, the department of
transportation may enter into a distributor controlled fuel hedging
program.

(18) The department shall target service reductions as required to
fit appropriation levels such that the shortening of shoulder seasons
and eliminations of off-peak runs on all routes are considered. Prior
to implementing the reductions, the department shall consult with ferry
employees and ferry advisory committees to determine which reductions
would impact the fewest number of riders.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE--PROGRAM X-2 (VESSEL OPERATIONS)

Puget Sound Ferry Operations Account--State
Appropriation . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $310,255,000

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

1) $134,398,000 of the Puget Sound ferry operations account--state
appropriation is provided solely for auto ferry vessel operating fuel
in the 2011-2013 fiscal biennium. This appropriation is contingent
upon the enactment of section 710 of this act.

2) The office of financial management budget instructions require
agencies to recast enacted budgets into activities. The Washington
state ferries shall include a greater level of detail in its 2011-2013
supplemental and 2013-2015 omnibus transportation appropriations act
requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature.

(3) The department shall provide quarterly reports to the transportation committees of the legislature outlining wages and benefits provided to employees.

(4) Appropriations used for labor costs may be used only for obligations under applicable collective bargaining agreements, civil service laws, court orders, and judgments.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X-3 (TERMINAL OPERATIONS)
Puget Sound Ferry Operations Account--State
Appropriation .................. $52,480,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-2013 supplemental and 2013-2015 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature.

(2) The department shall provide quarterly reports to the transportation committees of the legislature outlining wages and benefits provided to employees.

(3) Appropriations used for labor costs may be used only for obligations under applicable collective bargaining agreements, civil service laws, court orders, and judgments.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X-4 (VESSEL MAINTENANCE)
Puget Sound Ferry Operations Account--State
Appropriation .................. $34,658,000

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

(1) The department shall provide quarterly reports to the
transportation committees of the legislature outlining wages and benefits provided to employees.

(2) Appropriations used for labor costs may be used only for obligations under applicable collective bargaining agreements, civil service laws, court orders, and judgments.

NEW SECTION.  Sec. 225.  FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X-5 (TERMINAL MAINTENANCE)
Puget Sound Ferry Operations Account--State
Appropriation ............................................. $16,574,000

The appropriation in this section is subject to the following conditions and limitations:
(1) The department shall provide quarterly reports to the transportation committees of the legislature outlining wages and benefits provided to employees.
(2) Appropriations used for labor costs may be used only for obligations under applicable collective bargaining agreements, civil service laws, court orders, and judgments.

NEW SECTION.  Sec. 226.  FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State
Appropriation ............................................. $29,657,000

Multimodal Transportation Account--Federal
Appropriation ............................................. $300,000
TOTAL APPROPRIATION .............................. $29,957,000

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

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall plan for a third roundtrip Cascades train
between Seattle and Vancouver, B.C.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--
LOCAL PROGRAMS--PROGRAM Z--OPERATING
Motor Vehicle Account--State Appropriation . . . . . . . . $8,709,000
Motor Vehicle Account--Federal Appropriation . . . . . . . . $2,567,000
TOTAL APPROPRIATION . . . . . . . . . . . . . . . . . . . . . . . . . . . . $11,276,000

The appropriations in this section are subject to the following
conditions and limitations: The department shall submit a report to
the transportation committees of the legislature by December 1, 2011,
on the implementation of the recommendations that resulted from the
evaluation of efficiencies in the delivery of transportation funding
and services to local governments that was required under section
204(8), chapter 247, Laws of 2010. The report must include a
description of how recommendations were implemented, what efficiencies
were achieved, and an explanation of any recommendations that were not
implemented.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL
State Patrol Highway Account--State Appropriation . . . . . $6,731,000

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

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

(2) $3,226,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol for the new waste water treatment lines, waste water plants, water lines, and water systems.

(3) $665,000 of the state patrol highway account--state appropriation is provided solely for the reappropriation of the following minor works projects: $150,000 for HVAC control replacements; $74,000 for South King detachment window replacement; and $421,000 for the Shelton regional water project.

(4) $2,187,000 of the total appropriation is provided solely for mobile office platforms.

(5) It is the intent of the legislature that the omnibus appropriations act provide funding for the portion of any applicable debt service payments, resulting from financial contracts identified under section 601 of this act, that are attributable to the general fund as identified in the Washington state patrol's cost allocation model.

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

Motor Vehicle Account--State Appropriation ............... $874,000
Rural Arterial Trust Account--State Appropriation ........ $37,417,000
County Arterial Preservation Account--State Appropriation ............... $29,360,000
TOTAL APPROPRIATION ............... $67,651,000

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

(1) $874,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The total appropriation in this section includes funding to assist counties in recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. Emergency loans may be made only from existing fund balances, and it is the intent of the legislature that the account be managed based on cash
flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD
Small City Pavement and Sidewalk Account--State
Appropriation ........................................... $3,812,000
Transportation Improvement Account--State
Appropriation ........................................... $178,376,000
TOTAL APPROPRIATION ................................... $182,188,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes up to $22,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL
Motor Vehicle Account--State Appropriation .................. $5,433,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $1,364,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.
(2) $3,669,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I
Multimodal Transportation Account--State
Appropriation ........................................... $34,703,000
Transportation Partnership Account--State
Appropriation ........................................... $2,006,139,000
Motor Vehicle Account--State Appropriation .................. $65,433,000
Motor Vehicle Account--Federal Appropriation ................ $432,068,000
Motor Vehicle Account--Private/Local
Appropriation ............................................ $50,485,000
Transportation 2003 Account (Nickel Account)--State
  Appropriation ............................................ $422,005,000
State Route Number 520 Corridor Account--State
  Appropriation ............................................ $1,019,460,000
  TOTAL APPROPRIATION .................................... $4,030,293,000

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

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

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

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

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

(5) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by January 1, 2012.

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

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

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

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

(10) The transportation 2003 account (nickel account)--state appropriation includes up to $346,657,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(11) The transportation partnership account--state appropriation includes up to $1,422,013,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(12) The motor vehicle account--state appropriation includes up to $45,667,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

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

(14) $8,321,000 of the transportation partnership account--state appropriation and $16,679,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). No funding may be expended until written confirmation has been received by the department that the state of Oregon is providing an equal amount of additional funding to the project.

(15) $107,000 of the motor vehicle account--federal appropriation and $27,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

(16) $2,134,000 of the motor vehicle account--federal appropriation and $47,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

(17) $197,000 of the motor vehicle account--federal appropriation and $9,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C).

(18) $25,687,000 of the transportation partnership account--state appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

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

(20) Up to $8,000,000 in savings realized on the I-90/Snoqualmie
Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be
used for design work on the next two-mile segment of the corridor.

(21) $932,000 of the motor vehicle account--federal appropriation
is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
project (209790B).

(22) Expenditures for the state route number 99 Alaskan Way viaduct
replacement project must be made in conformance with RCW 47.01.402.

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

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

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

(24) Within the amounts provided in this section, $20,000 of the
motor vehicle account--state appropriation and $980,000 of the motor
vehicle account--federal appropriation are provided solely for the
department to continue work on a comprehensive tolling study of the
state route number 167 corridor (project 316718S). As funding allows,
the department shall also continue work on a comprehensive tolling
study of the state route number 509 corridor.

(25)(a) $131,303,000 of the transportation partnership
account--state appropriation, $51,410,000 of the transportation 2003
account (nickel account)--state appropriation, and $10,000,000 of the
motor vehicle account--federal appropriation are provided solely for
the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This
project must be completed as soon as practicable as a design-build
project and must be constructed with a footprint that would accommodate potential future express toll lanes.

(b) As part of the project, the department shall conduct a traffic and revenue analysis and complete a financial plan to provide additional information on the revenues, expenditures, and financing options available for active traffic management and congestion relief in the Interstate 405 and state route number 167 corridors. A report must be provided to the transportation committees of the legislature and the office of financial management by January 2012. However, this subsection (25)(b) is null and void if chapter . . . (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by June 30, 2011.

(26) Funding for a signal at state route number 507 and Yew Street is included in the appropriation for intersection and spot improvements (0BI2002).

(27) $226,809,000 of the transportation partnership account--state appropriation and $1,019,460,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV program. When developing the financial plan for the program, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility, and not by the motor vehicle account.

(28) Any savings on projects on the state route number 532 corridor must be used within the corridor to begin work on flood prevention and raising portions of the highway above flood and storm influences.

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

Transportation Partnership Account--State Appropriation $34,182,000
Motor Vehicle Account--State Appropriation $67,583,000
Motor Vehicle Account--Federal Appropriation $625,437,000
Motor Vehicle Account--Private/Local Appropriation $17,253,000
TOTAL APPROPRIATION $744,455,000

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

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

(3) 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.

(4) Any redistributed federal funds received by the department must, to the greatest extent possible, be applied first to offset planned expenditures of state funds, and second, to offset planned expenditures of federal funds, on projects as identified in the LEAP transportation documents described in this act. If the redistributed federal funds cannot be used in this manner, the department must consult with the joint transportation committee prior to obligating any redistributed federal funds.
(5) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

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

(7) The motor vehicle account--state appropriation includes up to $10,652,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) When the department provides bridge inspection services to cities and counties, the department may charge cities and counties only for the direct hourly costs for department inspectors employed while conducting and documenting inspections.

(9) Funding provided in this section may not be used for construction of any ferries.

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

(11) $3,093,000 of the motor vehicle account--federal appropriation is provided solely for the I-90/Ritzville to Tokio - Paving of Outside Lanes project (609041G).

