

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5207**

60th Legislature  
2007 Regular Session

Passed by the Senate April 19, 2007  
YEAS 30 NAYS 13

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**President of the Senate**

Passed by the House April 18, 2007  
YEAS 63 NAYS 34

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**Speaker of the House of Representatives**

Approved

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**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 **SUBSTITUTE SENATE BILL 5207** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5207**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Haugen, Murray and Spanel)

READ FIRST TIME 03/05/07.

1            AN ACT Relating to a study to evaluate the imposition of a fee on  
2 the processing of shipping containers, port-related user fees, and  
3 other funding mechanisms to improve freight corridors; creating the  
4 freight congestion relief account; reenacting and amending RCW  
5 43.84.092; adding a new section to chapter 46.68 RCW; creating a new  
6 section; and providing an expiration date.

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

8            NEW SECTION.    **Sec. 1.** (1) Subject to availability of amounts  
9 appropriated for this specific purpose, the joint transportation  
10 committee shall:

11            (a) Administer a consultant study of funding mechanisms for deposit  
12 in the freight congestion relief account created in section 2 of this  
13 act to fund freight congestion relief investments. At a minimum, the  
14 study must: (i) Evaluate federal, state, incentive, and other project  
15 specific fees; (ii) analyze current taxes and fees paid by the freight  
16 industry and the projects the taxes and fees fund; (iii) assess other  
17 nonfreight-related fees and taxes that could be used to pay for freight  
18 congestion relief investments; (iv) assess how other states and  
19 countries pay for freight congestion relief investments; (v) discuss

1 the various approaches and their impacts on Washington competitiveness  
2 in freight movement; (vi) assess the imposition of a shipping  
3 container-based fee, port-related user fees, or other funding  
4 mechanisms on the demand elasticity of the movement of freight goods  
5 through Washington's container ports at various rates as well as  
6 forecast diversion of marine cargo at various price points; (vii)  
7 measure the return on investment in freight rail and highway-based  
8 infrastructure supported by the user fee and its impact on forecast  
9 growth in shipping container traffic and the movement of freight goods;  
10 and (viii) recommend the structure of a future project recommendation  
11 body including its membership, process, and selection criteria. The  
12 scope of the work for the study may be expanded to include analysis of  
13 other issues relevant to freight congestion relief funding; and

14 (b) Convene a stakeholder group composed of representatives to work  
15 on the consultant study that includes: Two representatives of  
16 container ports, one representative of trucking, one representative  
17 from railroads, one representative from international shipping, one  
18 representative from national shipping, two representatives of organized  
19 labor, two representatives of the import/export community, one  
20 representative from the department of transportation, one  
21 representative from the freight mobility strategic investment board,  
22 and other representatives as deemed necessary by the joint  
23 transportation committee. The stakeholder group shall work with the  
24 selected consultant in: (i) Identifying critical freight congestion  
25 relief investments; (ii) identifying alternatives for a dedicated  
26 funding source for freight congestion relief investments or user fees  
27 to fund specific freight congestion relief investments; and (iii)  
28 developing and reviewing a final consultant study.

29 (2) The consultant's draft report must be submitted to the  
30 transportation committees of the legislature by December 15, 2007, with  
31 the final findings and recommendations of the report being due prior to  
32 the beginning of the 2008 legislative session.

33 (3) This section expires January 14, 2008.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.68 RCW  
35 to read as follows:

36 The freight congestion relief account is created in the state  
37 treasury. Moneys in the account may be spent only after appropriation.

1 Expenditures from the account may only be used to provide congestion  
2 relief through the improvement of freight rail systems and state  
3 highways that function as freight corridors.

4 **Sec. 3.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006  
5 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and  
6 amended to read as follows:

7 (1) All earnings of investments of surplus balances in the state  
8 treasury shall be deposited to the treasury income account, which  
9 account is hereby established in the state treasury.

10 (2) The treasury income account shall be utilized to pay or receive  
11 funds associated with federal programs as required by the federal cash  
12 management improvement act of 1990. The treasury income account is  
13 subject in all respects to chapter 43.88 RCW, but no appropriation is  
14 required for refunds or allocations of interest earnings required by  
15 the cash management improvement act. Refunds of interest to the  
16 federal treasury required under the cash management improvement act  
17 fall under RCW 43.88.180 and shall not require appropriation. The  
18 office of financial management shall determine the amounts due to or  
19 from the federal government pursuant to the cash management improvement  
20 act. The office of financial management may direct transfers of funds  
21 between accounts as deemed necessary to implement the provisions of the  
22 cash management improvement act, and this subsection. Refunds or  
23 allocations shall occur prior to the distributions of earnings set  
24 forth in subsection (4) of this section.

25 (3) Except for the provisions of RCW 43.84.160, the treasury income  
26 account may be utilized for the payment of purchased banking services  
27 on behalf of treasury funds including, but not limited to, depository,  
28 safekeeping, and disbursement functions for the state treasury and  
29 affected state agencies. The treasury income account is subject in all  
30 respects to chapter 43.88 RCW, but no appropriation is required for  
31 payments to financial institutions. Payments shall occur prior to  
32 distribution of earnings set forth in subsection (4) of this section.

