

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6091

Chapter 313, Laws of 2005

(partial veto)

59th Legislature
2005 Regular Session

TRANSPORTATION FUNDING

EFFECTIVE DATE: 5/09/05

Passed by the Senate April 24, 2005
YEAS 32 NAYS 13

BRAD OWEN

President of the Senate

Passed by the House April 24, 2005
YEAS 62 NAYS 36

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2005, with the
exception of Sections 103(2), 205(1),
208(7), 209(7), 223(2), 305(1)(a) 305(1)
(e), 305(11), 605 and 607, which are
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 6091** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 9, 2005 - 12:01 p.m.

**Secretary of State
State of Washington**

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

3 (a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending
4 June 30, 2006.

5 (b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending
6 June 30, 2007.

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

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

10 (e) "Provided solely" means the specified amount may be spent only
11 for the specified purpose.

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

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

17 **GENERAL GOVERNMENT AGENCIES--OPERATING**

18 NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION**
19 **COMMISSION**

20 Grade Crossing Protective Account--State Appropriation . . . \$501,000

21 The appropriation in this section is subject to the following
22 conditions and limitations: Per current law, funds will be transferred
23 from the public service revolving fund's miscellaneous fees and
24 penalties accounts to the grade crossing protection account--state as
25 needed to implement the commission's railroad safety program.

26 NEW SECTION. **Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION**

27 Puget Sound Ferry Operations Account--State
28 Appropriation \$390,000

29 The appropriation in this section is subject to the following
30 conditions and limitations: To address its growing caseload, the
31 marine employees commission shall develop a plan for prioritizing cases
32 to schedule for hearings. The commission shall report back to the
33 transportation committees of the legislature on its case prioritization
34 plan by December 15, 2005.

1 *NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION
2 **COMMISSION**

3 Motor Vehicle Account--State Appropriation \$976,000

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

6 (1) The entire appropriation in this section is provided solely for
7 road maintenance purposes.

8 (2) *The commission shall conduct a study of existing requirements*
9 *regarding all-terrain vehicle (ATV) operators and submit*
10 *recommendations to the legislature concerning whether revisions to*
11 *those requirements are warranted. The study and recommendations shall,*
12 *at a minimum, include (a) the feasibility of requiring a comprehensive*
13 *hands-on ATV safety education and training program for ATV operators;*
14 *(b) ATV operator equipment requirements; and (c) ATV operating*
15 *requirements, including the adoption of minimum age requirements*
16 *corresponding to different engine capacities of ATVs. The commission*
17 *shall consult with the department of licensing and other stakeholders*
18 *when conducting the study and developing recommendations and shall*
19 *submit a final report to the transportation committees of the*
20 *legislature by December 1, 2005.*

**Sec. 103 was partially vetoed. See message at end of chapter.*

21 NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE
22 Motor Vehicle Account--State Appropriation \$329,000

23 The appropriation in this section is subject to the following
24 conditions and limitations: \$329,000 of the motor vehicle account--
25 state appropriation is provided solely for costs associated with the
26 motor fuel quality program.

27 NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF ARCHEOLOGY AND
28 **HISTORIC PRESERVATION**

29 Motor Vehicle Account--State Appropriation \$200,000

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

32 (1) If Second Substitute Senate Bill No. 5056 is not enacted by
33 June 30, 2005, the entire appropriation shall lapse.

34 (2) The entire appropriation is for additional staffing costs to be

1 dedicated to state transportation activities. Furthermore, any staff
2 hired to support transportation activities must have practical
3 experience with complex construction projects.

4 **GENERAL GOVERNMENT AGENCIES--CAPITAL**

5 NEW SECTION. **Sec. 106. FOR WASHINGTON STATE PARKS AND**
6 **RECREATION--CAPITAL PROJECTS**

7 Motor Vehicle Account--State Appropriation \$1,400,000

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

10 (1) \$1,300,000 of the motor vehicle account--state appropriation is
11 a one-time appropriation and is provided solely for the SR 14
12 interchange portion of the Beacon Rock state park entrance road
13 project. Any portion of the appropriation not expended by June 30,
14 2007, shall revert to the motor vehicle account--state.

15 (2) \$100,000 of the appropriation is provided solely for road work
16 on state route 20 at Deception Pass state park.

17 **TRANSPORTATION AGENCIES--OPERATING**

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

20 Highway Safety Account--State Appropriation \$2,135,000

21 Highway Safety Account--Federal Appropriation \$15,828,000

22 School Zone Safety Account--State Appropriation \$3,300,000

23 Bicycle and Pedestrian Safety Account--State
24 Appropriation \$40,000

25 TOTAL APPROPRIATION \$21,303,000

26 The appropriations in this section are subject to the following
27 conditions and limitations: The Washington traffic safety commission
28 shall contract with the Washington state institute for public policy to
29 conduct a study of the impact of state programs concerning the
30 reduction of DUI recidivism. The study must include, on a prioritized
31 basis to the extent federal funds are made available for the study, the
32 following components: (1) The state's existing deferred prosecution
33 program; (2) the state's vehicle impound program; and (3) other states'

1 programs that restrict a person's access to the vehicle, or suspend the
2 vehicle license and registration, upon arrest or conviction.

3 The completed study must be submitted to the appropriate
4 legislative committees by December 1, 2006.

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

6 Rural Arterial Trust Account--State Appropriation	\$821,000
7 Motor Vehicle Account--State Appropriation	\$1,942,000
8 County Arterial Preservation Account--State Appropriation . .	\$777,000
9 TOTAL APPROPRIATION	\$3,540,000

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

11 Urban Arterial Trust Account--State Appropriation	\$1,624,000
12 Transportation Improvement Account--State Appropriation . .	\$1,625,000
13 TOTAL APPROPRIATION	\$3,249,000

14 NEW SECTION. **Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

15 Pilotage Account--State Appropriation	\$417,000
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16 *NEW SECTION. **Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE**

17 Motor Vehicle Account--State Appropriation	\$1,400,000
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18 The appropriation in this section is subject to the following
19 conditions and limitations:

20 *(1) The joint transportation committee shall conduct a review of*
21 *state level governance of transportation, with a focus on the*
22 *appropriate roles of the separate branches of government. The*
23 *committee shall review the statutory duties, roles, and functions of*
24 *the transportation commission and the department. In that review the*
25 *committee shall determine which responsibilities may be transferred to*
26 *the executive and which may be transferred to the legislature. By*
27 *December 15, 2005, the joint transportation committee shall make its*
28 *recommendations to the house of representatives and senate*
29 *transportation committees. The joint transportation committee shall*
30 *consult with affected agencies and other stakeholders in conducting its*
31 *analysis. The committee may consult with and retain private*
32 *professional and technical experts as necessary to ensure an*
33 *independent review and analysis.*

1 (2) The joint transportation committee shall conduct a study
2 regarding the feasibility of a statewide uniform motor vehicle excise
3 tax (MVET) depreciation schedule. In addition to committee members,
4 the participants in the study must include at a minimum the following
5 individuals: (a) A representative of a regional transit authority
6 (Sound Transit); (b) a representative of a regional transportation
7 planning organization; (c) the secretary of transportation, or his or
8 her designee; (d) a representative of the attorney general's office;
9 (e) a representative of the department of licensing; and (f) a
10 representative of the financial community. The purpose of the study is
11 to develop an MVET depreciation schedule that more accurately reflects
12 vehicle value but does not hinder outstanding contractual obligations.

13 (3) Funds provided in this section are sufficient for the committee
14 to administer a study of the most reliable and cost-effective means of
15 providing passenger-only ferry service.

16 (a) The study shall be guided by a 18 member task force consisting
17 of the chairs and ranking members of the house of representatives and
18 senate transportation committees, a designee of the director of the
19 office of financial management, a member of the transportation
20 commission, a designee of the secretary of transportation, a
21 representative of organized labor, and ten stakeholders to be appointed
22 by the governor as follows: Six representatives of ferry user
23 communities, two representatives of public transportation agencies, and
24 two representatives of commercial ferry operators.

25 (b) The study shall examine issues including but not limited to the
26 long-term viability of different service providers, cost to ferry
27 passengers, the state subsidies required by each provider, and the
28 availability of federal funding for the different service providers.

29 (c) By November 30, 2005, the task force shall make its
30 recommendations to the house of representatives and senate
31 transportation committees.

32 (4) \$450,000 of the motor vehicle account--state appropriation is
33 provided solely to administer a consultant study of the long-term
34 viability of the state's transportation financing methods and sources.

35 (a) At a minimum, the study must examine the following: (i) The
36 short and long-term viability of the motor fuel tax (both state and
37 federal) as a major source of funding for transportation projects and
38 programs; (ii) the desirability and effectiveness of state-distributed

1 transportation funds for the benefit of local units of government;
2 (iii) the potential for alternative and/or emerging sources of
3 transportation revenues, with particular emphasis on user-based fees
4 and charges; and (iv) trends and implications of debt financing for
5 transportation projects. The scope of work for the study may be
6 expanded to include analysis of other financing issues relevant to the
7 long-term viability of the state's transportation system.

8 (b) The findings and recommendations must be submitted to the
9 fiscal committees of the legislature by November 1, 2006.
**Sec. 205 was partially vetoed. See message at end of chapter.*

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

11	Motor Vehicle Account--State Appropriation	\$4,607,000
12	Multimodal Transportation Account--State	
13	Appropriation	\$1,150,000
14	TOTAL APPROPRIATION	\$5,757,000

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

17 (1) \$1,500,000 of the motor vehicle fund account--state
18 appropriation is provided solely for a comprehensive tolling study.
19 The transportation commission, with the technical assistance of the
20 department, must conduct a study of the state's transportation system
21 to determine the feasibility of administering tolls on specific
22 transportation facilities or a network of facilities. This study shall
23 serve as the statewide tolling feasibility study required in Engrossed
24 Substitute House Bill No. 1541, and shall serve as the tolling study
25 necessary to implement toll facilities within a regional transportation
26 investment district or its successor entity.

27 (a) The study must include an analysis of the only currently-
28 authorized toll facility, the Tacoma Narrows bridge project. The study
29 findings must include (i) the development of more uniform and equitable
30 policies regarding the distribution of financial obligations imposed on
31 those paying the tolls on the Tacoma Narrows bridge, and (ii)
32 opportunities and options for reducing the outstanding indebtedness on
33 the bridge project, including the possibility of buy-downs and other
34 means of spreading the cost of the project more equitably.

35 (b) The study element for the benefit of a regional transportation
36 investment district or regional transportation improvement authority
37 must also address the state highway system and other transportation

1 facilities in King, Pierce, and Snohomish counties to determine the
2 feasibility of value pricing on a facility or network of facilities.
3 This study element should: (i) Determine the potential for value
4 pricing to generate revenues for needed transportation facilities; (ii)
5 maximize the efficient operation of facilities and the transportation
6 network; and (iii) provide economic indicators for future system
7 investments. This element of the study must take into account
8 congestion levels, facility and corridor capacity, time of use,
9 economic considerations, and other factors deemed appropriate. The
10 study must recommend any additional laws, rules, procedures, resources,
11 studies, reports, or support infrastructure necessary or desirable
12 before proceeding with the review, evaluation, or implementation of any
13 toll projects or a system-wide, value priced transportation structure.

14 (c) The study must specifically analyze the potential for a toll
15 facility on SR 704, the cross-base highway located in Pierce county.

16 (2) \$2,270,000 of the motor vehicle account--state appropriation is
17 provided solely for the transportation performance audit board. Within
18 this amount, the transportation performance audit board shall conduct
19 a study and make recommendations to the legislature regarding the
20 modification RCW 47.01.012, state transportation goals and benchmarks.
21 In conducting the study, the board shall consider at a minimum:
22 Original recommendations of the Blue Ribbon Commission on
23 Transportation; the current policy goals and benchmark categories; the
24 goals outlined in Substitute House Bill No. 1969; the recent work
25 related to benchmarks completed by the transportation commission and
26 the Washington state department of transportation; the measures review
27 completed by TPAB; and best practices.

28 The board shall submit study results, including any legislative
29 recommendations, to the transportation committees of the legislature by
30 January 1, 2006.

31 (3) \$1,150,000 of the multimodal account--state appropriation is
32 provided solely for a statewide rail capacity and needs analysis. The
33 purpose of this study is to (a) assess the rail freight and rail
34 passenger infrastructure needs in this state; (b) review the current
35 powers, authorities, and interests the state has in both passenger and
36 freight rail; (c) recommend public policies for state participation and
37 ownership in rail infrastructure and service delivery, including but
38 not limited to planning and governance issues; and (d) develop a rail

1 asset management plan. The commission shall report their findings and
2 conclusions of the study to the transportation committees of the
3 legislature by December 1, 2006.

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

6 Motor Vehicle Account--State Appropriation \$664,000

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

9 State Patrol Highway Account--State Appropriation \$202,530,000

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

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

12 TOTAL APPROPRIATION \$213,243,000

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

15 (1) Washington state patrol officers engaged in off-duty uniformed
16 employment providing traffic control services to the department of
17 transportation or other state agencies may use state patrol vehicles
18 for the purpose of that employment, subject to guidelines adopted by
19 the chief of the Washington state patrol. The Washington state patrol
20 shall be reimbursed for the use of the vehicle at the prevailing state
21 employee rate for mileage and hours of usage, subject to guidelines
22 developed by the chief of the Washington state patrol. The patrol
23 shall report to the house of representatives and senate transportation
24 committees by December 31, 2005, on the use of agency vehicles by
25 officers engaging in the off-duty employment specified in this
26 subsection. The report shall include an analysis that compares cost
27 reimbursement and cost-impacts, including increased vehicle mileage,
28 maintenance costs, and indirect impacts, associated with the private
29 use of patrol vehicles.