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

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

Motor Vehicle Account--State Appropriation ................ $6,439,000
Motor Vehicle Account--Federal Appropriation ............... $5,600,000

TOTAL APPROPRIATION ........................................ $12,039,000

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

NEW SECTION.  Sec. 308.  FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-1 (TERMINAL PROJECTS)
Puget Sound Capital Construction Account--State
  Appropriation .........................................................$20,542,000
Puget Sound Capital Construction Account--Federal
  Appropriation .........................................................$12,291,000
Transportation 2003 Account (Nickel Account)--State
  Appropriation .........................................................$16,036,000
Transportation Partnership Account--State Appropriation .... $36,000
Multimodal Transportation Account--State
  Appropriation .........................................................$150,000
  TOTAL APPROPRIATION ............................................ $49,055,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $20,542,000 of the Puget Sound capital construction account--state appropriation, $12,291,000 of the Puget Sound capital construction account--federal appropriation, $36,000 of the transportation partnership account--state appropriation, $16,036,000 of the transportation 2003 account (nickel account)--state appropriation, and $150,000 of the multimodal transportation account--state appropriation are provided solely for ferry terminal projects, as listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed March 22, 2011, Program - Washington State Ferries Capital Program (W).
(2) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management.
(3) The Puget Sound capital construction account--state appropriation includes up to $20,542,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.
(4) Appropriations used for labor costs may be used only for
obligations under applicable collective bargaining agreements, civil
service laws, court orders, and judgments.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-2 (VESSEL PROJECTS)
Puget Sound Capital Construction Account--State
   Appropriation ................................................. $72,277,000
Puget Sound Capital Construction Account--Federal
   Appropriation ................................................. $46,589,000
Transportation 2003 Account (Nickel Account)--State
   Appropriation ................................................. $20,906,000
Transportation Partnership Account--State
   Appropriation ................................................. $1,000,000
Ferry Vessel Replacement Account--State Appropriation ... $9,727,000
Multimodal Transportation Account--State
   Appropriation ................................................. $11,711,000
   TOTAL APPROPRIATION ........................................ $162,210,000

The appropriations in this section are subject to the following
conditions and limitations:
   (1) $72,277,000 of the Puget Sound capital construction account--
state appropriation, $46,589,000 of the Puget Sound capital
construction account--federal appropriation, $1,000,000 of the
transportation partnership account--state appropriation, $20,906,000 of
the transportation 2003 account (nickel account)--state appropriation,
$9,727,000 of the ferry vessel replacement account--state
appropriation, and $11,711,000 of the multimodal transportation
account--state appropriation are provided solely for ferry vessel
projects, as listed in LEAP Transportation Document 2011-2 ALL PROJECTS
as developed March 22, 2011, Program – Washington State Ferries Capital
Program (W).
   (2) $18,906,000 of the transportation 2003 account (nickel
account)--state appropriation, $11,711,000 of the multimodal
transportation account--state appropriation, and $1,537,000 of the
Puget Sound capital construction account--state appropriation are
provided solely for the acquisition of three new Island Home class
ferry vessels subject to the conditions of RCW 47.56.780.
   (3) $56,200,000 of the Puget Sound capital construction account--
state appropriation and $9,727,000 of the ferry vessel replacement
account--state appropriation are provided solely for the acquisition of one 144-vehicle capacity ferry vessel with a sole fuel source of liquid natural gas. The department shall pursue a contract that includes an option for a second 144-vehicle capacity ferry vessel. As such, $21,207,000 of the Puget Sound capital construction account--state appropriation is provided solely for the second 144-vehicle capacity ferry vessel; however, if sufficient resources are not made available to complete construction of the second vessel before the option expires, the second vessel may not be procured. The contract must require the vendor to present to the joint transportation committee within sixty days of signing the contract a list of design options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The contract must allow for exercising the options without a penalty.

(4) $2,800,000 of the Puget Sound capital construction account--federal appropriation is provided solely for completing the Anacortes terminal design up to the maximum allowable construction cost phase. Beyond preparing environmental work, these funds may be spent only after the following conditions have been met: (a) A value engineering process is conducted on the existing design and the concept of a terminal building smaller than preferred alternative; (b) the office of financial management participates in the value engineering process; (c) the office of financial management concurs with the recommendations of the value engineering process; and (d) the office of financial management gives its approval to proceed with the design work.

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

(b) The department shall implement a vessel asset management system and report the results of the system to the transportation committees of the legislature by December 1, 2011.

(c) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2012. The proposal must:

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

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

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

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

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

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

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

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

(G) Coordination with required United States coast guard dry dockings;

(H) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and
A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects; and

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

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

(8) The Puget Sound capital construction account--state appropriation includes up to $72,277,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(9) No portion of the total appropriation provided in this section may be used to retrofit or investigate retrofitting existing vessels with alternative fuels.

(10) Appropriations used for labor costs may be used only for obligations under applicable collective bargaining agreements, civil service laws, court orders, and judgments.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W-3 (EMERGENCY REPAIRS)

Puget Sound Capital Construction Account--State

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

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

(1) $2,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs. Funds may be spent only after approval from the office of financial management.

(2) Appropriations used for labor costs may be used only for obligations under applicable collective bargaining agreements, civil service laws, court orders, and judgments.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State

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

Transportation Infrastructure Account--State

Appropriation ........................................ $5,838,000
Multimodal Transportation Account--State
 Appropriation ......................... $52,987,000

Multimodal Transportation Account--Federal
 Appropriation .......................... $352,006,000

Multimodal Transportation Account--Private/Local
 Appropriation .......................... $1,292,000

TOTAL APPROPRIATION .................. $413,123,000

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

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

(b) Within the amounts provided in this section, $2,903,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

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

(2)(a) If any funds remain in the program reserves (F01001A & F01000A) for the program and projects listed in subsection (1)(b) and (c) of this section, the department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2011, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.
(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost-benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:
   (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
   (ii) Self-sustaining economic development that creates family-wage jobs;
   (iii) Preservation of transportation corridors that would otherwise be lost;
   (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
   (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
   (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to expend unallocated federal rail crossing funds in lieu of or in addition to state funds for eligible costs of projects in program Y.

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

(5) The department shall, on a quarterly basis, provide to the office of financial management and the legislature reports providing the status on active projects identified in the LEAP transportation document described in subsection (1)(a) of this section. Report formatting and elements must be consistent with the October 2009 quarterly project report.
(6) The multimodal transportation account--state appropriation includes up to $16,386,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

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

(8) $4,886,000 of the multimodal transportation account--state appropriation is provided solely for expenditures related to the capital high-speed passenger rail grant that are not federally reimbursable.

(9) $1,087,000 of the multimodal transportation account--state appropriation is provided solely as state matching funds for successful grant applications to the federal rail line relocation and improvement program (project 798999D).

(10) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

**NEW SECTION.** Sec. 312. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

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<tr>
<th>Account</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>Motor Vehicle Account--State Appropriation</td>
<td>$3,521,000</td>
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<tr>
<td>Motor Vehicle Account--Federal Appropriation</td>
<td>$28,541,000</td>
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<tr>
<td>Highway Infrastructure Account--State Appropriation</td>
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<td>Highway Infrastructure Account--Federal</td>
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<tr>
<td>Transportation Partnership Account--State</td>
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<td>Freight Mobility Investment Account--State</td>
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<td>Transportation Partnership Account--State</td>
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<td>Freight Mobility Multimodal Account--State</td>
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<td>Freight Mobility Multimodal Account--Local</td>
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SSB 5176  p. 48
Multimodal Transportation Account--State Appropriation .................. $13,932,000
Passenger Ferry Account--State Appropriation ............. $1,115,000
TOTAL APPROPRIATION .................. $80,129,000

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

(1) The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system.

(2) $1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.

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

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

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

$10,557,000 of the multimodal transportation account--state appropriation, $12,136,000 of the motor vehicle account--federal appropriation, and $5,195,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in: LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 22, 2011; LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007; and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2011-2 ALL PROJECTS as developed March 22, 2011, Program - Local Program (Z).

For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.
(10) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project.

(11) The department shall prepare a list of main street projects, consistent with chapter ... (Engrossed Substitute House Bill No. 1071), Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order to ensure that any proposed list of projects is consistent with legislative intent, the department shall provide a report to the joint transportation committee by December 1, 2011. The report must identify the eligible segments of main streets highways, the department’s proposed project selection and ranking method, criteria to be considered, and a plan for soliciting project proposals.

**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--State Appropriation . . . . $909,298,000
Ferry Bond Retirement Account--State Appropriation . . . . $31,801,000
State Route Number 520 Corridor Account--State Appropriation . . . . $1,075,000
Transportation Improvement Board Bond Retirement Account--State Appropriation . . . . $16,544,000
Nondebt-Limit Reimbursable Account Appropriation . . . . $25,200,000
Transportation Partnership Account--State Appropriation . . . . $3,128,000
Motor Vehicle Account--State Appropriation . . . . $328,000
Transportation 2003 Account (Nickel Account)--State Appropriation . . . . $763,000
Transportation Improvement Account--State Appropriation . . . . $29,000
Multimodal Transportation Account--State Appropriation . . . . $138,000
Toll Facility Bond Retirement Account--State Appropriation . . . .
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

State Route Number 520 Corridor Account--State Appropriation: $68,000

Transportation Partnership Account--State Appropriation: $607,000

Motor Vehicle Account--State Appropriation: $63,000

Transportation 2003 Account (Nickel Account)--State Appropriation: $377,000

Transportation Improvement Account--State Appropriation: $5,000

Multimodal Transportation Account--State Appropriation: $27,000

TOTAL APPROPRIATION: $1,147,000

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

Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account: $107,819,000

The department of transportation is authorized to sell up to $107,819,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries. Of the authorized amounts, $14,500,000 is provided solely for expenditures made during the fiscal biennium ending June 30, 2011.

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

Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties: $478,753,000

SSB 5176  p. 52
NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS
Motor Vehicle Account--State Appropriation: For
motor vehicle fuel tax refunds and statutory
transfers .......................................................... $1,247,260,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--
TRANSFERS
Motor Vehicle Account--State Appropriation: For
motor vehicle fuel tax refunds and transfers .... $120,688,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE
TRANSFERS
(1) Tacoma Narrows Toll Bridge Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State .................................................... $543,000
(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations
Account--State .................................................... $61,000,000
(3) Recreational Vehicle Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State .................................................... $1,450,000
(4) License Plate Technology Account--State
Appropriation: For transfer to the Highway Safety
Account--State .................................................... $3,000,000
(5) Multimodal Transportation Account--State
Appropriation: For transfer to the Puget Sound
Ferry Operations Account--State ......................... $21,000,000
(6) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State .... $24,000,000
(7) Department of Licensing Services Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State .................................................... $300,000
(8) Advanced Right-of-Way Revolving Fund: For transfer
to the Motor Vehicle Account--State ....................... $5,000,000
(9) State Route Number 520 Civil Penalties
Account--State Appropriation: For transfer to the
State Route Number 520 Corridor Account--State .... $754,000
(10) Regional Mobility Grant Program Account--State
Appropriation: For transfer to the Multimodal Transportation Account--State .... $1,000,000
(11) Motor Vehicle Account--State Appropriation:
For transfer to the State Patrol Highway Account--
State .......... $16,500,000
(12) State Route Number 520 Corridor Account--State Appropriation:
For transfer to the Motor Vehicle Account--State, in an amount equal to
funds dispersed during the 2009-2011 fiscal biennium authorized under
section 905(7) of this act.
(13) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction
Account--State .......... $10,000,000
(14) Motor Vehicle Account--State Appropriation:
For transfer to the Special Category C Account--State ...... $1,100,000
(15) The transfers identified in this section are subject to the
following conditions and limitations:
(a) The amount transferred in subsection (1) of this section
represents repayment of operating loans and reserve payments provided
to the Tacoma Narrows toll bridge account from the motor vehicle
(b) The transfer in subsection (9) of this section represents toll
revenue collected from toll violations.