33 (4) Monthly, the state treasurer shall distribute the earnings  
34 credited to the treasury income account. The state treasurer shall  
35 credit the general fund with all the earnings credited to the treasury  
36 income account except:

1 (a) The following accounts and funds shall receive their  
2 proportionate share of earnings based upon each account's and fund's  
3 average daily balance for the period: The capitol building  
4 construction account, the Cedar River channel construction and  
5 operation account, the Central Washington University capital projects  
6 account, the charitable, educational, penal and reformatory  
7 institutions account, the Columbia river basin water supply development  
8 account, the common school construction fund, the county criminal  
9 justice assistance account, the county sales and use tax equalization  
10 account, the data processing building construction account, the  
11 deferred compensation administrative account, the deferred compensation  
12 principal account, the department of retirement systems expense  
13 account, the developmental disabilities community trust account, the  
14 drinking water assistance account, the drinking water assistance  
15 administrative account, the drinking water assistance repayment  
16 account, the Eastern Washington University capital projects account,  
17 the education construction fund, the education legacy trust account,  
18 the election account, the emergency reserve fund, the energy freedom  
19 account, The Evergreen State College capital projects account, the  
20 federal forest revolving account, the freight congestion relief  
21 account, the freight mobility investment account, the freight mobility  
22 multimodal account, the health services account, the public health  
23 services account, the health system capacity account, the personal  
24 health services account, the state higher education construction  
25 account, the higher education construction account, the highway  
26 infrastructure account, the high-occupancy toll lanes operations  
27 account, the industrial insurance premium refund account, the judges'  
28 retirement account, the judicial retirement administrative account, the  
29 judicial retirement principal account, the local leasehold excise tax  
30 account, the local real estate excise tax account, the local sales and  
31 use tax account, the medical aid account, the mobile home park  
32 relocation fund, the multimodal transportation account, the municipal  
33 criminal justice assistance account, the municipal sales and use tax  
34 equalization account, the natural resources deposit account, the oyster  
35 reserve land account, the pension funding stabilization account, the  
36 perpetual surveillance and maintenance account, the public employees'  
37 retirement system plan 1 account, the public employees' retirement  
38 system combined plan 2 and plan 3 account, the public facilities

1 construction loan revolving account beginning July 1, 2004, the public  
2 health supplemental account, the public works assistance account, the  
3 Puyallup tribal settlement account, the real estate appraiser  
4 commission account, the regional mobility grant program account, the  
5 resource management cost account, the rural Washington loan fund, the  
6 site closure account, the small city pavement and sidewalk account, the  
7 special wildlife account, the state employees' insurance account, the  
8 state employees' insurance reserve account, the state investment board  
9 expense account, the state investment board commingled trust fund  
10 accounts, the supplemental pension account, the Tacoma Narrows toll  
11 bridge account, the teachers' retirement system plan 1 account, the  
12 teachers' retirement system combined plan 2 and plan 3 account, the  
13 tobacco prevention and control account, the tobacco settlement account,  
14 the transportation infrastructure account, the transportation  
15 partnership account, the tuition recovery trust fund, the University of  
16 Washington bond retirement fund, the University of Washington building  
17 account, the volunteer fire fighters' and reserve officers' relief and  
18 pension principal fund, the volunteer fire fighters' and reserve  
19 officers' administrative fund, the Washington fruit express account,  
20 the Washington judicial retirement system account, the Washington law  
21 enforcement officers' and fire fighters' system plan 1 retirement  
22 account, the Washington law enforcement officers' and fire fighters'  
23 system plan 2 retirement account, the Washington public safety  
24 employees' plan 2 retirement account, the Washington school employees'  
25 retirement system combined plan 2 and 3 account, the Washington state  
26 health insurance pool account, the Washington state patrol retirement  
27 account, the Washington State University building account, the  
28 Washington State University bond retirement fund, the water pollution  
29 control revolving fund, and the Western Washington University capital  
30 projects account. Earnings derived from investing balances of the  
31 agricultural permanent fund, the normal school permanent fund, the  
32 permanent common school fund, the scientific permanent fund, and the  
33 state university permanent fund shall be allocated to their respective  
34 beneficiary accounts. All earnings to be distributed under this  
35 subsection (4)(a) shall first be reduced by the allocation to the state  
36 treasurer's service fund pursuant to RCW 43.08.190.

37 (b) The following accounts and funds shall receive eighty percent  
38 of their proportionate share of earnings based upon each account's or

1 fund's average daily balance for the period: The aeronautics account,  
2 the aircraft search and rescue account, the county arterial  
3 preservation account, the department of licensing services account, the  
4 essential rail assistance account, the ferry bond retirement fund, the  
5 grade crossing protective fund, the high capacity transportation  
6 account, the highway bond retirement fund, the highway safety account,  
7 the motor vehicle fund, the motorcycle safety education account, the  
8 pilotage account, the public transportation systems account, the Puget  
9 Sound capital construction account, the Puget Sound ferry operations  
10 account, the recreational vehicle account, the rural arterial trust  
11 account, the safety and education account, the special category C  
12 account, the state patrol highway account, the transportation 2003  
13 account (nickel account), the transportation equipment fund, the  
14 transportation fund, the transportation improvement account, the  
15 transportation improvement board bond retirement account, and the urban  
16 arterial trust account.

17 (5) In conformance with Article II, section 37 of the state  
18 Constitution, no treasury accounts or funds shall be allocated earnings  
19 without the specific affirmative directive of this section.

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