30 (2) In addition to the user fees, the patrol shall transfer into
31 the state patrol nonappropriated airplane revolving account under RCW
32 43.79.470 no more than the amount of appropriated state patrol highway
33 account and general fund funding necessary to cover the costs for the
34 patrol's use of the aircraft. The state patrol highway account and
35 general fund--state funds shall be transferred proportionately in

1 accordance with a cost allocation that differentiates between highway
2 traffic enforcement services and general policing purposes.

3 (3) The patrol shall not account for or record locally provided DUI
4 cost reimbursement payments as expenditure credits to the state patrol
5 highway account. The patrol shall report the amount of expected
6 locally provided DUI cost reimbursements to the transportation
7 committees of the senate and house of representatives by December 31st
8 of each year.

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

18 (5) \$29,000 of the state patrol highway account--state
19 appropriation is provided solely for the implementation of House Bill
20 No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the
21 amount provided in this subsection shall lapse.

22 (6) \$5,580,000 of the total appropriation is provided solely for a
23 3.8% salary increase for commissioned officers effective July 1, 2005,
24 in addition to any other salary increases provided for in this act.

25 (7) ***A maximum of \$9,855,000 of the total appropriation is provided***
26 ***for ferry security-related activities. The patrol shall explore***
27 ***alternatives for providing ferry security, including, but not limited***
28 ***to, using cadets whenever possible and contracting with local law***
29 ***enforcement agencies.***

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

**Sec. 208 was partially vetoed. See message at end of chapter.*

33 *NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--**
34 **TECHNICAL SERVICES BUREAU**

35	State Patrol Highway Account--State Appropriation	\$82,748,000
36	State Patrol Highway Account--Private/Local	
37	Appropriation	\$2,008,000

1 TOTAL APPROPRIATION \$84,756,000

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

4 (1) \$247,000 of the state patrol highway account--state
5 appropriation is provided solely for the implementation of Second
6 Substitute House Bill No. 1188. If Second Substitute House Bill No.
7 1188 is not enacted by June 30, 2005, the amount provided in this
8 subsection shall lapse.

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

17 (3) \$6,228,000 of the total appropriation is provided solely for
18 automobile fuel in the 2005-2007 biennium.

19 (4) \$8,678,000 of the total appropriation is provided solely for
20 the purchase of pursuit vehicles.

21 (5) \$5,254,000 of the total appropriation is provided solely for
22 vehicle repair and maintenance costs of vehicles used for highway
23 purposes.

24 (6) \$384,000 of the total appropriation is provided solely for the
25 purchase of mission vehicles used for highway purposes in the
26 commercial vehicle and traffic investigation sections of the patrol.

27 (7) **A maximum of \$412,000 of the total appropriation is provided**
28 **for ferry security-related activities.**

**Sec. 209 was partially vetoed. See message at end of chapter.*

29 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF LICENSING--**
30 **MANAGEMENT AND SUPPORT SERVICES**

31	Marine Fuel Tax Refund Account--State Appropriation	\$3,000
32	Motorcycle Safety Education Account--State Appropriation . . .	\$96,000
33	Wildlife Account--State Appropriation	\$82,000
34	Highway Safety Account--State Appropriation	\$11,418,000
35	Motor Vehicle Account--State Appropriation	\$7,043,000
36	DOL Services Account--State Appropriation	\$88,000
37	Biometric Security Account--State Appropriation	\$57,000

1 TOTAL APPROPRIATION \$18,787,000

2 The appropriations in this section are subject to the following
3 conditions and limitations: \$1,134,000 of the motor vehicle account--
4 state appropriation is provided solely for the implementation of
5 Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute
6 Senate Bill No. 6103 is not enacted by June 30, 2005, the amount
7 provided in this subsection shall lapse.

8 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF LICENSING--**
9 **INFORMATION SERVICES**

10	Marine Fuel Tax Refund Account--State Appropriation	\$2,000
11	Motorcycle Safety Education Account--State Appropriation . . .	\$35,000
12	Wildlife Account--State Appropriation	\$102,000
13	Highway Safety Account--State Appropriation	\$20,698,000
14	Motor Vehicle Account--State Appropriation	\$12,095,000
15	Motor Vehicle Account--Private/Local Appropriation	\$500,000
16	DOL Services Account--State Appropriation	\$7,825,000
17	Biometric Security Account--State Appropriation	\$728,000
18	TOTAL APPROPRIATION	\$41,985,000

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

21 (1) The department shall submit a report to the transportation
22 committees of the legislature, detailing the progress made in
23 transitioning from the HP3000 system, by December 30, 2005, and each
24 December 1st thereafter until the project is fully completed.

25 (2) \$357,000 of the motor vehicle account--state appropriation is
26 provided solely for the implementation of all special license plate
27 bills introduced during the 2005 legislative session and approved by
28 the special license plate review board. The amount provided in this
29 subsection shall be reduced accordingly for any of those bills that are
30 not enacted by June 30, 2005.

31 (3) \$58,000 of the state wildlife account--state appropriation is
32 provided solely for the implementation of Substitute Senate Bill No.
33 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30,
34 2005, the amount provided in this subsection shall lapse.

35 (4) \$145,000 of the motor vehicle account--state appropriation is
36 provided solely for the implementation of Engrossed Substitute Senate

1 Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not
2 enacted by June 30, 2005, the amount provided in this subsection shall
3 lapse.

4 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE**
5 **SERVICES**

6	Marine Fuel Tax Refund Account--State Appropriation	\$26,000
7	Wildlife Account--State Appropriation	\$626,000
8	Motor Vehicle Account--State Appropriation	\$49,894,000
9	Motor Vehicle Account--Private/Local Appropriation	\$872,000
10	DOL Services Account--State Appropriation	\$1,146,000
11	Highway Safety Account--State Appropriation	\$404,000
12	TOTAL APPROPRIATION	\$52,968,000

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

15 (1) \$247,000 of the motor vehicle account--state appropriation is
16 provided solely for the implementation of all special license plate
17 bills introduced during the 2005 legislative session and approved by
18 the special license plate review board. The amount provided in this
19 subsection shall be reduced accordingly for any of those bills that are
20 not enacted by June 30, 2005.

21 (2) \$11,000 of the wildlife account--state appropriation is
22 provided solely for the implementation of Engrossed Senate Bill No.
23 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30,
24 2005, the amount provided in this subsection shall lapse.

25 (3) \$404,000 of the motor vehicle account--state appropriation is
26 provided solely for the implementation of Engrossed Substitute Senate
27 Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not
28 enacted by June 30, 2005, the amount provided in this subsection shall
29 lapse.

30 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER**
31 **SERVICES**

32	Motorcycle Safety Education Account--State	
33	Appropriation	\$3,005,000
34	Highway Safety Account--State Appropriation	\$85,051,000
35	Highway Safety Account--Federal Appropriation	\$8,000
36	Biometric Security Account--State Appropriation	\$1,523,000

1 TOTAL APPROPRIATION \$89,587,000

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

4 (1) \$970,000 of the highway safety account--state appropriation is
5 provided solely for the commercial driver license program. The
6 department shall informally report to the transportation committees of
7 the legislature on the progress made in addressing federal audit
8 findings and in implementing the federal motor carrier safety
9 improvement act. Reports shall be made by the following dates:
10 November 1, 2005, and each November 1st thereafter.

11 (2) \$412,000 of the motorcycle safety and education account--state
12 appropriation is provided solely for the department's motorcycle safety
13 program. The department shall informally report to the transportation
14 committees of the legislature detailing the progress made in
15 implementing national highway traffic safety assessment guidelines.
16 Reports shall be made by the following dates: November 1, 2005, and
17 each November 1st thereafter.

18 (3) The department of licensing, in consultation with the
19 department of transportation and other stakeholders, shall draft
20 legislation to bring the state into compliance with any federal
21 legislation or rules enacted relative to identification necessary for
22 persons crossing international borders. The department shall report to
23 the transportation committees of the legislature by December 1, 2005,
24 on the recommended legislation for bringing the state into compliance
25 with federal requirements.

26 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

28 Tacoma Narrows Toll Bridge Account--State Appropriation . . \$8,615,000

29 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **INFORMATION TECHNOLOGY--PROGRAM C**

31 Motor Vehicle Account--State Appropriation \$55,941,000

32 Motor Vehicle Account--Federal Appropriation \$1,973,000

33 Puget Sound Ferry Operations Account--State
34 Appropriation \$8,558,000

35 Multimodal Transportation Account--State Appropriation . . . \$363,000

36 TOTAL APPROPRIATION \$66,835,000

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

3 (1) \$850,000 of the motor vehicle account--state appropriation is
4 provided for the continued maintenance and support of the
5 transportation executive information system (TEIS). The TEIS shall be
6 enhanced during the 2005 legislative interim to shift towards a
7 monitoring and reporting system capable of tracking and reporting on
8 major project milestones and measurements. The department shall work
9 with the legislature to identify and define meaningful milestones and
10 measures to be used in monitoring the scope, schedule, and cost of
11 projects.

12 (2) \$350,000 of the motor vehicle account--state appropriation is
13 provided solely for a financial and capital project system needs
14 assessment for future automation development and enhancements. The
15 completed assessment will identify options which shall be presented to
16 the transportation committees of the senate and the house of
17 representatives by December 31, 2005.

18 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
20 Motor Vehicle Account--State Appropriation \$33,499,000

21 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **AVIATION--PROGRAM F**
23 Aeronautics Account--State Appropriation \$5,632,000
24 Aeronautics Account--Federal Appropriation \$2,150,000
25 Aircraft Search and Rescue Safety and
26 Education Account--State Appropriation \$262,000
27 Multimodal Transportation Account--State Appropriation . . . \$100,000
28 Multimodal Transportation Account--Federal Appropriation . . \$900,000
29 TOTAL APPROPRIATION \$9,044,000

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

32 (1)(a) \$433,000 of the aeronautics account--state appropriation is
33 provided solely for airport pavement projects. The department's
34 aviation division shall complete a priority airport pavement project
35 list by January 1, 2006, to be considered by the legislature in the

1 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not
2 enacted by June 30, 2005, the amount provided in this subsection shall
3 lapse.

4 (b) The entire aircraft search and rescue safety and education
5 account appropriation shall lapse if Substitute Senate Bill No. 5414 is
6 enacted by June 30, 2005.

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

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

18 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

20	Motor Vehicle Account--State Appropriation	\$48,961,000
21	Motor Vehicle Account--Federal Appropriation	\$500,000
22	Multimodal Account--State Appropriation	\$250,000
23	TOTAL APPROPRIATION	\$49,711,000

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

26 (1) \$300,000 of the motor vehicle account--state appropriation is
27 provided to the department in accordance with RCW 46.68.110(2) and
28 46.68.120(3) and shall be used by the department solely for the
29 purposes of providing contract services to the association of
30 Washington cities and Washington state association of counties for (a)
31 activities of the transportation permit efficiency and accountability
32 committee, including pilot mitigation banking activities, and (b) other
33 permit delivery efforts.

34 (2) \$1,475,000 of the motor vehicle account--state appropriation is
35 provided solely for the staffing activities of the transportation
36 permit efficiency and accountability committee.

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

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

17 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
18 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

19	Motor Vehicle Account--State Appropriation	\$42,811,000
20	Motor Vehicle Account--Federal Appropriation	\$2,050,000
21	Motor Vehicle Account--Private/Local Appropriation	\$128,000
22	TOTAL APPROPRIATION	\$44,989,000

23 The appropriations in this section are subject to the following
24 conditions and limitations: \$4,400,000 of the motor vehicle account--
25 state appropriation is provided solely for low-cost enhancements. The
26 department shall give priority to low-cost enhancement projects that
27 improve safety or provide congestion relief. The department shall
28 prioritize low-cost enhancement projects on a statewide rather than
29 regional basis.

30 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

32	Motor Vehicle Account--State Appropriation	\$25,434,000
33	Motor Vehicle Account--Federal Appropriation	\$30,000
34	Puget Sound Ferry Operations Account--State	
35	Appropriation	\$1,321,000
36	Multimodal Transportation Account--State Appropriation	\$973,000

1	TOTAL APPROPRIATION	\$27,758,000
2	*NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--	
3	TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T	
4	Motor Vehicle Account--State Appropriation	\$22,390,000
5	Motor Vehicle Account--Federal Appropriation	\$16,756,000
6	Multimodal Transportation Account--State Appropriation . .	\$2,267,000
7	Multimodal Transportation Account--Federal	
8	Appropriation	\$2,829,000
9	Multimodal Transportation Account--Private/Local	
10	Appropriation	\$100,000
11	Transportation Partnership Account--State	
12	Appropriation	\$6,000,000
13	TOTAL APPROPRIATION	\$50,342,000

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

16 (1) In order to qualify for state planning funds available to
17 regional transportation planning organizations under this section, a
18 regional transportation planning organization containing any county
19 with a population in excess of one million shall provide voting
20 membership on its executive board to any incorporated principal city of
21 a metropolitan statistical area within the region, as designated by the
22 United States census bureau, and to any incorporated city within the
23 region with a population in excess of eighty thousand as of July 1,
24 2005. Additionally, a regional transportation planning organization
25 described under this subsection shall conduct a review of its executive
26 board membership criteria to ensure that the criteria appropriately
27 reflects a true and comprehensive representation of the organization's
28 jurisdictions of significance within the region.