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

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

COMPENSATION

NEW SECTION. Sec. 501. COMPENSATION
The appropriations for state agencies are subject to the following conditions and limitations: State employee compensation adjustments will be provided in accordance with funding adjustments provided in the 2011-2013 omnibus appropriations act.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS
(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for the acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.
(a) Department of transportation: Enter into a financing contract for up to $8,186,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system.

(b) Department of licensing: Enter into a financing contract for up to $7,414,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a prorate and fuel tax system.

(c) Washington state patrol: (i) Enter into a financing contract for up to $8,241,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install mobile office platforms in state patrol and pursuit vehicles.

(ii) Enter into a financing contract for up to $40,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase equipment and engineering services to convert to a narrowband digital system.

NEW SECTION. Sec. 602. MEGA-PROJECT REPORTING

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, I-405, North Spokane corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the Columbia river crossing. The department of transportation 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 and the office of financial management. 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.

NEW SECTION. Sec. 603. FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2011-1 as developed March 22, 2011, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department is expected to use the flexibility provided in this section to assist in the
delivery and completion of all transportation partnership account and
transportation 2003 account (nickel account) projects on the LEAP
transportation documents referenced in this act. For the 2009-2011 and
2011-2013 project appropriations, unless otherwise provided in this
act, the director of financial management may authorize a transfer of
appropriation authority between projects funded with transportation
2003 account (nickel account) appropriations, or transportation
partnership account appropriations, in order to manage project spending
and efficiently deliver all projects in the respective program under
the following conditions and limitations:

(a) Transfers may only be made within each specific fund source
referenced on the respective project list;
(b) Transfers from a project may not be made as a result of the
reduction of the scope of a project or be made to support increases in
the scope of a project;
(c) Each transfer between projects may only occur if the director
of financial management finds that any resulting change will not hinder
the completion of the projects as approved by the legislature. Until
the legislature reconvenes to consider the 2012 supplemental
transportation budget, any unexpended 2009-2011 appropriation balance
as approved by the office of financial management, in consultation with
the legislative staff of the house of representatives and senate
transportation committees, may be considered when transferring funds
between projects;
(d) Transfers from a project may be made if the funds appropriated
to the project are in excess of the amount needed to complete the
project;
(e) Transfers may not occur for projects not identified on the
applicable project list, except for those projects that were expected
to be completed in the 2009-2011 fiscal biennium;
(f) Transfers may not be made while the legislature is in session;
and
(g) Transfers between projects may be made by the department of
transportation until the transfer amount by project exceeds two hundred
fifty thousand dollars, or ten percent of the total project, whichever
is less. These transfers must be reported quarterly to the director of
financial management and the chairs of the house of representatives and
senate transportation committees.
(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

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

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

NEW SECTION. Sec. 604. 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. 605. FOR THE DEPARTMENT OF TRANSPORTATION
As part of its annual budget submittal, the department shall provide an annual update to the legislature and the office of financial management that:

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

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

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

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

(5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION
As part of its 2012 supplemental budget submittal, the department shall provide a report to the legislature and the office of financial management that:

(1) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2009-2011 fiscal biennium into the 2011-2013 fiscal biennium; and

(2) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2011 enacted transportation budget.

NEW SECTION. Sec. 607. (1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

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

(3) In order to meet these targets and to continue to successfully deliver the highway construction program, the department may contract out engineering and technical services. In addition, the department may continue the incentive program for retirements and employee separations. The department shall report to the office of financial management by November 2011 on its progress and plans to reduce highway construction workforce levels to two thousand FTEs by June 2015.
Sec. 701. RCW 46.68.170 and 2009 c 470 s 701 are each amended to read as follows:

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

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

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

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;
(2) Provisions governing procedures for the cessation of negotiations and consideration;
(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;
(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and
(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:
   (a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;
(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

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

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

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

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

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

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

Sec. 705. RCW 47.12.244 and 2009 c 470 s 709 are each amended to read as follows:

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

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

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

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

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

Sec. 706. RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161 s 604 are each reenacted and amended to read as follows:

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

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

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

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;
(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the (chair of the senate and house of representatives transportation committee) executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

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

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

Sec. 707. RCW 46.68.060 and 2009 c 470 s 711 are each amended to read as follows:

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

Sec. 708. RCW 46.63.170 and 2010 c 161 s 1127 are each amended to read as follows:
The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

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

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

(c) During the (2009-2011) 2011-2013 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of (section 201(2), chapter 470, Laws of 2009) section 201(3) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

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

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

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

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

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

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

(2) Infractions detected through the use of automated traffic
safety cameras are not part of the registered owner's driving record
under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
by the use of automated traffic safety cameras under this section shall
be processed in the same manner as parking infractions, including for
the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
However, the amount of the fine issued for an infraction generated
through the use of an automated traffic safety camera shall not exceed
the amount of a fine issued for other parking infractions within the
jurisdiction.
(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

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

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

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

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

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the (2009-2011) 2011-2013 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of (section 201(2), chapter 470, Laws of 2009) section 201(3) of this act.
During the (2009-2011) fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of (section 218(2), chapter 470, Laws of 2009) section 216(5) of this act.

Sec. 709. RCW 46.63.160 and 2010 c 249 s 6 are each amended to read as follows:

(1) This section applies only to civil penalties for nonpayment of tolls detected through use of photo toll systems.

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

(3) A notice of civil penalty may be issued by the department of transportation when a toll is assessed through use of a photo toll system and the toll is not paid by the toll payment due date, which is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

(4) Any registered owner or renter of a vehicle traveling upon a toll facility operated under chapter 47.56 or 47.46 RCW is subject to a civil penalty governed by the administrative procedures set forth in this section when the vehicle incurs a toll charge and the toll is not paid by the toll payment due date, which is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

(5) Consistent with chapter 34.05 RCW, the department of transportation shall develop an administrative adjudication process to review appeals of civil penalties issued by the department of transportation for toll nonpayment detected through the use of a photo toll system under this section.

(6) The use of a photo toll system is subject to the following requirements:

(a) Photo toll systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of civil penalty must include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo toll system, stating the facts supporting the notice of civil
penalty. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding established under subsection (5) of this section. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the toll nonpayment civil penalty must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the civil penalty.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection and enforcement purposes and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a civil penalty under this chapter. No photograph, digital photograph, microphotograph, videotape, other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of civil penalties under this section. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies.

(d) All locations where a photo toll system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where tolls are assessed and enforced by a photo toll system.

(e) Within existing resources, the department of transportation shall conduct education and outreach efforts at least six months prior to activating an all-electronic photo toll system. Methods of outreach shall include a department presence at community meetings in the vicinity of a toll facility, signage, and information published in local media. Information provided shall include notice of when all electronic photo tolling shall begin and methods of payment. Additionally, the department shall provide quarterly reporting on education and outreach efforts and other data related to the issuance of civil penalties.

(7) Civil penalties for toll nonpayment detected through the use of
photo toll systems must be issued to the registered owner of the vehicle identified by the photo toll system, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(8) The civil penalty for toll nonpayment detected through the use of a photo toll system is forty dollars plus the photo toll and associated fees.

(9) Except as provided otherwise in this subsection, all civil penalties, including the photo toll and associated fees, collected under this section must be deposited into the toll facility account of the facility on which the toll was assessed. However, (beginning on July 1, 2011,) civil penalties deposited into the Tacoma Narrows toll bridge account created under RCW 47.56.165 that are in excess of amounts necessary to support the toll adjudication process applicable to toll collection on the Tacoma Narrows bridge must first be allocated toward repayment of operating loans and reserve payments provided to the account from the motor vehicle account under section 1005(15), chapter 518, Laws of 2007. Additionally, all civil penalties, resulting from nonpayment of tolls on the state route number 520 corridor, shall be deposited into the state route number 520 civil penalties account created under section 4, chapter 248, Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

(10) If the registered owner of the vehicle is a rental car business, the department of transportation shall, before a toll bill is issued, provide a written notice to the rental car business that a toll bill may be issued to the rental car business if the rental car business does not, within thirty days of the mailing of the written notice, provide to the issuing agency by return mail:

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

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

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.
Timely mailing of this statement to the issuing agency relieves a rental car business of any liability under this section for the payment of the toll.

(11) Consistent with chapter 34.05 RCW, the department of transportation shall develop rules to implement this section.

(12) For the purposes of this section, "photo toll system" means the system defined in RCW 47.56.010 and 47.46.020.

Sec. 710. RCW 43.19.642 and 2010 c 247 s 701 are each amended to read as follows:

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

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

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

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

(5) By December 1, 2009, the department of general administration shall:
(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

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

(6) During the 2011-2013 fiscal biennium, this section does not apply to fuel purchased by the Washington state ferries.

Sec. 711. RCW 46.68.220 and 2010 c 161 s 807 are each amended to read as follows:

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

(1) Information and service delivery systems for the department;
(2) Reimbursement of county licensing activities; and
(3) County auditor or other agent and subagent support including, but not limited to, the replacement of department-owned equipment in the possession of county auditors or other agents and subagents appointed by the director. During the 2011-2013 fiscal biennium, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

Sec. 712. RCW 43.19.534 and 2009 c 470 s 717 are each amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: (a) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (b) are not of equal or better quality, or (c) the price of the product or service is higher than that produced by the private sector. However, the criteria
of goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section.

(2) During the 2009-2011 and 2011-2013 fiscal biennia, and in conformance with section 223(11), chapter 470, Laws of 2009 and section 221(3) of this act, this section does not apply to the purchase of uniforms by the Washington state ferries.

NEW SECTION. Sec. 713. 2010 c 161 s 1126 is repealed.