29 (2) ***\$900,000 of the multimodal transportation account--state***
30 ***appropriation and \$4,000,000 of the transportation partnership***
31 ***account--state appropriation are provided solely for implementing***
32 ***Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089. This***
33 ***amount is not intended to fund a tolling feasibility study provided for***
34 ***in that legislation, since that funding is provided through***
35 ***appropriation to the transportation commission. If neither Engrossed***
36 ***Substitute House Bill No. 2157 or Senate Bill No. 6089 is enacted by***

1 **June 30, 2005, the amount provided in this subsection shall lapse.**
2 **None of this appropriation may be used for election expenses for an**
3 **election held before January 1, 2006.**

4 (3) \$2,000,000 of the transportation partnership account--state
5 appropriation is provided solely for the costs of the regional
6 transportation investment district (RTID) election and department of
7 transportation project oversight. These funds are provided as a loan
8 to the RTID and shall be repaid to the state motor vehicle account
9 within one year following the certification of the election results
10 related to the RTID. If either Engrossed Substitute House Bill No.
11 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount
12 provided in this subsection shall lapse. None of this appropriation
13 may be used for election expenses for an election held before January
14 1, 2006.

15 (4) \$175,000 of the motor vehicle account--state appropriation is
16 provided to the department in accordance with RCW 46.68.110(2) and
17 46.68.120(3) and shall be used by the department to support the
18 processing and analysis of the backlog of city and county collision
19 reports by January 2006. The amount provided in this subsection shall
20 lapse if federal funds become available for this purpose.

21 (5) \$150,000 of the multimodal transportation account--state
22 appropriation is provided solely for the implementation of Engrossed
23 Second Substitute House Bill No. 1565. If Engrossed Second Substitute
24 House Bill No. 1565 is not enacted by June 30, 2005, the amount
25 provided in this subsection shall lapse.

26 (6) The department of transportation shall evaluate the number of
27 spaces available for long-haul truck parking relative to current and
28 projected future needs. The department of transportation shall also
29 explore options for augmenting the number of spaces available,
30 including, but not limited to, expanding state-owned rest areas or
31 modifying regulations governing the use of these facilities, utilizing
32 weigh stations and park and ride lots, and encouraging the expansion of
33 the private sector's role. Finally, the department shall explore the
34 utility of coordinating with neighboring states on long-haul truck
35 parking and evaluate methodologies for alleviating any air quality
36 issues relative to the issue. The department must report to the
37 transportation committees of the legislature by December 1, 2005, on

1 the options, strategies, and recommendations for long-haul truck
2 parking.

3 (7) \$50,000 of the multimodal transportation account--state
4 appropriation is provided solely for evaluating high-speed passenger
5 transportation facilities and services, including rail or magnetic
6 levitation transportation systems, to connect airports as a means to
7 more efficiently utilize airport capacity, as well as connect major
8 population and activity centers. This evaluation shall be coordinated
9 with the airport capacity and facilities market analysis conducted
10 pursuant to Engrossed Substitute Senate Bill No. 5121 and results of
11 the evaluation shall be submitted by July 1, 2007. If Engrossed
12 Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if
13 federal funds are not received by March 1, 2006, for the purpose of
14 implementing Engrossed Substitute Senate Bill No. 5121, the amount
15 provided in this subsection shall lapse.

**Sec. 223 was partially vetoed. See message at end of chapter.*

16 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

18	Motor Vehicle Account--State Appropriation	\$45,030,000
19	Motor Vehicle Account--Federal Appropriation	\$400,000
20	TOTAL APPROPRIATION	\$45,430,000

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

23 (1) \$31,749,000 of the motor vehicle fund--state appropriation is
24 provided solely for the liabilities attributable to the department of
25 transportation. The office of financial management must provide a
26 detailed accounting of the revenues and expenditures of the self-
27 insurance fund to the transportation committees of the legislature on
28 December 31st and June 30th of each year.

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

31 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
32 DIVISION OF RISK MANAGEMENT FEES \$1,667,000

33 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE
34 AUDITOR \$1,017,000

35 (c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL
36 ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED
37 MAIL SERVICES \$4,049,000

1	(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF	
2	PERSONNEL	\$3,572,000
3	(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY	
4	PREMIUMS AND ADMINISTRATION	\$31,749,000
5	(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL	
6	ADMINISTRATION CAPITAL PROJECTS SURCHARGE	\$1,717,000
7	(g) FOR ARCHIVES AND RECORDS MANAGEMENT	\$545,000
8	(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS	
9	ENTERPRISES	\$1,114,000

10 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**
11 **PUBLIC TRANSPORTATION--PROGRAM V**

12	Multimodal Transportation Account--State	
13	Appropriation	\$62,269,000
14	Multimodal Transportation Account--Federal	
15	Appropriation	\$2,603,000
16	Multimodal Transportation Account--Private/Local	
17	Appropriation	\$155,000
18	TOTAL APPROPRIATION	\$65,027,000

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

21 (1) \$25,000,000 of the multimodal transportation account--state
22 appropriation is provided solely for a grant program for special needs
23 transportation provided by transit agencies and nonprofit providers of
24 transportation.

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

31 (b) \$19,500,000 of the amount provided in this subsection is
32 provided solely for grants to transit agencies to transport persons
33 with special transportation needs. To receive a grant, the transit
34 agency must have a maintenance of effort for special needs
35 transportation that is no less than the previous year's maintenance of
36 effort for special needs transportation. Grants for transit agencies
37 shall be prorated based on the amount expended for demand response

1 service and route deviated service in calendar year 2003 as reported in
2 the "Summary of Public Transportation - 2003" published by the
3 department of transportation. No transit agency may receive more than
4 thirty percent of these distributions. The first \$450,000 provided to
5 King county shall be used as follows:

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

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

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

16 (a) \$7,000,000 of the multimodal transportation account--state
17 appropriation is provided solely for grants for those transit systems
18 serving small cities and rural areas as identified in the Summary of
19 Public Transportation - 2003 published by the department of
20 transportation. Noncompetitive grants must be distributed to the
21 transit systems serving small cities and rural areas in a manner
22 similar to past disparity equalization programs.

23 (b) \$7,000,000 of the multimodal transportation account--state
24 appropriation is provided solely to providers of rural mobility service
25 in areas not served or underserved by transit agencies through a
26 competitive grant process.

27 (3) \$5,000,000 of the multimodal transportation account--state
28 appropriation is provided solely for a vanpool grant program for: (a)
29 Public transit agencies to add vanpools; and (b) incentives for
30 employers to increase employee vanpool use. The grant program for
31 public transit agencies will cover capital costs only; no operating
32 costs for public transit agencies are eligible for funding under this
33 grant program. No additional employees may be hired from the funds
34 provided in this section for the vanpool grant program, and supplanting
35 of transit funds currently funding vanpools is not allowed. Additional
36 criteria for selecting grants must include leveraging funds other than
37 state funds.

1 (4) \$3,000,000 of the multimodal transportation account--state
2 appropriation is provided solely for the city of Seattle for the
3 Seattle streetcar project on South Lake Union. Should the city receive
4 any state funds for this purpose during the 2003-05 or 2005-07
5 biennium, the amount provided in this subsection must be reduced
6 accordingly.

7 (5) \$1,200,000 of the multimodal transportation account--state
8 appropriation is provided solely for the implementation of Engrossed
9 Substitute House Bill No. 2124. If Engrossed Substitute House Bill No.
10 2124 is not enacted by June 30, 2005, the amount provided in this
11 subsection shall lapse.

12 (6) Pursuant to the grant program established in Engrossed
13 Substitute House Bill No. 2124, the department shall issue a call for
14 projects and/or service proposals. Applications must be received by
15 the department by November 1, 2005, and November 1, 2006. The
16 department must submit a prioritized list for funding to the
17 transportation committees of the legislature that reflects the
18 department's recommendation, as well as, a list of all project or
19 service proposals received.

20 (7) \$2,000,000 of the multimodal transportation account--state
21 appropriation is provided solely for new tri-county connection service
22 for Island, Skagit, and Whatcom transit agencies.

23 (8) \$2,000,000 of the multimodal transportation account--state
24 appropriation is provided solely to King county as a state match to
25 obtain federal funding for a car sharing program for persons meeting
26 certain income or employment criteria.

27 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **MARINE--PROGRAM X**

29 Puget Sound Ferry Operations Account--State

30	Appropriation	\$350,454,000
31	Multimodal Transportation Account--State	
32	Appropriation	\$3,660,000
33	TOTAL APPROPRIATION	\$354,114,000

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

36 (1) \$57,928,000 of the total appropriation is provided solely for
37 auto ferry vessel operating fuel in the 2005-2007 biennium.

1 (2) The total appropriation provides for the compensation of ferry
2 employees. The expenditures for compensation paid to ferry employees
3 during the 2005-2007 biennium may not exceed \$222,356,000, plus a
4 dollar amount, as prescribed by the office of financial management,
5 that is equal to any insurance benefit increase granted general
6 government employees in excess of \$584.58 a month annualized per
7 eligible marine employee multiplied by the number of eligible marine
8 employees for fiscal year 2006 and \$584.58 a month annualized per
9 eligible marine employee multiplied by the number of eligible marine
10 employees for fiscal year 2007, a dollar amount as prescribed by the
11 office of financial management for costs associated with pension
12 amortization charges, and a dollar amount prescribed by the office of
13 financial management for salary increases during the 2005-2007
14 biennium. For the purposes of this section, the expenditures for
15 compensation paid to ferry employees shall be limited to salaries and
16 wages and employee benefits as defined in the office of financial
17 management's policies, regulations, and procedures named under objects
18 of expenditure "A" and "B" (7.2.6.2).

19 (3) \$1,116,000 of the Puget Sound ferry operations account--state
20 appropriation is provided solely for ferry security operations
21 necessary to comply with the ferry security plan submitted by the
22 Washington state ferry system to the United States coast guard. The
23 department shall track security costs and expenditures. Ferry security
24 operations costs shall not be included as part of the operational costs
25 that are used to calculate farebox recovery.

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

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

35 (6) \$3,660,000 of the multimodal transportation account--state
36 appropriation is provided solely to provide passenger-only ferry
37 service. The ferry system shall continue passenger-only ferry service
38 from Vashon Island to Seattle through June 30, 2007. Beginning

1 September 1, 2005, ferry system management shall implement its
2 agreement with the Inlandboatmen's Union of the Pacific and the
3 International Organization of Masters, Mates and Pilots providing for
4 part-time passenger-only work schedules. Funds may not be spent to
5 implement the results of the passenger-only ferry study conducted by
6 the joint transportation committee provided in section 205 of this act
7 until approved by the legislature.

8 NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--**
9 **RAIL--PROGRAM Y--OPERATING**

10 Multimodal Transportation Account--State
11 Appropriation \$36,420,000

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

14 (1) \$29,091,000 of the multimodal transportation account--state
15 appropriation is provided solely for the Amtrak service contract and
16 Talgo maintenance contract associated with providing and maintaining
17 the state-supported passenger rail service.

18 (2) \$2,750,000 of the multimodal transportation account--state
19 appropriation is provided solely for a new round trip rail service
20 between Seattle and Portland beginning July 1, 2006.

21 (3) No AMTRAK Cascade runs may be eliminated.

22 (4) \$200,000 of the multimodal transportation account--state
23 appropriation is provided solely for the produce railcar program. The
24 department is encouraged to implement the produce railcar program by
25 maximizing private investment.

26 NEW SECTION. **Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

28 Motor Vehicle Account--State Appropriation \$7,947,000
29 Motor Vehicle Account--Federal Appropriation \$2,597,000
30 Multimodal Transportation Account--State Appropriation . . . \$211,000
31 TOTAL APPROPRIATION \$10,755,000

32 The appropriations in this section are subject to the following
33 conditions and limitations: \$211,000 of the motor vehicle account--
34 state appropriation and \$211,000 of the multimodal transportation
35 account--state appropriation are provided solely for the state's

1 contribution to county and city studies of flood hazards in association
2 with interstate highways. First priority shall be given to threats
3 along the I-5 corridor.

4 **TRANSPORTATION AGENCIES--CAPITAL**

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

6 State Patrol Highway Account--State Appropriation \$2,801,000

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

9 (1) \$1,535,000 of the appropriation is provided solely for the
10 Shelton training academy domestic water and wastewater treatment
11 project.

12 (2) \$1,266,000 of the appropriation is provided solely for minor
13 works projects.

14 (3) The Washington state patrol, through the director of fire
15 protection, shall study and make recommendations to the legislature
16 regarding the need for improvements and additions to the state fire
17 training academy located at North Bend. The patrol may include in its
18 recommendations information regarding capital improvements, additional
19 staffing and salary requirements, and technology improvements. The
20 study and recommendations shall be submitted to the legislature by
21 December 1, 2005.

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

23 Rural Arterial Trust Account--State Appropriation \$67,933,000

24 Motor Vehicle Account--State Appropriation \$355,000

25 County Arterial Preservation Account--State
26 Appropriation \$30,392,000

27 TOTAL APPROPRIATION \$98,680,000

28 The appropriations in this section are subject to the following
29 conditions and limitations: \$355,000 of the motor vehicle account--
30 state appropriation is provided for county ferries as set forth in RCW
31 47.56.725(4).

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

33 Urban Arterial Trust Account--State Appropriation \$99,425,000

34 Small City Preservation and Sidewalk

1	Account--State Appropriation	\$2,000,000
2	Transportation Improvement Account--State	
3	Appropriation	\$103,601,000
4	TOTAL APPROPRIATION	\$205,026,000

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

7 (1) The transportation improvement account--state appropriation
8 includes \$14,143,000 in proceeds from the sale of bonds authorized in
9 RCW 47.26.500. The transportation improvement board may authorize the
10 use of current revenues available to the agency in lieu of bond
11 proceeds for any part of the state appropriation.

12 (2) \$2,000,000 of the small city preservation and sidewalk
13 account--state appropriation is provided to fund the provisions of
14 chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

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

17	Motor Vehicle Account--State Appropriation	\$2,492,000
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18 The appropriation in this section is subject to the following
19 conditions and limitations:

20 (1) \$601,000 of the motor vehicle account--state appropriation is
21 provided solely for the statewide administration.

22 (2) \$632,000 of the motor vehicle account--state appropriation is
23 provided solely for regional minor projects.

24 (3) \$224,000 of the motor vehicle account--state appropriation is
25 provided solely for designing the replacement of the existing outdated
26 maintenance facility in Ephrata.

27 (4) \$219,000 of the motor vehicle account--state appropriation is
28 provided solely for the designing of the northwest regional maintenance
29 complex in Seattle.

30 (5) \$833,000 of the motor vehicle account--state appropriation is
31 provided solely for the Olympic region headquarters project.

32 (a) The department of transportation is authorized to use
33 certificates of participation for the financing of the Olympic region
34 project in the amount of \$34,874,000 plus financing expenses and
35 required reserves pursuant to chapter 39.94 RCW.

36 (b) The Washington state department of transportation may utilize

1 the design-build process in accordance with chapter 39.10 RCW for the
2 Olympic region project. If the design-build process is used, it may be
3 developed in partnership with the department of general administration.

4 *NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **IMPROVEMENTS--PROGRAM I**

6 Transportation 2003 Account (Nickel Account)--State
7 Appropriation \$1,175,004,000
8 Motor Vehicle Account--State Appropriation \$70,359,000
9 Motor Vehicle Account--Federal Appropriation \$229,036,000
10 Motor Vehicle Account--Private/Local Appropriation \$33,893,000
11 Special Category C Account--State Appropriation \$3,419,000
12 Tacoma Narrows Toll Bridge Account Appropriation \$272,329,000
13 Transportation Partnership Account--State
14 Appropriation \$519,786,000
15 TOTAL APPROPRIATION \$2,303,826,000

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

18 (1) The entire transportation 2003 account (nickel account)
19 appropriation and the entire transportation partnership account
20 appropriation are provided solely for the projects and activities as
21 listed by fund, project and amount in LEAP Transportation Document
22 2005-6, Highway Improvement Program (I) as developed April 24, 2005.
23 However, limited transfers of allocations between projects may occur
24 for those amounts listed subject to the conditions and limitations in
25 section 603 of this act.

26 *(a) Within the amount provided in this subsection, \$500,000 of the*
27 *transportation 2003 account (nickel account) appropriation is provided*
28 *for right-of-way acquisition for the SR 502 widening from Battleground*
29 *to I-5. The department must develop a right-of-way acquisition plan in*
30 *conjunction with the city of Battleground that conforms with the city's*
31 *comprehensive growth management plan. No funds may be expended on*
32 *this project until the city of Battleground and the department of*
33 *transportation have reached an agreement on the right-of-way*
34 *acquisition plan.*

35 (b) Within the amounts provided in this subsection, \$5,000,000 of
36 the transportation partnership account--state appropriation is provided
37 solely for project 109040S: I-90/Seattle to Mercer Island - Two way

1 transit/HOV. Expenditure of these funds is contingent upon the
2 development of an access plan that provides equitable and dependable
3 access for I-90 Mercer Island exit and entry.

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

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

11 ***(e) Within the amounts provided in this subsection, \$500,000 of the***
12 ***transportation partnership account--state appropriation is provided***
13 ***solely for an eastern Washington freight corridor study, to evaluate***
14 ***the development of a freight corridor from Osoyoos, Canada to Mesa,***
15 ***Franklin county.***

16 (f) Within the amounts provided within this subsection,
17 \$435,000,000 of the transportation partnership account--state
18 appropriation is provided solely for project 509009B: I-90 Snoqualmie
19 Pass East - Hyak to Keechelus dam. However, if the preferred
20 alternative selected for this project results in a lower total project
21 cost, the remaining funds may be used for concrete rehabilitation on
22 I-90 in the vicinity of this project.

23 (2) The motor vehicle account--state appropriation includes
24 \$53,000,000 in proceeds from the sale of bonds authorized by RCW
25 47.10.843. The transportation commission may authorize the use of
26 current revenues available to the department of transportation in lieu
27 of bond proceeds for any part of the state appropriation.

28 (3) The department shall not commence construction on any part of
29 the SR 520 bridge project until agreements have been reached with the
30 incorporated towns or cities that represent the communities affected by
31 the SR 520 project. The agreements must provide reasonable assurance
32 that no further degradation will occur to the citizens' current use and
33 enjoyment of their properties as a result of repairs and improvements
34 made to the SR 520 bridge and its connecting roadways. Such assurances
35 may be achieved through engineering design choices, mitigation
36 measures, or a combination of both.

37 (4) The transportation partnership account--state appropriation
38 includes \$400,000,000 in proceeds from the sale of bonds authorized by

1 Substitute House Bill No. 2311 (or the version as enacted into law).
2 The transportation commission may authorize the use of current revenues
3 available to the department of transportation in lieu of bond proceeds
4 for any part of the state appropriation.

5 (5) The Tacoma Narrows toll bridge account--state appropriation
6 includes \$257,016,000 in proceeds from the sale of bonds authorized by
7 RCW 47.10.843. The Tacoma Narrows toll bridge account--state
8 appropriation includes \$15,313,000 in unexpended proceeds from the
9 January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma
10 Narrows bridge project.

11 (6) The transportation 2003 account (nickel account)--state
12 appropriation includes \$940,000,000 in proceeds from the sale of bonds
13 authorized by chapter 147, Laws of 2003. The transportation commission
14 may authorize the use of current revenues available to the department
15 of transportation in lieu of bond proceeds for any part of the state
16 appropriation.

17 (7) To manage some projects more efficiently, federal funds may be
18 transferred from program Z to program I and replaced with state funds
19 in a dollar-for-dollar match. Fund transfers authorized under this
20 subsection shall not affect project prioritization status.
21 Appropriations shall initially be allotted as appropriated in this act.
22 The department shall not transfer funds as authorized under this
23 subsection without approval of the transportation commission and the
24 director of financial management. The department shall submit a report
25 on those projects receiving fund transfers to the transportation
26 committees of the senate and house of representatives by December 1,
27 2006.

28 (8) The department shall, on a quarterly basis beginning July 1,
29 2005, provide to the legislature reports providing the status on each
30 project in the project lists submitted pursuant to this act and on any
31 additional projects for which the department has expended funds during
32 the 2005-07 fiscal biennium. The department shall work with the
33 transportation committees of the legislature to agree on report
34 formatting and elements. Elements shall include, but not be limited
35 to, project scope, schedule, and costs. The department shall also
36 provide the information required under this subsection via the
37 transportation executive information systems (TEIS).

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

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

10 **(11) The department of transportation shall remove any median**
11 **barriers on South Kent Des Moines Road between I-5 and Pacific Highway**
12 **that prevent vehicles from making a left turn across the roadway.**

13 (12) \$13,000,000 of the transportation 2003 account (nickel
14 account)--state appropriation and \$5,000,000 of the transportation
15 partnership account--state appropriation are provided solely for
16 construction of a new interchange on SR 522 to provide direct access to
17 the University of Washington Bothell/Cascadia community college joint
18 campus. This appropriation assumes an additional \$8,000,000 will be
19 provided in the 2007-09 biennium from the transportation partnership
20 account.

**Sec. 305 was partially vetoed. See message at end of chapter.*

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

23 Transportation 2003 Account (Nickel Account)--State

24 Appropriation	\$10,622,000
25 Motor Vehicle Account--State Appropriation	\$76,824,000
26 Motor Vehicle Account--Federal Appropriation	\$404,360,000
27 Motor Vehicle Account--Private/Local Appropriation	\$6,656,000
28 Puyallup Tribal Settlement Account--State	
29 Appropriation	\$11,000,000
30 Transportation Partnership Account--State	
31 Appropriation	\$139,533,000
32 TOTAL APPROPRIATION	\$648,995,000

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

35 (1) The entire transportation 2003 account (nickel account)
36 appropriation and the entire transportation partnership account
37 appropriation are provided solely for the projects and activities as

1 listed by fund, project and amount in LEAP Transportation Document
2 2005-6, Highway Preservation Program (P) as developed April 24, 2005.
3 However, limited transfers of allocations between projects may occur
4 for those amounts listed subject to the conditions and limitations in
5 section 603 of this act.

6 (a) Within the amounts provided in this subsection, \$139,033,000 of
7 the transportation partnership account--state appropriation is provided
8 solely for implementation of structures preservation (P2) projects.

9 (b) Within the amounts provided in this subsection, \$500,000 of the
10 transportation partnership account--state appropriation is provided
11 solely for implementation of other facilities (P3) projects.

12 (2) \$11,000,000 of the Puyallup tribal settlement account--state
13 appropriation is provided solely for mitigation costs associated with
14 the Murray Morgan/11st Street Bridge demolition. The department may
15 negotiate with the city of Tacoma for the purpose of transferring
16 ownership of the Murray Morgan/11th Street Bridge to the city. The
17 department may use the Puyallup tribal settlement account
18 appropriation, as well as any funds appropriated in the current
19 biennium and planned in future biennia for the demolition and
20 mitigation for the demolition of the bridge to rehabilitate or replace
21 the bridge, if agreed to by the city. In no event shall the
22 department's participation exceed \$26,500,000 and no funds may be
23 expended unless the city of Tacoma agrees to take ownership of the
24 bridge in its entirety and provide that the payment of these funds
25 extinguishes any real or implied agreements regarding future
26 expenditures on the bridge.

27 (3) \$11,590,000 of the motor vehicle account--state appropriation,
28 \$95,299,000 of the motor vehicle account--federal appropriation, and
29 \$113,591,000 of the transportation partnership account--state
30 appropriation are provided solely for the Hood Canal bridge project.

31 (4) The motor vehicle account--state appropriation includes
32 \$530,000 in proceeds from the sale of bonds authorized in RCW 47.10.761
33 and 47.10.762 for emergency purposes.

34 (5) The department of transportation shall continue to implement
35 the lowest life cycle cost planning approach to pavement management
36 throughout the state to encourage the most effective and efficient use
37 of pavement preservation funds. Emphasis should be placed on

1 increasing the number of roads addressed on time and reducing the
2 number of roads past due.

3 (6) To manage some projects more efficiently, federal funds may be
4 transferred from program Z to program P and replaced with state funds
5 in a dollar-for-dollar match. Fund transfers authorized under this
6 subsection shall not affect project prioritization status.
7 Appropriations shall initially be allotted as appropriated in this act.
8 The department shall not transfer funds as authorized under this
9 subsection without approval of the transportation commission and the
10 director of financial management. The department shall submit a report
11 on those projects receiving fund transfers to the transportation
12 committees of the senate and house of representatives by December 1,
13 2006.

14 (7) The department shall, on a quarterly basis beginning July 1,
15 2005, provide to the legislature reports providing the status on each
16 project in the project lists submitted pursuant to this act and on any
17 additional projects for which the department has expended funds during
18 the 2005-07 fiscal biennium. The department shall work with the
19 transportation committees of the legislature to agree on report
20 formatting and elements. Elements shall include, but not be limited
21 to, project scope, schedule, and costs. The department shall also
22 provide the information required under this subsection via the
23 transportation executive information systems (TEIS).

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

26	Motor Vehicle Account--State Appropriation	\$17,519,000
27	Motor Vehicle Account--Federal Appropriation	\$15,068,000
28	Motor Vehicle Account--Local Appropriation	\$108,000
29	TOTAL APPROPRIATION	\$32,695,000

30 The appropriations in this section are subject to the following
31 conditions and limitations: The motor vehicle account--state
32 appropriation includes \$11,255,000 for state matching funds for
33 federally selected competitive grant or congressional earmark projects
34 other than the commercial vehicle information systems and network.
35 These moneys shall be placed into reserve status until such time as
36 federal funds are secured that require a state match.

1 24, 2005. However, limited transfers of allocations between projects
2 may occur for those amounts listed subject to the conditions and
3 limitations in section 603 of this act.

4 (5) The department shall, on a quarterly basis beginning July 1,
5 2005, provide to the legislature reports providing the status on each
6 project in the project lists submitted pursuant to this act and on any
7 additional projects for which the department has expended funds during
8 the 2005-07 fiscal biennium. Elements shall include, but not be
9 limited to, project scope, schedule, and costs. The department shall
10 also provide the information required under this subsection via the
11 transportation executive information systems (TEIS).