2009-2011 FISCAL BIENNIA

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 801. 2010 c 247 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation ............... $3,526,000
Puget Sound Ferry Operations Account--State
  Appropriation ........................................... ($98,000)
  $164,000
  TOTAL APPROPRIATION .............................. ($3,624,000)
  $3,690,000

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

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

(2) $1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, $502,000 is for two existing FTEs at the department of transportation to maintain and support the system.
(3) $150,000 of the motor vehicle account--state appropriation is provided solely for the office of financial management to contract with the Washington state association of counties for a pilot program to develop and implement a streamlined process for programmatic hydraulic project approvals for multiple, recurring local transportation and public works projects. The pilot program must include the following:

(a) Describing, defining, and documenting classes of local transportation and public works projects appropriate for programmatic hydraulic project approvals permits; (b) developing technical permitting requirements and conditions; (c) administratively adopting and implementing programmatic hydraulic project approvals statewide; and (d) piloting, reviewing, updating, and training throughout all Washington counties. For the purpose of this subsection, the contract with the Washington state association of counties is deemed a revenue generation and auditing activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 802. 2010 c 247 s 104 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State Appropriation . . . . . . . . . . . . . . . . . . . ((($440,000))

$374,000

TRANSPORTATION AGENCIES--OPERATING

Sec. 901. 2010 c 247 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION
Motor Vehicle Account--State Appropriation . . . . . . . ((($2,328,000))

$2,167,000
Multimodal Transportation Account--State Appropriation . . . (($112,000))

$111,000

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

$2,278,000

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

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

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

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

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

(6) If the commission considers implementing a ferry fuel surcharge, it must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature. The commission may impose a ferry fuel surcharge effective July 1, 2011. When implementing a ferry fuel surcharge, the commission must regard ferry fuel surcharges as fare policy changes and thus, ferry fuel surcharges should be included in all public procedures and processes currently used for fare pricing per RCW 47.60.290.
The commission shall work with the department of transportation's economic partnerships (Program K) in conducting a best practices review of nontoll, public-private partnerships. The purpose of this review is to identify the policies and procedures that would be appropriate for application in Washington state. The commission must report its findings and recommendations, including draft legislation if warranted, to the house of representatives and senate transportation committees by January 2011.

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

Sec. 902. 2010 c 247 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU
State Patrol Highway Account--State
  Appropriation .................. \($227,958,000\) \[\text{\$224,558,000}\]
State Patrol Highway Account--Federal
  Appropriation .................. \$10,903,000
State Patrol Highway Account--Private/Local
  Appropriation .................. \($867,000\) \[\text{\$939,000}\]
  TOTAL APPROPRIATION .............. \($239,728,000\) \[\text{\$236,400,000}\]

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

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

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

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

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

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

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

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

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

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

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

(11) After May 1, 2011, unless specifically prohibited, the
Washington state patrol may transfer state patrol highway account--
state appropriations for the 2009-2011 fiscal biennium between
operating programs after approval by the director of the office of
financial management. However, the state patrol shall not transfer
state moneys that are provided solely for a specified purpose.
Sec. 903. 2010 c 247 s 208 (uncodified) is amended to read as follows:

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

The appropriation in this section is subject to the following conditions and limitations: After May 1, 2011, unless specifically prohibited, the Washington state patrol may transfer state patrol highway account--state appropriations for the 2009-2011 fiscal biennium between operating programs after approval by the director of the office of financial management. However, the state patrol shall not transfer state moneys that are provided solely for a specified purpose.

Sec. 904. 2010 c 247 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU
State Patrol Highway Account--State Appropriation . . ((($108,560,000)) $105,488,000
State Patrol Highway Account--Private/Local
Appropriation . . . . . . . . . . . . . . $2,510,000
TOTAL APPROPRIATION . . . . . . . . ((($111,070,000)) $107,998,000

The appropriations in this section are subject to the following conditions and limitations:
(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.
(2) (($10,425,000)) $10,676,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.
(3) $7,421,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.
(4) $6,611,000 of the total appropriation is provided solely for
vehicle repair and maintenance costs of vehicles used for highway purposes.

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

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

(7) (($345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state patrol retirement system). If Engrossed Substitute House Bill No. 1445 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse)) After May 1, 2011, unless specifically prohibited, the Washington state patrol may transfer state patrol highway account--state appropriations for the 2009-2011 fiscal biennium between operating programs after approval by the director of the office of financial management. However, the state patrol shall not transfer state moneys that are provided solely for a specified purpose.

Sec. 905. 2010 c 247 s 211 (uncodified) is amended to read as follows:

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

High Occupancy Toll Lanes Operations Account--State

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

$2,732,000

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

$2,945,000

Tacoma Narrows Toll Bridge Account--State

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

State Route Number 520 Corridor Account--State

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

$736,000

State Route Number 520 Civil Penalties

Account--State Appropriation ......................... (($2,130,000))
TOTAL APPROPRIATION ................... ($60,100,000)

$130,000

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

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

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

3. $736,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. (Of this amount, $8,000,000 must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee.)

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

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

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

(7) Up to $2,435,000 of the motor vehicle account--state appropriation is provided solely as an expenditure reserve in the event that toll revenue collection on the state route number 520 floating bridge is delayed beyond April 2, 2011. This appropriation must remain in unallotted status and may be released by the office of financial management only to cover shortfalls in the state route number 520 corridor account due to delayed toll revenue collection in order to support the activities funded in subsection (3) of this section. Repayment from the state route number 520 corridor account to the motor vehicle account regarding this appropriation is assumed in the 2011-2013 biennial transportation budget.

Sec. 906. 2010 c 247 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C
Transportation Partnership Account--State
Appropriation .................. ............... $2,675,000
Motor Vehicle Account--State Appropriation ........ (($68,650,000)) $67,546,000
Motor Vehicle Account--Federal Appropriation ........ $240,000
Multimodal Transportation Account--State
Appropriation .................. ............... $363,000
Transportation 2003 Account (Nickel Account)--State
Appropriation .................. ............... $2,676,000
TOTAL APPROPRIATION ...................... (($74,604,000)) $73,500,000

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

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

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

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

Sec. 907. 2010 c 247 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING
Motor Vehicle Account--State Appropriation . . . . . . (($25,292,000))
Sec. 908. 2010 c 247 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F
Aeronautics Account--State Appropriation .................. (\$5,960,000)
\$5,761,000
Aeronautics Account--Federal Appropriation .............. \$2,150,000
TOTAL APPROPRIATION .................. (\$8,110,000)
\$7,911,000

The appropriations in this section are subject to the following conditions and limitations:
(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.
(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.
(3) Within the amounts provided in this section, the department shall develop guidelines setting forth consultation procedures and a process to assist counties and cities to identify land uses that may be incompatible with airports and aircraft operations, and to encourage and facilitate the adoption and implementation of comprehensive plan policies and development regulations consistent with RCW 36.70.547 and 36.70A.510.

Sec. 909. 2010 c 247 s 215 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H
Motor Vehicle Account--State Appropriation ............ (\$49,331,000)
\$45,219,000
Motor Vehicle Account--Federal Appropriation ............ \$500,000
Multimodal Transportation Account--State Appropriation ............ \$250,000
TOTAL APPROPRIATION ............ (\$50,081,000)
\$45,969,000
The appropriations in this section are subject to the following conditions and limitations:

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

It is the intent of the legislature that the list of individuals and
entities eligible to receive surplus property be periodically evaluated
to determine whether the list is appropriate and provides utility to
the department.

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

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

(4) The department shall provide updated information on six project
milestones for all active projects, funded in part or in whole with
2005 transportation partnership account funds or 2003 nickel account
funds, on a quarterly basis in the transportation executive information
system (TEIS). The department shall also provide updated information
on six project milestones for projects, funded with preexisting funds
and that are agreed to by the legislature, office of financial
management, and the department, on a quarterly basis in TEIS.
Sec. 910. 2010 c 247 s 216 (uncodified) is amended to read as follows:

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

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

$643,000

Multimodal Transportation Account--State Appropriation .................. (($200,000))

$150,000

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

$793,000

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

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

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

(3) $75,000 of the motor vehicle account--state appropriation is provided solely for the implementation of a pilot project allowing advertisements and sponsorships on select web pages. The pilot project must be organized under the partnership model described in the department's web site monetizing feasibility study, which was prepared under subsection (2) of this section. Once operational, the pilot project must operate for at least twelve consecutive months. After twelve months of continuous operation, the department shall provide a report with recommendations on whether to continue project operations to the office of financial management and the chairs of the transportation committees. The department may end the pilot project after less than twelve consecutive months of operation if insufficient bids or proposals are received from potential sponsors or advertisers. For the purpose of this subsection, if a consultant contract is
warranted, the consultant contract is deemed a revenue generation activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 911. 2010 c 247 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M
Motor Vehicle Account--State Appropriation . . . . . . . (($347,645,000))
$348,943,000
Motor Vehicle Account--Federal Appropriation . . . . . . . $7,000,000
Motor Vehicle Account--Private/Local Appropriation . . . (($5,797,000))
$7,997,000
TOTAL APPROPRIATION . . . . . . . . . . (($360,442,000))
$363,940,000

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

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

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

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

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

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:
(a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and

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

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

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

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

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

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

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

Sec. 912. 2010 c 247 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING
Motor Vehicle Account--State Appropriation . . . . . . ($51,128,000)

$49,764,000

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

SSB 5176 p. 88
The appropriations in this section are subject to the following conditions and limitations:

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

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

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

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

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

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

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

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

(3) The department shall implement a pilot project to evaluate the
benefits of using electronic traffic flagging devices. Electronic
traffic flagging devices must be tested by the department at multiple
sites and reviewed for efficiency and safety. The department shall
report to the transportation committees of the legislature on the best
use and practices involving electronic traffic flagging devices,
including recommendations for future use, by June 30, 2010.
(4) $173,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks. The department shall report to the office of financial management and the transportation committees of the legislature on the effectiveness of the clearance goals and submit recommendations to improve the pilot program with the department's 2010 supplemental omnibus transportation appropriations act submittal. The tow truck incentive program may continue to provide incentives for quick clearance of traffic incidents involving large vehicles. The department shall make recommendations as part of its biennial budget proposal for expanding the use of the incentive program.