12 (6) \$3,000,000 of the multimodal transportation account--state
13 appropriation is provided solely to implement approved recommendations
14 of the stakeholder task force convened to study the most reliable and
15 cost-effective means of providing passenger-only ferry service. The
16 funds provided in this subsection shall be placed in reserve by the
17 office of financial management. The funds may not be released until
18 approved by the legislature.

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

21	Essential Rail Assistance Account--State Appropriation . . .	\$250,000
22	Multimodal Transportation Account--State	
23	Appropriation	\$67,158,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation	\$8,287,000
26	Multimodal Transportation Account--Federal	
27	Appropriation	\$11,966,000
28	TOTAL APPROPRIATION	\$88,161,000

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

31 (1) The multimodal transportation account--state appropriation
32 includes \$33,435,000 in proceeds from the sale of bonds and \$830,000 in
33 unexpended bond proceeds authorized by RCW 47.10.867. The
34 transportation commission may authorize the use of current revenues
35 available to the department of transportation in lieu of bond proceeds
36 for any part of the state appropriation.

1 (2) If federal block grant funding for freight or passenger rail is
2 received, the department shall consult with the transportation
3 committees of the legislature prior to spending the funds on additional
4 projects.

5 (3)(a) \$67,158,000 of the multimodal transportation account--state
6 appropriation, \$11,966,000 of the multimodal transportation account--
7 federal appropriation, \$8,287,000 of the multimodal transportation
8 account--local appropriation, and \$250,000 of the essential rail
9 assistance account are provided solely for the projects and activities
10 as listed by fund, project and amount in LEAP Transportation Document
11 2005-2, Rail Capital Program (Y) as developed April 23, 2005. However,
12 limited transfers of allocations between projects may occur for those
13 amounts listed subject to the conditions and limitations in section 603
14 of this act.

15 (b) Within the amounts provided in this subsection, \$6,500,000 of
16 the multimodal transportation account--state appropriation is provided
17 solely for the two commuter rail projects listed in the LEAP
18 Transportation Document 2005-6, Rail Capital Program (Y) as developed
19 April 24, 2005.

20 (4) If the department issues a call for projects, applications must
21 be received by the department by November 1, 2005, and November 1,
22 2006.

23 (5) \$50,000 of the multimodal transportation account--state
24 appropriation is provided solely for a study of eastern Skagit county
25 freight rail. The study shall examine the feasibility of restoring
26 portions of freight rail line to the towns of Lyman, Hamilton, and
27 Concrete. The study must also identify existing and potential
28 industrial sites available for development and redevelopment, and the
29 freight rail service needs of the identified industrial sites.

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

32	Highway Infrastructure Account--State Appropriation	\$207,000
33	Highway Infrastructure Account--Federal Appropriation	\$1,602,000
34	Motor Vehicle Account--Federal Appropriation	\$18,221,000
35	Motor Vehicle Account--State Appropriation	\$6,702,000
36	Freight Mobility Investment Account--State	
37	Appropriation	\$12,000,000

1 unless the state of Oregon appropriates a dollar-for-dollar match to
2 fund its share of the project.

3 (5) \$274,000 of the motor vehicle account--state appropriation is
4 reappropriated and provided solely for additional traffic and
5 pedestrian safety improvements near schools. The highways and local
6 programs division within the department of transportation shall
7 administer this program. The department shall review all projects
8 receiving grant awards under this program at least semiannually to
9 determine whether the projects are making satisfactory progress. Any
10 project that has been awarded traffic and pedestrian safety improvement
11 grant funds, but does not report activity on the project within one
12 year of grant award should be reviewed by the department to determine
13 whether the grant should be terminated. The department must promptly
14 close out grants when projects have been completed, and identify where
15 unused grant funds remain because actual project costs were lower than
16 estimated in the grant award. The department shall expeditiously
17 extend new grant awards to qualified projects when funds become
18 available either because grant awards have been rescinded for lack of
19 sufficient project activity or because completed projects returned
20 excess grant funds upon project closeout.

21 (6) The motor vehicle account--state appropriation includes
22 \$905,000 in unexpended proceeds from the sale of bonds authorized by
23 RCW 47.10.843.

24 (7) \$867,000 of the multimodal transportation account--state
25 appropriation is reappropriated and provided solely to support the safe
26 routes to school program.

27 (8) \$18,221,000 of the motor vehicle account--federal appropriation
28 is provided solely for the local freight capital projects in progress
29 identified in this subsection. The specific funding listed is provided
30 solely for the respective projects: SR 397 Ainsworth Ave. Grade
31 Crossing, \$5,180,000; Colville Alternate Truck Route, \$2,000,000; S.
32 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch
33 Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate
34 Route, \$1,791,000; and Pacific Hwy. E./Port of Tacoma Road to
35 Alexander, \$750,000.

36 (9) \$3,400,000 of the motor vehicle account--state appropriation is
37 provided solely for the local freight capital projects in progress
38 identified in this subsection. The specific funding listed is provided

1 solely for the respective projects: Duwamish Intelligent
2 Transportation Systems (ITS), \$2,520,000; Port of Kennewick/Piert Road,
3 \$520,000; SR 397 Ainsworth Ave. Grade Crossing, \$360,000.

4 (10) \$6,000,000 of the multimodal account--state appropriation is
5 provided solely for the local freight 'D' street grade separation
6 project.

7 (11) The department must issue a call for pedestrian safety
8 projects, such as safe routes to schools and transit, and bicycle and
9 pedestrian paths. Applications must be received by the department by
10 November 1, 2005, and November 1, 2006. The department shall identify
11 cost-effective projects, and submit a prioritized list to the
12 legislature for funding by December 15th of each year. Preference will
13 be given to projects that provide a local match. The grant recipients
14 may only be governmental entities.

15 (12) \$19,540,000 of the multimodal transportation account--state
16 appropriation and \$12,000,000 of the freight investment account--state
17 appropriation are provided solely for the projects and activities as
18 listed by fund, project and amount in LEAP Transportation Document
19 2005-6, Local Programs (Z) as developed April 24, 2005. However,
20 limited transfers of allocations between projects may occur for those
21 amounts listed subject to the conditions and limitations in section 603
22 of this act.

23 (13) \$870,000 of the multimodal transportation account--state
24 appropriation is provided solely for the Yakima Avenue, 9th Street to
25 Front Street, pedestrian safety improvement project.

26 **TRANSFERS AND DISTRIBUTIONS**

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

31 Highway Bond Retirement Account Appropriation	\$354,913,000
32 Nondebt-Limit Reimbursable Account Appropriation	\$8,775,000
33 Ferry Bond Retirement Account Appropriation	\$39,010,000
34 Transportation Improvement Board Bond Retirement	
35 Account--State Appropriation	\$30,899,000
36 Motor Vehicle Account--State Appropriation	\$2,562,000

1 Transportation Improvement Account--State Appropriation . . . \$105,000
 2 Multimodal Transportation Account--State Appropriation . . . \$303,000
 3 Transportation 2003 Account (Nickel Account)
 4 Appropriation \$19,177,000
 5 TOTAL APPROPRIATION \$455,744,000

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

9 Motor Vehicle Account--State Appropriation \$283,000
 10 Transportation Improvement Account--State Appropriation . . . \$13,000
 11 Multimodal Transportation Account--State Appropriation \$96,000
 12 Transportation 2003 Account (Nickel Account)--State
 13 Appropriation \$2,400,000
 14 Transportation Partnership Account--State Appropriation . . \$2,800,000
 15 TOTAL APPROPRIATION \$5,592,000

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

19 (1) Motor Vehicle Account--State Reappropriation:
 20 For transfer to the Tacoma Narrows toll bridge
 21 account \$257,016,000

22 The department of transportation is authorized to sell up to
 23 \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma
 24 Narrows bridge project. Proceeds from the sale of the bonds shall be
 25 deposited into the motor vehicle account. The department of
 26 transportation shall inform the treasurer of the amount to be
 27 deposited.

28 (2) Motor Vehicle Account--State Appropriation:
 29 For transfer to the Puget Sound capital construction
 30 account \$72,000,000

31 The department of transportation is authorized to sell up to
 32 \$72,000,000 in bonds authorized by RCW 47.10.843 for vessel and
 33 terminal acquisition, major and minor improvements, and long lead-time
 34 materials acquisition for the Washington state ferries.

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

2 **FOR DISTRIBUTION**

3 Motor Vehicle Account Appropriation for
4 motor vehicle fuel tax distributions to cities
5 and counties \$450,757,000

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

7 Motor Vehicle Account--State
8 Appropriation: For motor vehicle fuel tax
9 refunds and transfers \$820,769,000

10 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION--**

11 **TRANSFERS**

12 (1) RV Account--State Appropriation:
13 For transfer to the Motor Vehicle Account--State \$2,000,000

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

17 (3) Highway Safety Account--State Appropriation:
18 For transfer to the Motor Vehicle Account--State \$10,000,000

19 (4) Motor Vehicle Account--State Appropriation:
20 For transfer to the Puget Sound Ferry Operations
21 Account--State \$19,087,000

22 (5) Motor Vehicle Account--State Appropriation:
23 For transfer to the Transportation Partnership
24 Account--State \$51,372,000

25 (6) Highway Safety Account--State Appropriation:
26 For transfer to the Multimodal Transportation
27 Account--State \$21,170,000

28 (7) Transportation Partnership Account--State Appropriation:
29 For transfer to the Small City Pavement and Sidewalk
30 Account--State \$2,000,000

31 (8) Transportation Partnership Account--State Appropriation:
32 For transfer to the Transportation Improvement
33 Account--State \$5,000,000

34 (9) Transportation Partnership Account--State Appropriation:
35 For transfer to the Rural Arterial Trust Account--State . . \$3,000,000

36 (10) Technology Account--State Appropriation:

1 For transfer to the Motor Vehicle Account--State \$2,500,000
 2 (11) Motor Vehicle Account--State Appropriation:
 3 For transfer to the State Patrol Highway Account--
 4 State \$1,406,000
 5 (12) Motor Vehicle Account--State Appropriation:
 6 For transfer to the Transportation 2003 Account
 7 (Nickel Account)--State \$461,000
 8 (13) Multimodal Transportation Account--State Appropriation:
 9 For transfer to the Transportation Partnership
 10 Account--State \$29,400,000

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

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

16 (b) The amount identified in subsection (3) of this section may not
 17 include any revenues collected as passenger fares.

18 NEW SECTION. **Sec. 407. STATUTORY APPROPRIATIONS.** In addition to
 19 the amounts appropriated in sections 101 through 408 of this act for
 20 revenue for distribution, state contributions to the law enforcement
 21 officers' and fire fighters' retirement system, and bond retirement and
 22 interest including ongoing bond registration and transfer charges,
 23 transfers, interest on registered warrants, and certificates of
 24 indebtedness, there is also appropriated such further amounts as may be
 25 required or available for these purposes under any statutory formula or
 26 under any proper bond covenant made under law.

27 NEW SECTION. **Sec. 408.** The department of transportation is
 28 authorized to undertake federal advance construction projects under the
 29 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
 30 meeting approved highway construction and preservation objectives. The
 31 legislature recognizes that the use of state funds may be required to
 32 temporarily fund expenditures of the federal appropriations for the
 33 highway construction and preservation programs for federal advance
 34 construction projects prior to conversion to federal funding.

1 legislative, and judicial employees exempt from merit system rules
2 whose maximum salaries are not set by the commission on salaries for
3 elected officials.

4 (5)(a) No salary increase may be paid under this section to any
5 person whose salary has been Y-rated pursuant to rules adopted by the
6 personnel resources board or the director of personnel, as applicable.

7 (b) The average salary increases paid under this section to agency
8 officials whose maximum salaries are established by the committee on
9 agency official salaries shall not exceed the average increases
10 provided under subsection (3) of this section.

11 NEW SECTION. **Sec. 502. COMPENSATION--INSURANCE BENEFITS.** For
12 those funds that support noncapital FTE employees, agency
13 appropriations in sections 101 through 408 of this act provide funding
14 for insurance benefits subject to the following conditions and
15 limitations:

16 (1)(a) The monthly employer funding rate for insurance benefit
17 premiums, public employees' benefits board administration, and the
18 uniform medical plan, shall not exceed \$663.00 per eligible employee
19 for fiscal year 2006. For fiscal year 2007, the monthly employer
20 funding rate shall not exceed \$744.00 per eligible employee covered by
21 the health insurance collective bargaining agreement reached between
22 the governor and health insurance coalition under the personnel system
23 reform act of 2002 or \$618.00 per eligible ferry system employee and
24 general government employee not covered under that agreement.

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

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

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

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

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

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

10 (3) Each project will be planned and designed to take optimal
11 advantage of Internet technologies and protocols. Agencies shall
12 ensure that the project is in compliance with the architecture,
13 infrastructure, principles, policies, and standards of digital
14 government as maintained by the information services board.

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

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

1 (6) The agency shall produce quality assurance plans for
2 information technology projects. Consistent with the direction of the
3 information services board and the published policies and guidelines of
4 the department of information services, the quality assurance plan
5 shall address all factors critical to successful completion of the
6 project and successful integration with the agency and state
7 information technology infrastructure. At a minimum, quality assurance
8 plans shall provide time and budget benchmarks against which project
9 progress can be measured, a specification of quality assurance
10 responsibilities, and a statement of reporting requirements. The
11 quality assurance plans shall set out the functionality requirements
12 for each phase of a project.

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

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

30 NEW SECTION. **Sec. 602.** The department of transportation may
31 transfer federal funds for state funds within the preservation and
32 improvement programs if funded projects are eligible to use additional
33 federal funds and the scope of the project is not increased. The
34 department shall not transfer funds as authorized under this subsection
35 without approval of the director of financial management. A report of
36 the transfers will be submitted on October 1st of each fiscal year to
37 the senate and house of representatives transportation committees.

1 NEW SECTION. **Sec. 603.** (1) The transportation commission may
2 authorize a transfer of spending allocation within the appropriation
3 provided and between projects funded with transportation 2003 account
4 (nickel account) appropriations or the transportation partnership
5 account appropriations to manage project spending and efficiently
6 deliver all projects in the respective program under the following
7 conditions and limitations:

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

10 (b) Transfers from a project may be made if the project is
11 experiencing unavoidable expenditure delays;

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

15 (d) Each transfer between projects may only occur if the commission
16 finds that any resulting change will not hinder the completion of the
17 projects approved by the legislature; and

18 (e) Transfers may not occur to projects not identified on the
19 applicable project list.

20 (2) A report of the transfers shall be submitted on October 1st of
21 each fiscal year to the senate and house of representatives
22 transportation committees.

23 NEW SECTION. **Sec. 604.** If House Bill No. 1254 is enacted by July
24 1, 2005, then on June 30, 2007, the remaining unexpended fund balance
25 in the bicycle and pedestrian safety account shall be deposited into
26 the Share the Road account established in House Bill No. 1254.

27 ****NEW SECTION. Sec. 605. The department of transportation shall***
28 ***eliminate 131 middle management positions by June 30, 2007. The middle***
29 ***management reduction, however, shall not impact the work force required***
30 ***to manage and support the delivery of the 2003 nickel package and 2005***
31 ***transportation partnership package.***

****Sec. 605 was vetoed. See message at end of chapter.***

32 NEW SECTION. **Sec. 606.** Based on the anticipated outcomes of the
33 tolling study, to be conducted under section 206 of this act, the
34 legislature intends that tolls be charged to offset or partially offset

1 the costs for the Alaskan Way Viaduct, State Route 520 Bridge
2 replacement, and widening of Interstate 405 including a managed lanes
3 concept.

4 ***NEW SECTION.** *Sec. 607. The department of transportation, in
5 conjunction with the office of financial management, must implement the
6 governmental accounting standards board's (GASB) statement number 34.
7 The financial reporting value of the state's highway system must be
8 adjusted for any new additions to the system. The biennial reporting
9 of the condition of the system must be related to the funding levels of
10 maintaining the system. The department must maintain a current
11 inventory of the state's highway system and estimate the actual cost to
12 maintain and preserve the assets. In addition to the GASB statement
13 34, the department of transportation with the office of financial
14 management's assistance must establish an asset replacement value for
15 the state's highway system. A report must be submitted to the
16 transportation committees of the senate and the house of
17 representatives each April. During 2005, the speaker of the house of
18 representatives and the president of the senate must select one member
19 from each caucus to work with the office of financial management, the
20 joint legislative audit and review committee, the department of
21 transportation, and the department of general administration to
22 identify areas in state government where the GASB philosophy could be
23 implemented. The purpose of this effort is to enhance decision making
24 that will result in strategic long-term investment decisions in
25 transportation capital project management.*

**Sec. 607 was vetoed. See message at end of chapter.*

26 **NEW SECTION.** *Sec. 608. During the 2005-07 biennium, the director
27 of general administration, through the office of state procurement,
28 shall:*

- 29 (1) In consultation with the state investment board and the state
30 treasurer's office, explore and implement strategies designed to reduce
31 the overall cost of fuel and mitigate the impact of market fluctuations
32 and pressure on both short-term and long-term fuel costs. The
33 department of general administration shall contract for these services.
34 These fuel cost mitigation strategies shall be made available to all
35 state agencies, institutions of higher education, and political
36 subdivisions that purchase fuel through the office of state

1 procurement. These strategies may include but are not limited to
2 futures contracts, swap transactions, option contracts, costless
3 collars, and long-term storage.

4 (2) Recommend a mechanism for funding these fuel cost mitigation
5 strategies that recognizes that the benefit accrues across state and
6 local governments. To pay for these services, the director may also
7 explore negotiated incentives with contracted providers.

8 (3) Report to the fiscal committees of the legislature each
9 December 15th regarding the types of contracts established to mitigate
10 fuel costs, the amounts of fuel covered by the contracts, and the cost
11 mitigation results. The reports shall also include recommendations for
12 improving or continuing the fuel cost mitigation program.

13 **Sec. 609.** RCW 81.84.020 and 2003 c 373 s 5 are each amended to
14 read as follows:

15 (1) Upon the filing of an application the commission shall give
16 reasonable notice to the department, affected cities, counties, and
17 public transportation benefit areas and any common carrier which might
18 be adversely affected, of the time and place for hearing on such
19 application. The commission shall have power after hearing, to issue
20 the certificate as prayed for, or to refuse to issue it, or to issue it
21 for the partial exercise only of the privilege sought, and may attach
22 to the exercise of the rights granted by said certificate such terms
23 and conditions as in its judgment the public convenience and necessity
24 may require; but the commission shall not have power to grant a
25 certificate to operate between districts and/or into any territory
26 prohibited by RCW 47.60.120 or already served by an existing
27 certificate holder, unless such existing certificate holder has failed
28 or refused to furnish reasonable and adequate service or has failed to
29 provide the service described in its certificate or tariffs after the
30 time period allowed to initiate service has elapsed: PROVIDED, A
31 certificate shall be granted when it shall appear to the satisfaction
32 of the commission that the commercial ferry was actually operating in
33 good faith over the route for which such certificate shall be sought,
34 on January 15, 1927: PROVIDED, FURTHER, That in case two or more
35 commercial ferries shall upon said date have been operating vessels
36 upon the same route, or between the same districts the commission shall
37 determine after public hearing whether one or more certificates shall

1 issue, and in determining to whom a certificate or certificates shall
2 be issued, the commission shall consider all material facts and
3 circumstances including the prior operation, schedules, and services
4 rendered by either of the ferries, and in case more than one
5 certificate shall issue, the commission shall fix and determine the
6 schedules and services of the ferries to which the certificates are
7 issued to the end that duplication of service be eliminated and public
8 convenience be furthered.

9 (2) Before issuing a certificate, the commission shall determine
10 that the applicant has the financial resources to operate the proposed
11 service for at least twelve months, based upon the submission by the
12 applicant of a pro forma financial statement of operations. Issuance
13 of a certificate shall be determined upon, but not limited to, the
14 following factors: Ridership and revenue forecasts; the cost of
15 service for the proposed operation; an estimate of the cost of the
16 assets to be used in providing the service; a statement of the total
17 assets on hand of the applicant that will be expended on the proposed
18 operation; and a statement of prior experience, if any, in such field
19 by the applicant. The documentation required of the applicant under
20 this section shall comply with the provisions of RCW 9A.72.085.

21 (3) Subsection (2) of this section does not apply to an application
22 for a certificate that is pending as of July 25, 1993.

23 (4) In granting a certificate for passenger-only ferries and
24 determining what conditions to place on the certificate, the commission
25 shall consider and give substantial weight to the effect of its
26 decisions on public agencies operating, or eligible to operate,
27 passenger-only ferry service.

28 (5) Until (~~March 1, 2005~~) July 1, 2006, the commission shall not
29 accept or consider an application for passenger-only ferry service
30 serving any county in the Puget Sound(~~(, unless the public~~
31 ~~transportation benefit area authority or ferry district serving that~~
32 ~~county, by resolution, agrees to the application)) area with a
33 population of over one million people. Applications for passenger-only
34 ferry service serving any county in the Puget Sound area with a
35 population of over one million pending before the commission as of the
36 effective date of this section shall be held in abeyance and not
37 considered before July 1, 2006.~~

1 2003-05 BIENNIUM

2 GENERAL GOVERNMENT AGENCIES-OPERATING

3 Sec. 700. 2004 c 229 s 101 (uncodified) is amended to read as
4 follows:

5 FOR THE MARINE EMPLOYEES COMMISSION

6 Puget Sound Ferry Operations Account--State

7	Appropriation	((\$365,000))
8		<u>\$375,000</u>

9 TRANSPORTATION AGENCIES--OPERATING

10 Sec. 701. 2003 c 360 s 201 (uncodified) is amended to read as
11 follows:

12 FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

13	Highway Safety Account--State Appropriation	\$2,017,000
14	Highway Safety Account--Federal Appropriation	\$15,744,000
15	School Zone Safety Account--State Appropriation	\$3,059,000
16	<u>Bicycle and Pedestrian Safety Account--State</u>	
17	<u>Appropriation</u>	<u>\$15,000</u>
18	TOTAL APPROPRIATION	((\$20,820,000))
19		<u>\$20,835,000</u>

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

22 (1) The commission may oversee up to four pilot projects
23 implementing the use of traffic safety cameras to detect failure to
24 stop at railroad crossings, stoplights, and school zones.

25 (a) In order to ensure adequate time in the 2003-05 biennium to
26 evaluate the effectiveness of the pilot program, any projects
27 authorized by the commission must be authorized by December 31, 2003.

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

34 (c) The traffic safety commission shall use the following
35 guidelines to administer the program:

1 (i) Traffic safety cameras may take pictures of the vehicle and
2 vehicle license plate only, and only while an infraction is occurring;

3 (ii) The law enforcement agency of the city or county government
4 shall plainly mark the locations where the automated traffic
5 enforcement system is used by placing signs on street locations that
6 clearly indicate to a driver that he or she is entering a zone where
7 traffic laws are enforced by an automated traffic enforcement system;

8 (iii) Cities and counties using traffic safety cameras must provide
9 periodic notice by mail to its citizens indicating the zones in which
10 the traffic safety cameras will be used;

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

13 (v) The owner of the vehicle is not responsible for the violation
14 if the owner of the vehicle, within fourteen days of receiving
15 notification of the violation, mails to the issuing law enforcement
16 agency, a declaration under penalty of perjury, stating that the
17 vehicle involved was, at the time, stolen or in the care, custody, or
18 control of some person other than the registered owner, or any other
19 extenuating circumstances;

20 (vi) Infractions detected through the use of traffic safety cameras
21 are not part of the registered owner's driving record under RCW
22 46.52.101 and 46.52.120;

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

1 (viii) For purposes of the 2003-05 biennium pilot projects,
2 infractions generated by the use of traffic safety cameras are exempt
3 from the provisions of RCW 3.46.120, 3.50.100, and 35.20.220, and must
4 be processed in the same manner as parking violations; and

5 (ix) By June 30, 2005, the traffic safety commission shall provide
6 a report to the legislature regarding the use, public acceptance,
7 outcomes, and other relevant issues regarding traffic safety cameras
8 demonstrated by the pilot projects.

9 (2) \$210,000 of the highway safety account--state appropriation is
10 provided solely for continuing the five existing DUI/traffic safety
11 task forces that receive federal project funding that expires during
12 the 2003-05 biennium. However, the appropriation in this subsection
13 may only be expended for a task force when the federal funding for that
14 task force has expired.

15 (3)(a) \$1,555,000 of the school zone safety account--state
16 appropriation is provided solely as matching funds for the following
17 school safety enhancement projects, as proposed by local agencies,
18 schools, and tribal governments in response to the department of
19 transportation's highways and local programs request for information
20 for potential projects to be financed under Referendum No. 51:

21 Agency	Project Title
22 Cheney	School Crosswalk Improvement Project
23 Skokomish Indian Tribe	Skokomish School Safety Sidewalk Program
24 Brier	37th Pl SW & 233rd Pl SW Sidewalk
25 Sunnyside	Lincoln Ave Sidewalks
26 Lynnwood	Olympic View Dr - 76th Ave SW to 169th St SW
27 Steilacoom	Cherrydale Elementary School Safety Enhancement
28 Yakima	W Valley School Zone Flashers
29 Camas SD	SR 500 at 15th St Interchange
30 Seattle	Meadowbrook Playfield - NE 105th St
31 Vancouver	Franklin ES Sidewalk Improvements

32 (b) If one or more of the projects under this subsection cannot be
33 completed or no longer seeks state matching funds, the following
34 projects may be substituted in order of priority:

1 Agency	Project Title
2 Davenport	Davenport Sixth St School Sidewalk
3 Edmonds	96th Ave W Pedestrian Improvements
4 Mountlake Terrace	223rd St SW - 44th Ave W to Cedar Way Elementary
5 Yakima	Englewood/Powerhouse Intersection Safety Project

6 (c) The highways and local programs division within the department
7 of transportation shall provide assistance to the commission in
8 administering this program.

9 (d) The legislature intends to tie funding to specific projects
10 only for the 2003-05 biennium.