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

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

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

Sec. 913. 2010 c 247 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S
Motor Vehicle Account--State Appropriation ........ (($28,468,000)) $27,968,000
Motor Vehicle Account--Federal Appropriation ........ $30,000
Multimodal Transportation Account--State Appropriation ........ $971,000
State Route Number 520 Corridor Account--State Appropriation ........ $264,000
TOTAL APPROPRIATION ........ (($29,733,000)) $29,233,000

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

Sec. 914. 2010 c 247 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T
Motor Vehicle Account--State Appropriation ........ (($25,955,000)) $25,384,000
Motor Vehicle Account--Federal Appropriation ........ $22,002,000
Multimodal Transportation Account--State
Appropriation ........................................ $1,090,000
Multimodal Transportation Account--Federal
Appropriation ........................................ $3,287,000
Multimodal Transportation Account--Private/Local
Appropriation ........................................ $99,000

TOTAL APPROPRIATION .......................... ($52,433,000)

$51,862,000

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

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

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

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

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

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

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

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

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

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

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

(7) $80,000 of the motor vehicle account--state appropriation is
provided solely to continue existing work regarding feasibility of a
new interchange between Rochester and Harrison Avenue on Interstate 5.
Sec. 915. 2010 c 247 s 221 (uncodified) is amended to read as
follows:

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

Regional Mobility Grant Program Account--State

Appropriation ......................... (($65,274,000))

$56,332,000

Multimodal Transportation Account--State

Appropriation ......................... (($65,667,000))

$65,547,000

Multimodal Transportation Account--Federal

Appropriation .......................... $2,573,000

Multimodal Transportation Account--Private/Local

Appropriation .......................... $1,025,000

TOTAL APPROPRIATION .................. (($134,539,000))

$125,477,000

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

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

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

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

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

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

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

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

(4) $280,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that
targets commuter traffic on the state route number 520 bridge. The
department shall submit to the legislature by December 2010 a report on
the program results and any recommendations for additional flexible
carpooling programs.

(5) $3,318,000 of the multimodal transportation account--state
appropriation and ((+$21,248,000)) $17,778,000 of the regional mobility
grant program account--state appropriation are reappropriated and
provided solely for the regional mobility grant projects identified on
the LEAP Transportation Document 2007-B, as developed April 20, 2007,
or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
The department shall continue to review all projects receiving grant
awards under this program at least semiannually to determine whether
the projects are making satisfactory progress. The department shall
promptly close out grants when projects have been completed, and any
remaining funds available to the office of transit mobility must be
used only to fund projects on the LEAP Transportation Document 2006-D,
as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
developed April 20, 2007; or the LEAP Transportation Document 2009-B,
as developed April 24, 2009. It is the intent of the legislature to
appropriate funds through the regional mobility grant program only for
projects that will be completed on schedule. However, the Chuckanut
park and ride project (101100G) is recognized as a crucial investment
in the transportation system. For this reason, the department shall
not close out the grant for the Chuckanut park and ride project until
Skagit transit has exhausted all other pending opportunities for
federal and local funds. If additional funds cannot be secured, the
department shall consider this project a priority in the 2011-13 grant
process. The department shall make every effort to advance the
Chuckanut park and ride project within existing resources.

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

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

(a) $975,000 is provided solely for the Rainier/Jackson transit priority corridor improvements;

(b) $200,000 is provided solely for the state route number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to west of 96th Ave NE) project; and

(c) $4,496,768 is provided solely for the sound transit express bus expansion - Snohomish to King county project.

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

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

(a) $80,000 of the amount provided in this subsection is provided
solely for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009.

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

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

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

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

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

Sec. 916. 2010 c 247 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State
Appropriation .................. (425,922,000)

$447,460,000
The appropriation in this section is subject to the following conditions and limitations:

(1) $97,053,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of sections 716 and 701 of this act. All fuel purchased by the Washington state ferries at Harbor Island truck terminal for the operation of the Washington state ferries diesel powered vessels must be a minimum of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent.

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

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

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

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

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

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13 omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) $6,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self-insurance for noncatastrophic events.

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

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

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

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

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

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

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

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

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

   (iii) Have full access to all persons, records, and relevant
organizations that may have information about or may have contributed
to, directly or indirectly, the incident or accident under
investigation, in compliance with any affected employee's or employees'
respective collective bargaining agreement and state laws and rules
regarding public disclosure under chapter 42.56 RCW;
(iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

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

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

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

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

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

(14) $7,300,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purposes of travel time associated with Washington state ferries employees. However, if Engrossed Substitute House Bill No. 3209 (managing costs of ferry system) is enacted by June 30, 2010, containing an appropriation for purposes of travel time associated with Washington state ferries employees, the amount provided in this subsection lapses.

(15) $50,000 of the Puget Sound ferry operations account--state appropriation is provided solely to implement a mechanism to report on-time performance statistics.

(a) The department shall conduct a study to identify process changes that would improve on-time performance on a route-by-route basis. The study must include looking into the slowing down of vessels for fuel economy purposes and touch-and-go sailings on peak runs. The department shall report its findings to the transportation committees of the senate and house of representatives by December 1, 2010.

(b) The department shall, by November 1, 2010, report to the transportation committees of the legislature statistics regarding its on-time arrival and departure status on a route-by-route and month-by-month basis, as well as an annual route-by-route and systemwide basis, weighted by the number of customers on each sailing and distinguishing
peak period on-time performance. The statistics must include reasons for any delays over ten minutes from the scheduled time. The statistics must be prominently displayed on the Washington state ferries' web site. Each Washington state ferries vessel and terminal must prominently display the statistics as they relate to their specific route.

(16) The department shall investigate outsourcing the call center functions planned for the ferry reservation system and report its findings to the transportation committees of the senate and house of representatives by December 15, 2010.

(17) By July 1, 2010, the department shall provide to the governor and the transportation committees of the senate and house of representatives a listing of all benefits that Washington state ferries union employees receive that other state employees do not traditionally receive. The listing must include any costs associated with these benefits.

Sec. 917. 2010 c 247 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State

Appropriation .................................................. ($37,371,000)

$29,871,000

Multimodal Transportation Account--Federal

Appropriation .................................................. $100,000

TOTAL APPROPRIATION ...................................... $29,971,000

The appropriations in this section ((±e)) are subject to the following conditions and limitations:

(1) ($31,591,000) $24,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.
Sec. 918. 2010 c 247 s 224 (uncodified) is amended to read as follows:

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

Motor Vehicle Account--State

Appropriation $8,621,000

Motor Vehicle Account--Federal Appropriation $2,545,000

TOTAL APPROPRIATION $11,166,000

$11,163,000

TRANSPORTATION AGENCIES--CAPITAL

Sec. 1001. 2009 c 470 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation $3,126,000

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

(1) $1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: $450,000 for Shelton training academy roofs; $168,000 for upgrades to scales; $50,000 for Bellevue electrical equipment upgrades; $16,000 for South King detachment window replacement; $200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; $200,000 for unforeseen emergency repairs; and $318,000 for the Shelton training academy drive course/skid pan repair.

(2) $1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other

p. 105

SSB 5176
initial fees collected for the new waste water treatment lines, waste
water plants, water lines, and water systems.

Sec. 1002. 2010 c 247 s 301 (uncodified) is amended to read as
follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

<table>
<thead>
<tr>
<th>Account</th>
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<tr>
<td>Rural Arterial Trust Account--State Appropriation</td>
<td>$71,500,000</td>
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<tr>
<td>Motor Vehicle Account--State Appropriation</td>
<td>$1,048,000</td>
</tr>
<tr>
<td>County Arterial Preservation Account--State</td>
<td>$30,400,000</td>
</tr>
</tbody>
</table>

TOTAL APPROPRIATION: $102,948,000

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

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

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

3. $22,000,000 of the rural arterial trust account--state
   appropriation is provided solely for additional grants for county road
   projects as approved by the county road administration board.

Sec. 1003. 2010 c 247 s 302 (uncodified) is amended to read as
follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

<table>
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<th>Account</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small City Pavement and Sidewalk Account--State</td>
<td>$3,927,000</td>
</tr>
<tr>
<td>Urban Arterial Trust Account--State Appropriation</td>
<td>$122,344,000</td>
</tr>
</tbody>
</table>

SSB 5176
Transportation Improvement Account--State

Appropriation .................... $(81,643,000)

$80,643,000

TOTAL APPROPRIATION ........ $(209,470,000)

$206,914,000

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

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

(2) The urban arterial trust account--state appropriation includes up to $(7,143,000) $15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

Sec. 1004. 2009 c 470 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation ........ $(4,810,000)

$4,623,000

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

(1) $1,198,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) $(3,612,000) $3,425,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration. This includes the administrative costs associated with those projects and the reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

Sec. 1005. 2010 c 247 s 303 (uncodified) is amended to read as follows:

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

Multimodal Transportation Account--State
The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed March ((8, 2010)) 22, 2011, Program – Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations
may occur between projects for those amounts listed subject to the
conditions and limitations in section 603 ((of this act)), chapter
... (Senate Bill No. 5176), Laws of 2011.

(2) ($163,385,000) $158,094,000 of the transportation partnership
account--state appropriation and ($231,763,000) $229,838,000 of the
state route number 520 corridor account--state appropriation are
provided solely for the state route number 520 bridge replacement and
HOV project. The department shall submit an application for the
eastside transit and HOV project to the supplemental discretionary
grant program for regionally significant projects as provided in the

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

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

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

(6) The department shall, on a quarterly basis beginning July 1,
2009, provide to the office of financial management and the legislature
reports providing the status on each active project funded in part or
whole by the transportation 2003 account (nickel account) or the
transportation partnership account. Funding provided at a programmatic
level for transportation partnership account and transportation 2003
account (nickel account) projects relating to bridge rail, guard rail,
fish passage barrier removal, and roadside safety projects should be
reported on a programmatic basis. Projects within this programmatic
level funding should be completed on a priority basis and scoped to be
completed within the current programmatic budget. Report formatting
and elements must be consistent with the October 2009 quarterly project
report. On a representative sample of new construction contracts
valued at fifteen million dollars or more, the department must also use
an earned value method of project monitoring.

(7) The transportation 2003 account (nickel account)--state
appropriation includes up to $(653,630,000) $567,964,000 in proceeds
from the sale of bonds authorized by RCW 47.10.861.

(8) The transportation partnership account--state appropriation
includes up to $(1,347,939,000) $1,261,092,000 in proceeds from the
sale of bonds authorized in RCW 47.10.873.

(9) The special category C account--state appropriation includes up
to $(25,221,000) $25,022,000 in proceeds from the sale of bonds
authorized in RCW 47.10.812.

(10) The motor vehicle account--state appropriation includes up to
$(43,000,000) $42,960,000 in proceeds from the sale of bonds
authorized in RCW 47.10.843.

(11) The state route number 520 corridor account--state
appropriation includes up to $(231,763,000) $229,838,000 in proceeds
from the sale of bonds authorized in RCW 47.10.879.