11 **Sec. 702.** 2004 c 229 s 207 (uncodified) is amended to read as
12 follows:

13 FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU	
14 State Patrol Highway Account--State Appropriation	((\$69,799,000))
	<u>\$70,951,000</u>
16 State Patrol Highway Account--Private/Local	
17 Appropriation	\$1,290,000
18 TOTAL APPROPRIATION	((\$71,089,000))
	<u>\$72,241,000</u>

20 The appropriations in this section are subject to the following
21 conditions and limitations: Under the direction of the legislative
22 auditor, the patrol shall update the pursuit vehicle life-cycle cost
23 model developed in the 1998 Washington state patrol performance audit
24 (JLARC Report 99-4). The patrol shall utilize the updated model as a
25 basis for determining maintenance and other cost impacts resulting from
26 the increase to pursuit vehicle mileage above 110 thousand miles in the
27 2003-05 biennium. The patrol shall submit a report, that includes
28 identified cost impacts, to the transportation committees of the senate
29 and house of representatives by December 31, 2003.

30 **Sec. 703.** 2004 c 229 s 209 (uncodified) is amended to read as
31 follows:

32 FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES	
33 Marine Fuel Tax Refund Account--State Appropriation	\$2,000
34 Motorcycle Safety Education Account--State	
35 Appropriation	\$144,000

1	Wildlife Account--State Appropriation	\$55,000
2	Highway Safety Account--State Appropriation	(\$11,656,000)
3		<u>\$11,556,000</u>
4	Highway Safety Account--Federal Appropriation	\$6,000
5	Highway Safety Account--Local Appropriation	\$60,000
6	Motor Vehicle Account--State Appropriation	\$6,285,000
7	DOL Services Account--State Appropriation	\$1,220,000
8	TOTAL APPROPRIATION	(\$19,428,000)
9		<u>\$19,328,000</u>

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

12 (1) The department shall submit a report to the transportation
13 committees of the legislature detailing the progress made in
14 transitioning off of the Unisys system by December 1, 2003, and each
15 December 1 thereafter.

16 (2) ~~(\$151,000)~~ \$51,000 of the highway safety account--state
17 appropriation is provided solely for the implementation of Third
18 Substitute Senate Bill No. 5412. Within the amount provided, the
19 department of licensing shall prepare to implement a "one-to-one"
20 biometric matching system that compares the biometric identifier
21 submitted to the individual applicant's record. The authority to
22 expend funds provided under this subsection is subject to compliance
23 with the provisions under section 504 of this act. If Third Substitute
24 Senate Bill No. 5412 is not enacted by June 30, 2004, the amount
25 provided in this subsection shall lapse.

26 **Sec. 704.** 2004 c 229 s 212 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
29 **C**

30	Motor Vehicle Account--State Appropriation	(\$56,236,000)
31		<u>\$53,522,000</u>
32	Motor Vehicle Account--Federal Appropriation	(\$5,163,000)
33		<u>\$6,654,000</u>
34	Puget Sound Ferry Operations Account--State	
35	Appropriation	\$7,038,000
36	Multimodal Transportation Account--State Appropriation	\$363,000
37	TOTAL APPROPRIATION	(\$68,800,000)

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

(1) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) (~~(\$2,959,000)~~) \$1,118,000 of the motor vehicle account--state appropriation and (~~(\$2,963,000)~~) \$4,454,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program.

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 705. 2004 c 229 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 (~~(\$30,981,000)~~)
\$30,515,000

Sec. 706. 2004 c 229 s 215 (uncodified) is amended to read as follows:

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

3	Motor Vehicle Account--State Appropriation	((\$49,056,000))
4		<u>\$48,056,000</u>
5	Motor Vehicle Account--Federal Appropriation	\$400,000
6	TOTAL APPROPRIATION	((\$49,456,000))
7		<u>\$48,456,000</u>

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

10 (1) ((~~\$14,310,000~~)) \$13,985,000 of the motor vehicle account--state
11 appropriation is provided solely for the staffing, activities, and
12 overhead of the department's environmental affairs office. This
13 funding is provided in lieu of funding provided in sections 305 and 306
14 of this act.

15 (2) \$3,100,000 of the motor vehicle account--state appropriation is
16 provided solely for the staffing and activities of the transportation
17 permit efficiency and accountability committee. The committee shall
18 develop a model national environmental policy act (NEPA) tribal
19 consultation process for federal transportation aid projects related to
20 the preservation of cultural, historic, and environmental resources.
21 The process shall ensure that Tribal participation in the NEPA
22 consultation process is conducted pursuant to treaty rights, federal
23 law, and state statutes, consistent with their expectations for
24 protection of such resources.

25 (3) \$300,000 of the motor vehicle account--state appropriation is
26 provided to the department in accordance with RCW 46.68.110(2) and
27 46.68.120(3) and shall be used by the department solely for the
28 purposes of providing contract services to the association of
29 Washington cities and Washington state association of counties to
30 implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of
31 2003 for activities of the transportation permit efficiency and
32 accountability committee.

33 **Sec. 707.** 2003 c 360 s 218 (uncodified) is amended to read as
34 follows:

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

36	Motor Vehicle Account--State Appropriation	((\$1,011,000))
37		<u>\$996,000</u>

1 study must include proposals to alleviate congestion consistent with
2 population and land use expectations under the growth management act,
3 and must include measurement of all modes of transportation.

4 (2) \$2,000,000 of the motor vehicle account--state appropriation is
5 provided solely for additional assistance to support regional
6 transportation planning organizations and long-range transportation
7 planning efforts. As a condition of receiving this support, a regional
8 transportation planning organization containing any county with a
9 population in excess of one million shall provide voting membership on
10 its executive board to any incorporated principal city of a
11 metropolitan statistical area within the region, as designated by the
12 United States census bureau.

13 (3) (~~(\$3,000,000)~~) \$1,200,000 of the motor vehicle account--state
14 appropriation is provided solely for the costs of the regional
15 transportation investment district (RTID) election and department of
16 transportation project oversight. These funds are provided as a loan
17 to the RTID and shall be repaid to the state motor vehicle account
18 within one year following the certification of the election results
19 related to the RTID.

20 (4) \$650,000 of the motor vehicle account--state appropriation is
21 provided to the department in accordance with RCW 46.68.110(2) and
22 46.68.120(3) and shall be used by the department to support the
23 processing and analysis of the backlog of city and county collision
24 reports.

25 (5) The department shall contribute to the report required in
26 section 208(1) of this act in the form of an analysis of the cost
27 impacts incurred by the department as the result of the policy
28 implemented in section 208(1) of this act. The analysis shall contrast
29 overtime costs charged by the patrol prior to July 1, 2003, with
30 contract costs for similar services after July 1, 2003.

31 (6) \$60,000 of the distribution under RCW 46.68.110(2) and
32 46.68.120(3) is provided solely to the department for the Washington
33 strategic freight transportation analysis.

34 (7) \$500,000 of the multimodal transportation account--state
35 appropriation is provided solely for contracting with the department of
36 natural resources to develop data systems for state submerged lands
37 that can be shared with other governmental agencies and that can
38 support the state vision for ecoregional planning. The data to be

1 shared shall include, but not limited to, tabular and geospatial data
2 describing public land ownership, distributions of native plants,
3 marine and aquatic species and their habitats, physical attributes,
4 aquatic ecosystems, and specially designated conservation or
5 environmentally sensitive areas.

6 **Sec. 711.** 2004 c 229 s 222 (uncodified) is amended to read as
7 follows:

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

9 Multimodal Transportation Account--State

10	Appropriation	((\$47,057,000))
11		<u>\$46,757,000</u>
12	Multimodal Transportation Account--Federal Appropriation .	\$2,574,000
13	Multimodal Transportation Account--Private/Local	
14	Appropriation	\$155,000
15	TOTAL APPROPRIATION	((\$49,786,000))
16		<u>\$49,486,000</u>

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

19 (1) \$18,000,000 of the multimodal transportation account--state
20 appropriation is provided solely for a grant program for special needs
21 transportation provided by transit agencies and nonprofit providers of
22 transportation.

23 (a) \$4,000,000 of the amount provided in this subsection is
24 provided solely for grants to nonprofit providers of special needs
25 transportation. Grants for nonprofit providers shall be based on need,
26 including the availability of other providers of service in the area,
27 efforts to coordinate trips among providers and riders, and the cost
28 effectiveness of trips provided.

29 (b) \$14,000,000 of the amount provided in this subsection is
30 provided solely for grants to transit agencies to transport persons
31 with special transportation needs. To receive a grant, the transit
32 agency must have a maintenance of effort for special needs
33 transportation that is no less than the previous year's maintenance of
34 effort for special needs transportation. Grants for transit agencies
35 shall be prorated based on the amount expended for demand response
36 service and route deviated service in calendar year 2001 as reported in

1 the "Summary of Public Transportation - 2001" published by the
2 department of transportation. No transit agency may receive more than
3 thirty percent of these distributions.

4 (2) \$1,500,000 of the multimodal transportation account--state
5 appropriation is provided solely for grants to implement section 9 of
6 Engrossed Substitute House Bill No. 2228.

7 (3) Funds are provided for the rural mobility grant program as
8 follows:

9 (a) \$6,000,000 of the multimodal transportation account--state
10 appropriation is provided solely for grants for those transit systems
11 serving small cities and rural areas as identified in the Summary of
12 Public Transportation - 2001 published by the department of
13 transportation. Noncompetitive grants must be distributed to the
14 transit systems serving small cities and rural areas in a manner
15 similar to past disparity equalization programs.

16 (b) \$4,000,000 of the multimodal transportation account--state
17 appropriation is provided solely to providers of rural mobility service
18 in areas not served or underserved by transit agencies through a
19 competitive grant process.

20 (4) \$4,000,000 of the multimodal transportation account--state
21 appropriation is provided solely for a vanpool grant program for: (a)
22 Public transit agencies to add vanpools; and (b) incentives for
23 employers to increase employee vanpool use. The grant program for
24 public transit agencies will cover capital costs only; no operating
25 costs for public transit agencies are eligible for funding under this
26 grant program. No additional employees may be hired for the vanpool
27 grant program, and supplanting of transit funds currently funding
28 vanpools is not allowed. Additional criteria for selecting grants will
29 include leveraging funds other than state funds. The commute trip
30 reduction task force shall determine the cost effectiveness of the
31 grants, including vanpool system coordination, regarding the use of the
32 funds.

33 (5) \$100,000 of the multimodal transportation account--state
34 appropriation is provided solely for the commute trip reduction program
35 for Benton county.

36 (6) \$3,000,000 of the multimodal transportation account--state
37 appropriation is provided to the city of Seattle for the Seattle
38 streetcar project on South Lake Union.

1 (7) \$500,000 of the multimodal transportation account--state
2 appropriation is provided solely to King county as a state match to
3 obtain federal funding for a car sharing program.

4 **Sec. 712.** 2004 c 229 s 223 (uncodified) is amended to read as
5 follows:

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

7 Puget Sound Ferry Operations Account--State

8	Appropriation	((\$312,490,000))
9		<u>\$328,430,000</u>
10	Multimodal Transportation Account--State	
11	Appropriation	\$5,120,000
12	TOTAL APPROPRIATION	((\$317,610,000))
13		<u>\$333,550,000</u>

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

16 (1) The appropriation is based on the budgeted expenditure of
17 ((~~\$35,348,000~~)) \$51,048,000 for vessel operating fuel in the 2003-2005
18 biennium. If the actual cost of fuel is less than this budgeted
19 amount, the excess amount may not be expended. If the actual cost
20 exceeds this amount, the department shall request a supplemental
21 appropriation.

22 (2) The appropriation provides for the compensation of ferry
23 employees. The expenditures for compensation paid to ferry employees
24 during the 2003-2005 biennium may not exceed \$208,935,700, plus a
25 dollar amount, as prescribed by the office of financial management,
26 that is equal to any insurance benefit increase granted general
27 government employees in excess of \$495.30 a month annualized per
28 eligible marine employee multiplied by the number of eligible marine
29 employees for fiscal year 2004 and \$567.67 a month annualized per
30 eligible marine employee multiplied by the number of eligible marine
31 employees for fiscal year 2005, a dollar amount as prescribed by the
32 office of financial management for costs associated with pension
33 amortization charges, and a dollar amount prescribed by the office of
34 financial management for salary increases during the 2003-2005
35 biennium. For the purposes of this section, the expenditures for
36 compensation paid to ferry employees shall be limited to salaries and

1 wages and employee benefits as defined in the office of financial
2 management's policies, regulations, and procedures named under objects
3 of expenditure "A" and "B" (7.2.6.2).

4 The prescribed salary increase or decrease dollar amount that shall
5 be allocated from the governor's compensation appropriations is in
6 addition to the appropriation contained in this section and may be used
7 to increase or decrease compensation costs, effective July 1, 2003, and
8 thereafter, as established in the 2003-2005 general fund operating
9 budget.

10 (3) \$4,234,000 of the multimodal transportation account--state
11 appropriation and \$800,000 of the Puget Sound ferry operations
12 account--state appropriation are provided solely for operating costs
13 associated with the Vashon to Seattle passenger-only ferry. The
14 Washington state ferries will develop a plan to increase passenger-only
15 farebox recovery to at least forty percent by July 1, 2003, with an
16 additional goal of eighty percent, through increased fares, lower
17 operation costs, and other cost-saving measures as appropriate. In
18 order to implement the plan, ferry system management is authorized to
19 negotiate changes in work hours (requirements for split shift work),
20 but only with respect to operating passenger-only ferry service, to be
21 included in a collective bargaining agreement in effect during the
22 2003-05 biennium that differs from provisions regarding work hours in
23 the prior collective bargaining agreement. The department must report
24 to the transportation committees of the legislature by December 1,
25 2003.