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

(a) Evaluate the potential diversion of traffic from Interstate 5
to other parts of the transportation system when tolls are implemented
on Interstate 5 in the vicinity of the Columbia river;
(b) Evaluate the most advanced tolling technology to maintain
travel time speed and reliability for users of the Interstate 5 bridge;
(c) Evaluate available active traffic management technology to
determine the most effective options for technology that could maintain
travel time speed and reliability on the Interstate 5 bridge;
(d) Confer with the project sponsor's council, as well as local and
regional governing bodies adjacent to the Interstate 5 Columbia river
crossing corridor and the Interstate 205 corridor regarding the
implementation of tolls, the impacts that the implementation of tolls
might have on the operation of the corridors, the diversion of traffic
to local streets, and potential mitigation measures;
(e) Regularly report to the Washington transportation commission
regarding the progress of the study for the purpose of guiding the
commission's potential toll setting on the facility;
(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

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

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

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

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

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

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

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

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

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

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

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

(14) ($6,488,000) $1,323,000 of the motor vehicle account--state appropriation and ($5,000) $3,628,000 of the motor vehicle account--federal appropriation are provided solely for project 100224I, US 2
high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

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

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

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

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

(19) $(730,000) $724,000 of the motor vehicle account--federal appropriation and $(16,000) $17,000 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall (project WESTV).

(20) $(2,000) $3,000 of the motor vehicle account--state appropriation and $131,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road (project PASCO).

(21) $(37,566,000) $13,246,000 of the transportation partnership account--state appropriation, $(26,000) $27,000 of the motor vehicle account--federal appropriation and $(24,000) $25,000 of the motor vehicle account--state appropriation are provided solely for the Yakima river bridge replacement project (project YAKA).
account--state appropriation, $30,000,000

$40,000,000 of the motor vehicle account--private/local appropriation, and $4,334,000

$9,422,000 of the motor vehicle account--federal appropriation are provided solely for project 400506A, the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a $30,000,000 contribution from the state of Oregon.

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

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

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

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

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

(25) $5,831,000 of the transportation partnership account--state appropriation is provided solely for project 109040Q,
the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as indicated in the LEAP transportation document referenced in subsection (1) of this section.

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

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

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

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

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

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

(c) Economic considerations for future system investments.
(30) Within the amounts provided in this section, $200,000 of the transportation partnership account—state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 509 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 850901F in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

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

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

(32) $400,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct a state route number 2 route development plan (project L2000016) that will identify essential improvements needed between the port of Everett/Naval station and approaching the state route number 9 interchange near the city of Snohomish.

(33) If the SR 26 – Intersection and Illumination Improvements are not completed by June 30, 2009, the department shall ensure that the improvements are completed as soon as practicable after June 30, 2009, and shall submit monthly progress reports on the improvements beginning July 1, 2009.
(34) $200,000 of the transportation partnership account--state appropriation, identified on project number 400506A in the LEAP transportation document described in subsection (1) of this section, is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

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

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

(37) $10,000,000 of the transportation partnership account--state appropriation is provided solely for the Spokane street viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct – Replacement project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(38) The department shall conduct a public outreach process to identify and respond to community concerns regarding the portion of John's Creek Road that connects state route number 3 and state route number 101. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider, develop, and design a project scope so that the community's needs are met for the lowest cost. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.
(39) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by January 1, 2010.

(40) $(\$5,500,000)$ $3,388,000$ of the motor vehicle account--federal appropriation and $1,405,000$ of the motor vehicle account--state appropriation are provided solely for the Alaskan Way Viaduct - Automatic Shutdown project, identified as project L1000034.

(41) $(\$2,244,000)$ $2,937,000$ of the motor vehicle account--federal appropriation and $(\$122,000)$ $163,000$ of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -Build New Highway project, identified as project 501210T.

(42) $(\$790,000)$ $1,116,000$ of the motor vehicle account--federal appropriation is provided solely for the Express Lanes System Concept Study project, identified as project 800020A. As part of this project, the department shall prepare a comprehensive tolling study of the Interstate 5 express lanes to determine the feasibility of administering tolls within the corridor. The department shall regularly report to the Washington transportation commission regarding the progress of the study. The elements of the study must include, at a minimum:

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

(ii) Maximizing the efficient operation of the corridor;

(iii) Economic considerations for future system investments; and

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

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

(44) $(\$226,000)$ $(\$206,000$ of the motor vehicle account--federal appropriation and $9,000$ of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). These funds must not be
expended before an agreement stating that the city of Gig Harbor will take ownership of the road has been signed. The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

((45))  The department shall work with the Washington state transportation commission, the Oregon state department of transportation, and the Oregon state transportation commission to analyze and review potential options for a bistate, toll setting framework. As part of the analysis, the department shall undertake the following actions: Review statutory provisions and the governance structures of toll facilities in the United States that are located within two or more states; review relevant federal law regarding transportation facilities that are located within two or more states; consult with the state treasurers in Washington and Oregon regarding the appropriate structure for the issuance of debt for toll facilities that are located within two states; report findings and recommendations to the Columbia river project sponsor's council by October 1, 2010; and provide a final report to the governor and the legislature by June 30, 2011.

((46))  $750,000 of the motor vehicle account--state appropriation is provided solely for improvements from Allan Road to state route number 12 (501207Z).

((47))  $455,000 of the motor vehicle account--state appropriation is provided solely for a traffic signal at the intersection of state route number 7 and state route number 702 (300738A).

((48))  $316,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass (project 300344C).

((49))  The legislature finds that state route number 522 corridor provides an important link between Interstates 5 and 405 and will be impacted by diversion from tolling elsewhere in the region. State route number 522 must be reviewed as part of the scoping work conducted under section 220(4) of this act. As such, the legislature intends to provide additional funding for the corridor as a priority in the next revenue package. The state will work with the affected cities and the federal government to secure the necessary resources to address the needs of this critical corridor.
$500,000 of the motor vehicle account--state appropriation is provided solely for the US 12/SR 122/Mossyrock - Intersection project (401212R) for safety improvements.

$200,000 of the motor vehicle account--federal appropriation is provided solely for project US 97A/North of Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is anticipated in the 2011-13 biennium.

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

The department shall conduct a collision analysis corridor study on state route number 167 from milepost 0 to milepost 5 and report to the transportation committees of the legislature on the analysis results by December 1, 2010.

$2,600,000 of the motor vehicle account--federal appropriation is provided solely for the ITS Advanced Traveler Information System project in Whatcom county (100589B).

$900,000 of the motor vehicle account--federal appropriation is provided solely for the US 97/Cameron Lake Road intersection improvements project in Okanogan county (209700W).

$400,000 of the motor vehicle account--federal appropriation and $100,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

The legislature finds that the state route number 12 widening from state route number 124 to Walla Walla is an important east-west corridor in the southeast region of the state. Widening the highway to four lanes will increase safety and improve freight mobility. Therefore, the legislature intends for the department to use up to two million dollars in future redistributed federal obligation authority that may be received by the department for right-of-way purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A project (501210T).
Sec. 1006. 2010 c 247 s 304 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

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<th>Account</th>
<th>State Appropriation</th>
<th>Federal Appropriation</th>
<th>Private/Local Appropriation</th>
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<td>Transportation Partnership Account—State</td>
<td>$67,381,000</td>
<td>$534,877,000</td>
<td>$19,675,000</td>
</tr>
<tr>
<td>Motor Vehicle Account—State</td>
<td>($67,381,000)</td>
<td>($534,877,000)</td>
<td>($19,675,000)</td>
</tr>
<tr>
<td>Motor Vehicle Account—Federal</td>
<td>$93,063,000</td>
<td>($556,705,000)</td>
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<tr>
<td>Motor Vehicle Account—Private/Local</td>
<td>($93,063,000)</td>
<td>($556,705,000)</td>
<td>($18,768,000)</td>
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Transportation 2003 Account (Nickel Account)—State

<table>
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<th>Account</th>
<th>State Appropriation</th>
<th>Federal Appropriation</th>
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<td>Transportation 2003 Account (Nickel Account)—State</td>
<td>($6,148,000)</td>
<td>($534,877,000)</td>
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Puyallup Tribal Settlement Account—State

<table>
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<tr>
<th>Account</th>
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<th>Federal Appropriation</th>
<th>Private/Local Appropriation</th>
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<tr>
<td>Puyallup Tribal Settlement Account—State</td>
<td>$6,636,000</td>
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</table>

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

(1) Except as provided otherwise in this section, the entire
transportation 2003 account (nickel account) appropriation and the
entire transportation partnership account appropriation are provided
solely for the projects and activities as listed by fund, project, and
amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed
However, limited transfers of specific line-item project appropriations
may occur between projects for those amounts listed subject to the
conditions and limitations in section 603 ((of this act)), chapter
... (Senate Bill No. 5176), Laws of 2011.

(2) ($542,000) $546,000 of the motor vehicle account—federal
appropriation and ($453,000) $310,000 of the motor vehicle account—
state appropriation are provided solely for project 602110F, SR
21/Keller ferry boat - Preservation. Funds are provided solely for
preservation work on the existing vessel, the Martha S.

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

(4) $6,636,000 of the Puyallup tribal settlement account--state appropriation is provided solely for costs associated with the Murray Morgan/11th Street bridge project. The city of Tacoma may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed $40,270,000. The city of Tacoma has taken ownership of the bridge in its entirety, and the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

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

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

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

(8)(a) The department shall conduct an analysis of state highway pavement replacement needs for the next ten years. The report must include:

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

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

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

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

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

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

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

(9) $581,000 of the motor vehicle account--state appropriation, $25,207,000 of the motor vehicle account--federal appropriation, and $273,000 of the transportation partnership account--state appropriation are provided solely for the SR 104/Hood Canal bridge - replace east half project, identified as project 310407B in the LEAP transportation document described in subsection (1) of this section.

(10) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.
(11) Within the amounts provided in this section, $1,510,000 of the motor vehicle account--state appropriation is provided solely to complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

(12) $1,160,000 of the motor vehicle account--federal appropriation and $54,000 of the motor vehicle account--state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

(13) $13,833,000 of the motor vehicle account--federal appropriation and $479,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Establish Interim Detour project (541002R).

(14) $3,933,000 of the motor vehicle account--federal appropriation and $615,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Reconstruct Route project (541002T).