26 (4) \$984,000 of the Puget Sound ferry operations account--state
27 appropriation is provided solely for ferry security operations
28 necessary to comply with the ferry security plan submitted by the
29 Washington state ferry system to the United States coast guard. The
30 department shall track security costs and expenditures. Ferry security
31 operations costs shall not be included as part of the operational costs
32 that are used to calculate farebox recovery.

33 (5) \$866,000 of the multimodal transportation account--state
34 appropriation and \$200,000 of the Puget Sound ferry operations
35 account--state appropriation are provided solely for operating costs
36 associated with the Bremerton to Seattle passenger-only ferry service
37 for thirteen weeks.

1 (6) The department shall study the potential for private or public
2 partners, including but not limited to King county, to provide
3 passenger-only ferry service from Vashon to Seattle. The department
4 shall report to the legislative transportation committees by December
5 31, 2003.

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

8 (8) When augmenting the existing ferry fleet, the department of
9 transportation ferry capital program shall explore cost-effective
10 options to include the leasing of ferries from private-sector
11 organizations.

12 (9) The Washington state ferries shall work with the department of
13 general administration, office of state procurement to improve the
14 existing fuel procurement process and solicit, identify, and evaluate,
15 purchasing alternatives to reduce the overall cost of fuel and mitigate
16 the impact of market fluctuations and pressure on both short- and long-
17 term fuel costs. Consideration shall include, but not be limited to,
18 long-term fuel contracts, partnering with other public entities, and
19 possibilities for fuel storage in evaluating strategies and options.
20 The department shall report back to the transportation committees of
21 the legislature by December 1, 2003, on the options, strategies, and
22 recommendations for managing fuel purchases and costs.

23 (10) The department must provide a separate accounting of
24 passenger-only ferry service costs and auto ferry service costs, and
25 must provide periodic reporting to the legislature on the financial
26 status of both passenger-only and auto ferry service in Washington
27 state.

28 (11) The Washington state ferries must work with the department's
29 information technology division to implement a new revenue collection
30 system, including the integration of the regional fare coordination
31 system (smart card). Each December, annual updates are to be provided
32 to the transportation committees of the legislature concerning the
33 status of implementing and completing this project, with updates
34 concluding the first December after full project implementation.

35 (12) The Washington state ferries shall evaluate the benefits and
36 costs of selling the depreciation rights to ferries purchased by the
37 state in the future through sale and lease-back agreements, as
38 permitted under RCW 47.60.010. The department is authorized to issue

1 a request for proposal to solicit proposals from potential buyers. The
2 department must report to the transportation committees of the
3 legislature by December 1, 2004, on the options, strategies, and
4 recommendations for sale/lease-back agreements on existing ferry boats
5 as well as future ferry boat purchases.

6 **Sec. 713.** 2004 c 229 s 224 (uncodified) is amended to read as
7 follows:

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

9 Multimodal Transportation Account--State

10	Appropriation	((\$34,118,000))
11		<u>\$33,488,000</u>

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

14 (1) ((~~\$29,961,000~~)) \$29,331,000 of the multimodal transportation
15 account--state appropriation is provided solely for the Amtrak service
16 contract and Talgo maintenance contract associated with providing and
17 maintaining the state-supported passenger rail service.

18 (2) No Amtrak Cascade runs may be eliminated.

19 (3) The department is directed to explore scheduling changes that
20 will reduce the delay in Seattle when traveling from Portland to
21 Vancouver B.C.

22 (4) The department is directed to explore opportunities with
23 British Columbia (B.C.) concerning the possibility of leasing an
24 existing Talgo trainset to B.C. during the day for a commuter run when
25 the Talgo is not in use during the Bellingham layover.

26 (5) \$50,000 of the multimodal transportation account--state
27 appropriation is provided solely for implementing the produce rail car
28 program as provided in RCW 47.76.420.

29 **Sec. 714.** 2004 c 229 s 225 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
32 **OPERATING**

33	Motor Vehicle Account--State Appropriation	((\$7,067,000))
34		<u>\$6,957,000</u>
35	Motor Vehicle Account--Federal Appropriation	\$2,569,000
36	TOTAL APPROPRIATION	((\$9,636,000))

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

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

TRANSFERS AND DISTRIBUTIONS

Sec. 801. 2004 c 229 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 with 2 columns: Description and Amount. Includes items like Highway Bond Retirement Account Appropriation, Nondebt-Limit Reimbursable Account Appropriation, Ferry Bond Retirement Account Appropriation, etc. Total Appropriation is \$2,117,000.

1 \$325,873,000

2 **Sec. 802.** 2004 c 229 s 402 (uncodified) is amended to read as
3 follows:

4 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND**
5 **REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL**
6 **AGENT CHARGES**

7	Motor Vehicle Account--State Appropriation	((\$1,293,000))
8		<u>\$793,000</u>
9	Special Category C Account Appropriation	\$111,000
10	Transportation Improvement Account--State	
11	Appropriation	\$21,000
12	Multimodal Transportation Account--State Appropriation	\$119,000
13	Transportation 2003 Account (nickel account)--State	
14	Appropriation	((\$700,000))
15		<u>\$400,000</u>
16	TOTAL APPROPRIATION	((\$2,244,000))
17		<u>\$1,444,000</u>

18 **Sec. 803.** 2004 c 229 s 404 (uncodified) is amended to read as
19 follows:

20 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

21	Motor Vehicle Account Appropriation for	
22	motor vehicle fuel tax distributions to	
23	cities and counties	((\$440,228,000))
24		<u>\$435,138,000</u>
25	Motor Vehicle Account--State Appropriation:	
26	For license permit and fee distributions to cities	
27	and counties	((\$13,119,000))
28		<u>\$0</u>

29 **Sec. 804.** 2004 c 229 s 405 (uncodified) is amended to read as
30 follows:

31 **FOR THE STATE TREASURER--TRANSFERS**

32	(1) State Patrol Highway Account--State	
33	Appropriation: For transfer to the Motor	
34	Vehicle Account	((\$20,000,000))
35		<u>\$4,000,000</u>

1 (2) Motor Vehicle Account--State
2 Appropriation: For motor vehicle fuel tax
3 refunds and transfers ((~~\$770,347,000~~))
4 \$752,823,000

5 (3) Highway Safety Account--State
6 Appropriation: For transfer to the motor
7 vehicle account--state \$12,000,000

8 (4) Motor Vehicle Account--State Appropriation:
9 For transfer to the Puget Sound operating account--
10 state \$9,500,000

11 The state treasurer shall perform the transfers from the state
12 patrol highway account and the highway safety account to the motor
13 vehicle account on a quarterly basis.

14 **MISCELLANEOUS**

15 NEW SECTION. **Sec. 901.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 902.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

(End of bill)

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Passed by the Senate April 24, 2005.

Passed by the House April 24, 2005.

Approved by the Governor May 9, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 9, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to parts of Sections 103(2), page 3; 205(1), page 5; 208(7), page 10; 209(7), page 11; 223(2), pages 19-20; 305(1)(a), page 29; 305(1)(e), page 30; 305(11), page 32; 605, page 49; and 607, page 50 of Engrossed Substitute Senate Bill 6091 entitled:

"AN ACT Relating to transportation funding and appropriations."

My reasons for vetoing the above-noted sections are as follows:

Section 103(2), page 3, State Parks and Recreation Commission - All-Terrain Vehicle Study

This proviso mandates an extensive study on the existing requirements regarding all-terrain vehicles, their operators, equipment and rules. The Parks and Recreation Commission does not have the expertise or

experience to perform this study, and no funding was provided to carry out this mandate.

Section 205(1), page 5, Joint Transportation Committee - Transportation Governance

Through language in this bill section, the Legislature has tasked the newly created Joint Transportation Committee to conduct a unilateral study of the appropriate functions of the Department of Transportation (Department) and the Transportation Commission (Commission). Now that the Department is a cabinet level agency, it is critical that the executive branch exercise its responsibility for reviewing the powers, functions, roles and duties of the Department and the Commission.

The Legislature passed several bills this session that redefine the roles of the Department and the Commission, and the relationship of those agencies to the Legislature. I am directing my staff to work with the Department and the Commission to examine the statutory roles and duties of the agencies, including transportation innovative partnerships, and report back to me with any recommendations for change. I invite the chairs and ranking members of the House and Senate Transportation Committees and the Joint Transportation Committee to join the executive branch in this analysis with the hope that a joint recommendation can be submitted for consideration during the 2006 legislative session.

Section 208(7), page 10, Washington State Patrol Field Operations Bureau - Ferry Security

This proviso imposes a maximum dollar amount on Washington State Patrol expenditures for activities related to ferry security.

Since 2001, the Patrol has increased security for state ferries in response to requirements set by the U.S. Coast Guard. The federal government determines the level of security that must be provided at any point in time by increasing or decreasing national threat level indicators. Limiting ferry security expenditures could prevent the Patrol from responding to federal mandates outside its control.

Although I am vetoing this proviso, I will direct the Patrol to prepare its 2005-07 spending plan using the dollar amounts identified, with any deviation from that plan subject to approval by the Office of Financial Management. In addition, the Patrol will continue to explore options to provide security to the state ferry system in the most cost-effective manner without compromising public safety or the efficiency of this vital segment of the state's transportation system.

Section 209(7), page 11, Washington State Patrol Technical Services Bureau - Ferry Security

Section 209(7) contains the same language limiting expenditures for ferry security as appears in Section 208(7). In order to ensure the spending flexibility necessary for ferry security, I am also vetoing this section.

Section 223(2), pages 19-20, Department of Transportation - Implementation of ESHB 2157 and SB 6089

This section makes funding contingent on two bills, Engrossed Substitute House Bill 2157 and Senate Bill 6089, that did not pass during the 2005 legislative session. Therefore I am vetoing this section.

Section 305(1)(a), page 29, Department of Transportation - Acquisition Plan

Section 305(1)(a) provides funding for acquisition of right-of-way for State Route 502, and directs the Department of Transportation to develop an acquisition plan in conjunction with the city of Battleground. Because none of the project funds can be spent before the plan is agreed to, the Department will not have funding for the cooperative planning effort. Vetoing the proviso allows other funds in Section 305 to be used for initial planning with the city. I have directed the Department to collaborate with Battleground on an acquisition plan to submit for legislative consideration in 2006.

Section 305(1)(e), page 30, Department of Transportation - Freight Corridor Study

A six-year study of the Eastern Washington Freight Corridor (Strategic Freight Transportation Analysis) was completed jointly by the Department of Transportation and Washington State University in 1998. This information was updated in 2004. Since this data has already been collected, there is no reason to perform the study mandated in the budget bill. I am asking the Department to provide a copy of this report to the House and Senate Transportation Committees.

Section 305(11), page 32, Department of Transportation - Removal of Median Barriers

Motorist safety barriers were installed in 2004 to prevent left turns across the highway and reduce the high level of accidents on South Kent Des Moines Road. After the project was completed, the average total collisions per year on this section of State Route 516 declined by 40 percent, injury collisions declined by 45 percent, and driveway and rear-end collisions declined by 58 percent. The City of Kent is currently planning to allow U-turns at Highway 99 to provide access to 30th Avenue South. For safety reasons, I am vetoing the mandate to remove the existing median barriers. I will direct the Department of Transportation to continue working with local government, local businesses and state legislators to develop a solution that maintains safety and improves access.

Section 605, page 49, Department of Transportation - Middle Management Staff Reduction Mandates

The legislative budget includes the middle management cuts that I proposed in my budget, but adds proviso language in Section 605 that limits the Department's discretion in implementing these cuts. Although I agree with the priorities assumed by the Legislature, I believe these additional restrictions represent an unnecessary intrusion into the administrative authority of the Governor, and I am vetoing this language. The actual cut to FTEs and dollars for middle-management positions remains in the budget and is not affected by this veto.

Section 607, page 50, Department of Transportation - Government Accounting Standards Board Compliance

This proviso directs the Department of Transportation to implement the Government Accounting Standards Board (GASB) statement 34 as it relates to asset valuation of the state's highway system. The proviso also requires the department to report additional information beyond what is required by GASB accounting standards. Since the state has already complied with GASB statement 34 for highway assets, I believe this part of the proviso is unnecessary. I am vetoing this section, and directing the Department to work with the Office of Financial Management and interested state legislators to determine if additional financial information has sufficient benefit before we commit to what could be a substantial cost and workload to exceed GASB standards.

Local Freight Projects

Although I am not vetoing section 310(8) relating to funding for freight projects, I do have concerns about the budget's approach to these allocations. Traditionally, this federal funding has been distributed using a collaborative decision process that involved the executive branch, local governments, and legislators. This approach has proved successful in addressing mutual priorities for critical freight projects, and I would prefer to use this mechanism for allocation of the remaining flexible federal funds.

With the exception of those portions of Sections 103(2), page 3; 205(1), page 5; 208(7), page 10; 209(7), page 11; 223(2), pages 19-20; 305(1)(a), page 29; 305(1)(e), page 30; 305(11), page 32; 605, page 49; and 607, page 50 as specified above, Engrossed Substitute Senate Bill 6091 is approved."