(15) The legislature anticipates a report in September 2010 that will outline the department's recommendation for developing a Keller Ferry replacement at the lowest cost. The legislature supports the request to the federal government for federal aid for a replacement vessel and intends to provide reasonable matching amounts as necessary.

(16) $194,000 of the motor vehicle account--federal appropriation is provided solely for the SR 21/Kettle River to Malo paving project in Ferry county (602117A).

Sec. 1007. 2010 c 247 s 305 (uncodified) is amended to read as follows:

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

Motor Vehicle Account--State Appropriation . . . . . . . ((8,158,000)) $6,847,000

Motor Vehicle Account--Federal Appropriation . . . . ((18,037,000)) $11,412,000

Motor Vehicle Account--Private/Local Appropriation . . . . ((173,000)) $174,000

TOTAL APPROPRIATION . . . . . . . . . . . . . . ((26,362,000)) $18,433,000
Sec. 1008. 2010 c 283 s 19 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State
- Appropriation ........................................... (($126,824,000))
  $117,533,000

Puget Sound Capital Construction Account--Federal
- Appropriation ........................................... (($60,364,000))
  $51,194,000

Puget Sound Capital Construction Account--Local
- Appropriation ........................................... $200,000

Transportation 2003 Account (Nickel Account)--State
- Appropriation ........................................... (($51,734,000))
  $51,735,000

Transportation Partnership Account--State
- Appropriation ........................................... (($66,879,000))
  $102,660,000

Multimodal Transportation Account--State
- Appropriation ........................................... $149,000
  TOTAL APPROPRIATION ................................ (($306,150,000))
  $323,471,000

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

1. (($126,824,000)) $102,533,000 of the Puget Sound capital construction account--state appropriation, (($60,364,000)) $51,194,000 of the Puget Sound capital construction account--federal appropriation, $200,000 of the Puget Sound capital construction account--local appropriation, (($66,879,000)) $102,660,000 of the transportation partnership account--state appropriation, (($51,734,000)) $51,735,000 of the transportation 2003 account (nickel account)--state appropriation, and $149,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document 2011-2 ALL PROJECTS ((2010-2)) as developed March ((9, 2010)) 22, 2011, Program - Washington State Ferries ((Construction)) Capital Program (W). Of the total appropriation, a maximum of $10,627,000 may be used for administrative support, a maximum of (($8,194,000))
$7,635,000 may be used for terminal project support, and a maximum of
$4,497,000 may be used for vessel project support. Of the total
appropriation, $5,851,000 is provided solely for a reservation system
and associated communications projects.

(2) ($51,734,000) $51,724,000 of the transportation 2003 account
(nickel account)--state appropriation, (($63,100,000)) $99,862,000 of
the transportation partnership account--state appropriation, and
(($10,164,000)) $10,165,000 of the Puget Sound capital construction
account--state appropriation are provided solely for the acquisition of
three new Island Home class ferry vessels subject to the conditions of
RCW 47.56.780. The department shall pursue a contract for the second
and third Island Home class ferry vessels with an option to purchase a
fourth Island Home class ferry vessel. However, if sufficient
resources are available to build one 144-auto vessel prior to
exercising the option to build the fourth Island Home class ferry
vessel, procurement of the fourth Island Home class ferry vessel will
be postponed and the department shall pursue procurement of a 144-auto
vessel.

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

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

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

(3)(a) $8,450,000 of the Puget Sound capital construction account--
state appropriation (($2,450,000)), $2,000 of the Puget Sound
capital construction account--federal appropriation, and $1,450,000 of
the transportation partnership account--state appropriation are
provided solely for the following projects related to the design of a
144-vehicle vessel class: (i) ($700,000) is provided
solely for completion of the contract for owner-furnished equipment;
(ii) $8,320,000 is provided solely for completion of the technical
design, detail design, and production drawings((all of which must

p. 125

SSB 5176
plan for an aluminum superstructure); (iii) ($480,000) $300,000 is provided solely for the storage of owner-furnished equipment; and (iv) a maximum of ($720,000) $582,000 is for construction engineering. In completing the contract for owner-furnished equipment, the department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessels if it is likely to be obsolete before it is used in procured 144-vehicle vessels.

(b) The department shall conduct a cost-benefit study on alternative furnishings and fittings for the 144-vehicle vessel class. The study must review the proposed interior furnishings and fittings for the long-term maintenance and out-of-service vessel costs and, if appropriate, propose alternative interior furnishings and fittings that will decrease long-term maintenance and out-of-service vessel costs. The study must include a projection of out-of-service time and a life-cycle cost analysis of planned out-of-service time, including the impact on fleet size. The department must submit the study to the joint transportation committee by August 1, 2010.

((c) The department shall identify costs for any additional detail design and production drawings costs related to incorporating the aluminum superstructure and any changes in the proposed furnishings and fittings.)

(4) ($6,300,000) $2,000,000 of the Puget Sound capital construction account-- state appropriation is provided solely for emergency capital costs.

(5) $3,000,000 of the Puget Sound capital construction account-- federal appropriation is provided solely for completing the Anacortes terminal design up to the maximum allowable construction cost phase. Beyond preparing environmental work, these funds may be spent only after the following conditions have been met: (a) A value engineering process is conducted on the existing design and the concept of a terminal building smaller than preferred alternative; (b) the office of financial management participates in the value engineering process; (c) the office of financial management concurs with the recommendations of the value engineering process; and (d) the office of financial management gives its approval to proceed with the design work.

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

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

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

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

((10))) ((9)) $1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.

((11))) ((10)) $2,636,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal. The department shall seek additional federal funding for this project.

((12))) ((11)) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:
(a) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

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

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

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

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

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

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

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

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

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

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

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

((13)) (12) $247,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2010. This review will evaluate the impact of the planned out-of-service periods
scheduled for each vessel on the ability of the overall system to
deliver uninterrupted service and will assess the risk of service
disruption from unscheduled maintenance or longer than planned
maintenance periods.

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

((15))  (14) The Puget Sound capital construction account--state
appropriation includes up to (($114,000,000)) $91,000,000 in proceeds
from the sale of bonds authorized in RCW 47.10.843.

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

((17))  (16) The department shall provide data to the
transportation committees of the senate and house of representatives
for a transparent analysis of travel pay policies.

Sec. 1009. 2010 c 247 s 307 (uncodified) is amended to read as
follows:

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

Essential Rail Assistance Account--State

Appropriation ............................................ ($333,000)

$334,000

Transportation Infrastructure Account--State

Appropriation ............................................ ($13,184,000)

$12,348,000

Multimodal Transportation Account--State

Appropriation ............................................ ($102,202,000)

$82,141,000

Multimodal Transportation Account--Federal

Appropriation ............................................ ($619,527,000)

$48,445,000

((Multimodal Transportation Account--Private/Local

Appropriation ............................................ $81,000))
The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2011-2 ALL PROJECTS (2010-2) as developed March 8, 2010, Program - Rail Capital Program (Y).

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

(ii) Within the amounts provided in this section, $400,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett (BIN 722810A) for a new rail track to connect a cement loading facility to the mainline.

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

(c)(i) Within the amounts provided in this section, $1,713,000 of the multimodal transportation account--state appropriation and $333,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) $363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) $420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) $371,000; Chelatchie Prairie owned railroad/Vancouver - track rehabilitation (BIN 710110A) $367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) $525,000.

(ii) Within the amounts provided in this section, $346,000 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN (710510A) F01001E) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new
shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) Within the amounts provided in this section, ($8,115,000) $8,079,000 of the transportation infrastructure account--state appropriation is for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. $300,000 of the transportation infrastructure account--state appropriation is provided solely for the fence line replacement project on the CW line. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.
(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) $22,354,000 of the multimodal transportation account--federal appropriation is provided solely for high-speed rail projects awarded to Washington state from the high-speed intercity
passenger rail program under the American recovery and reinvestment act. Funding will allow for two additional round trips between Seattle and Portland, and other rail improvements.

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

(11) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

(12) $1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional expenditures along the Chelatchie Prairie railroad ((LN2000025)) (710110A).

Sec. 1010. 2010 c 247 s 308 (uncodified) is amended to read as follows:

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<th>Appropriation (in dollars)</th>
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<tbody>
<tr>
<td>Highway Infrastructure Account--State</td>
<td>$207,000</td>
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<tr>
<td>Highway Infrastructure Account--Federal</td>
<td>$1,602,000</td>
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<tr>
<td>Freight Mobility Investment Account--State</td>
<td>($13,848,000)</td>
</tr>
<tr>
<td>Transportation Partnership Account--State</td>
<td>($8,863,000)</td>
</tr>
<tr>
<td>Motor Vehicle Account--State</td>
<td>($14,068,000)</td>
</tr>
<tr>
<td>Motor Vehicle Account--Federal Appropriation</td>
<td>($43,335,000)</td>
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<tr>
<td>Freight Mobility Multimodal Account--State</td>
<td>($15,620,000)</td>
</tr>
</tbody>
</table>

SSB 5176 p. 134
Freight Mobility Multimodal Account--Local
  Appropriation ........................................ (\$3,258,000)  $3,058,000

Multimodal Transportation Account--Federal
  Appropriation ........................................ $2,118,000

Multimodal Transportation Account--State
  Appropriation ........................................ (\$28,855,000)  $20,923,000

Transportation 2003 Account (Nickel Account)--State
  Appropriation ........................................ $2,709,000

Passenger Ferry Account--State Appropriation ........ (\$2,879,000)  $1,764,000

Puyallup Tribal Settlement Account--State
  Appropriation ........................................ (\$5,895,000)  $5,905,000

  TOTAL APPROPRIATION ................................ (\$143,757,000)  $95,575,000

The appropriations in this section are subject to the following conditions and limitations:
  (1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).
  (2) (\$2,729,000) $1,614,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements (in a) and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.
  (3) $150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant.
  (4) $3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).
(5) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

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

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

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

(9) ($18,289,000) $13,732,000 of the multimodal transportation account--state appropriation, ($8,810,000) $7,104,000 of the motor vehicle account--federal appropriation, and ($4,000,000) $2,805,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall
review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2011-2 ALL PROJECTS ((2010-2)) as developed March ((8, 2010)) 22, 2011, Program - Local Program (Z).

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

(12) (($913,386 of the motor vehicle account--state appropriation and $2,858,000 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. $865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.)) $5,905,000 of the Puyallup tribal settlement account--state appropriation is provided solely for costs associated with the Murray Morgan/11th Street bridge project. The city of Tacoma may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and bridge mitigation. The department's participation, including prior expenditures, may not exceed
$40,270,000. The city of Tacoma has taken ownership of the bridge in its entirety, and the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

((14))  (13) Up to (($3,702,000)) $52,000 of the motor vehicle account--federal appropriation and (($75,000)) $52,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (project 1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures. The amount provided in this subsection is contingent on the enactment by June 30, 2010, of Senate Bill No. 6555.

((15))  (14) The department shall consider the condition of the Broadway bridge in the city of Everett when prioritizing bridge projects.

((16))  (15) In order to make the Hood Canal bridge safe for cyclists, the department must work with stakeholders to review bicycle safety needs on the bridge, including consideration of accident data and improvements already made to this project.

((17) $250,000)  (16) $25,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency access road and bicycle/pedestrian path.

((18) $500,000)  (17) $50,000 of the motor vehicle account--state appropriation is provided solely for improvements to the 150th and Murray Road intersection in the city of Lakewood.

((19) $250,000)  (18) $100,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins.

((20))  (19) $200,000 of the motor vehicle account--state appropriation is provided solely for improvements to the intersection of 39th Ave SE and state route number 96 in Snohomish county.

TRANSFERS AND DISTRIBUTIONS
Sec. 1101. 2010 c 247 s 401 (uncodified) is amended to read as follows:

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

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Bond Retirement Account Appropriation</td>
<td>-733,667,000</td>
</tr>
<tr>
<td>Ferry Bond Retirement Account Appropriation</td>
<td>-33,771,000</td>
</tr>
<tr>
<td>State Route Number 520 Corridor Account--State Appropriation</td>
<td>-600,000</td>
</tr>
<tr>
<td>Transportation Improvement Board Bond Retirement Account--State Appropriation</td>
<td>-22,962,000</td>
</tr>
<tr>
<td>Nondebt-Limit Reimbursable Account Appropriation</td>
<td>-18,451,000</td>
</tr>
<tr>
<td>Transportation Partnership Account--State Appropriation</td>
<td>-4,722,000</td>
</tr>
<tr>
<td>Motor Vehicle Account--State Appropriation</td>
<td>-901,000</td>
</tr>
<tr>
<td>Transportation 2003 Account (Nickel Account) --State Appropriation</td>
<td>-4,116,000</td>
</tr>
<tr>
<td>Special Category C Account--State Appropriation</td>
<td>-148,000</td>
</tr>
<tr>
<td>Urban Arterial Trust Account--State Appropriation</td>
<td>85,000</td>
</tr>
<tr>
<td>Transportation Improvement Account--State Appropriation</td>
<td>41,000</td>
</tr>
<tr>
<td>Multimodal Transportation Account--State Appropriation</td>
<td>-283,000</td>
</tr>
<tr>
<td>TOTAL APPROPRIATION</td>
<td>-831,004,000</td>
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</table>

Sec. 1102. 2010 c 247 s 402 (uncodified) is amended to read as follows:
<table>
<thead>
<tr>
<th>Account</th>
<th>State Appropriation</th>
<th>Motor Vehicle Account Appropriation</th>
<th>Transportation 2003 Account Appropriation</th>
<th>Special Category C Account Appropriation</th>
<th>Urban Arterial Trust Account Appropriation</th>
<th>Transportation Improvement Account Appropriation</th>
<th>Multimodal Transportation Account Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Route Number 520 Corridor Account--State</td>
<td>($40,000)</td>
<td>$83,000</td>
<td></td>
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<td>Transportation Partnership Account--State</td>
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<td>$537,000</td>
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<td>Motor Vehicle Account--State</td>
<td>($122,000)</td>
<td>$62,000</td>
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<tr>
<td>Transportation 2003 Account (Nickel Account)--State</td>
<td>($364,000)</td>
<td>$264,000</td>
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<tr>
<td>Special Category C Account--State</td>
<td>($15,000)</td>
<td>$12,000</td>
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</tr>
<tr>
<td>Urban Arterial Trust Account--State</td>
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<td>$5,000</td>
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<tr>
<td>Transportation Improvement Account--State</td>
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<td>$3,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Multimodal Transportation Account--State</td>
<td>($34,000)</td>
<td>$40,000</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tbody>
</table>

**TOTAL APPROPRIATION**

| Amount | ($1,370,000) | $1,006,000 |

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Sec. 1103. 2010 c 247 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

Motor Vehicle Account--State Appropriation: For
	ransfer to the Puget Sound Capital Construction Account

| Amount | ($114,000,000) | $91,000,000 |

The department of transportation is authorized to sell up to ($114,000,000) $91,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.
Sec. 1104. 2010 1st sp. s. c 37 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

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

(2)) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State ......................... $54,100,000

((3)) (2) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State ......................... ($2,000,000) $1,800,000

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

((5)) (4) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State ......................... ($9,000,000) $34,500,000

((6)) (5) Department of Licensing Services Account--State Appropriation: For transfer to the Multimodal Transportation Account--State ......................... $18,750,000

((7)) (6) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State ......................... $14,000,000

((8)) (7) State Route Number 520 Civil Penalties Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State ......................... $190,000

((9)) (8) Advanced Environmental Mitigation Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State ......................... $5,000,000

((10)) (9) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State ......................... $4,000,000

((11)) (10) Motor Vehicle Account--State Appropriation:
For transfer to the State Patrol Highway Account--
State ................................................. ($5,600,000)

($)4,600,000

((13) The transfers identified in this section are subject to the following conditions and limitations:
(a) The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium. However, if Engrossed Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the transfer in subsection (1) of this section shall not occur.
(b) Any cash balance in the waste tire removal account in excess of one million dollars must be transferred to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.
(c) The transfer in subsection (9) of this section represents toll revenue collected from toll violations.)

(10) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State ....... $19,000,000

MISCELLANEOUS

NEW SECTION. Sec. 1201. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1202. Except for sections 704, 706, 708, 709, 711, and 713 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1203. Sections 704, 706, 708, and 711 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2011.
NEW SECTION.  Sec. 1204. Sections 709 and 713 of this act take effect upon certification by the secretary of transportation that the new statewide tolling operations center and photo toll system are fully operational. A notice of certification must be filed with the code reviser for publication in the state register. If a certificate is not issued by the secretary of transportation by December 1, 2012, sections 709 and 713 of this act are null and void.

(End of bill)
INDEX

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS .......... 55
COMPENSATION ......................................................................................... 55
COUNTY ROAD ADMINISTRATION BOARD .................................................. 6, 32, 106
DEPARTMENT OF AGRICULTURE ............................................................... 4
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION .................. 2
DEPARTMENT OF LICENSING ...................................................................... 11
TRANSFERS ................................................................................................. 53
DEPARTMENT OF TRANSPORTATION ............................................................ 58
AVIATION--PROGRAM F ................................................................. 15, 83
CHARGES FROM OTHER AGENCIES--PROGRAM U ...................................... 21
ECONOMIC PARTNERSHIPS--PROGRAM K .................................................. 16, 86
FACILITIES--PROGRAM D--OPERATING ................................................... 14, 82
HIGHWAY MAINTENANCE--PROGRAM M ................................................... 16, 87
IMPROVEMENTS--PROGRAM I .................................................................. 33, 107
INFORMATION TECHNOLOGY--PROGRAM C ............................................. 13, 81
LOCAL PROGRAMS--PROGRAM Z--OPERATING ......................................... 105
LOCAL PROGRAMS--PROGRAM Z--CAPITAL .............................................. 48, 134
LOCAL PROGRAMS--PROGRAM Z--OPERATING ......................................... 31
MARINE--PROGRAM X ............................................................................. 99
MARINE--PROGRAM X-1 (ADMINISTRATION) ............................................ 25
MARINE--PROGRAM X-2 (VESSEL OPERATIONS) ....................................... 28
MARINE--PROGRAM X-3 (TERMINAL OPERATIONS) .................................... 29
MARINE--PROGRAM X-4 (VESSEL MAINTENANCE) ..................................... 29
MARINE--PROGRAM X-5 (TERMINAL MAINTENANCE) ................................. 30
PRESERVATION--PROGRAM P ................................................................. 38, 120
PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL . 107
PROGRAM D -- (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL . 33
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H .............. 15, 83
PUBLIC TRANSPORTATION--PROGRAM V ............................................... 22, 95
RAIL--PROGRAM Y--OPERATING ............................................................ 30, 104
RAIL--PROGRAM Y--CAPITAL .................................................................. 45, 129
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B ............................. 12, 79
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL ........................................ 40, 123
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING ..................................... 17, 88
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S ............. 20, 92
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T ........... 20, 92
WSF CONSTRUCTION--PROGRAM W-1 (TERMINAL PROJECTS) ......................................................... 41
WSF CONSTRUCTION--PROGRAM W-3 (EMERGENCY REPAIRS) .................................................... 45
WSF CONSTRUCTION--PROGRAM W-2 (VESSEL PROJECTS) .......................................................... 42
DEPARTMENT OF TRANSPORTATION--WSF CONSTRUCTION--PROGRAM W ........................................ 124
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD .................................................................. 8
FUND TRANSFERS ...................................................................................................................... 56
JOINT TRANSPORTATION COMMITTEE ..................................................................................... 7
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE ........................... 5
MARINE EMPLOYEES COMMISSION .......................................................................................... 73
MEGA-PROJECT REPORTING ..................................................................................................... 56
OFFICE OF FINANCIAL MANAGEMENT ..................................................................................... 3, 72
STATE PARKS AND RECREATION COMMISSION ...................................................................... 4
STATE TREASURER
  ADMINISTRATIVE TRANSFERS ............................................................................................. 53, 141
  BOND RETIREMENT AND INTEREST ..................................................................................... 51, 52, 139, 140
  STATE REVENUES FOR DISTRIBUTION .................................................................................. 52
  TRANSFERS .............................................................................................................................. 53
STATUTORY APPROPRIATIONS .................................................................................................. 54
TRANSPORTATION COMMISSION ............................................................................................. 7, 73
TRANSPORTATION IMPROVEMENT BOARD ........................................................................... 6, 33, 106
UTILITIES AND TRANSPORTATION COMMISSION ................................................................. 3
WASHINGTON STATE PATROL ....................................................................................................... 9, 31, 105
  FIELD OPERATIONS BUREAU ................................................................................................. 75
  INVESTIGATIVE SERVICES BUREAU ....................................................................................... 78
  TECHNICAL SERVICES BUREAU ............................................................................................ 78
WASHINGTON TRAFFIC SAFETY COMMISSION ......................................................................... 5

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