

ESSB 6381 - H AMD 1527  
By Representative Clibborn

ADOPTED AS AMENDED 03/08/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "2009-11 FISCAL BIENNIUM  
4 ECONOMIC STIMULUS FUNDING

5 **Sec. 1.** 2009 c 8 s 2 (uncodified) is amended to read as follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND**  
7 **REINVESTMENT ACT OF 2009.**

8 Motor Vehicle Account--Federal Appropriation . . . . . \$341,400,000

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

11 (1) The entire appropriation in this section is (~~provided solely~~)  
12 for the projects and amounts listed in ARRA Washington State Project  
13 LEAP document 2009, as developed on February 24, 2009. Funds under  
14 this section may be reallocated among projects shown in the document to  
15 the extent that the department finds it necessary for the purposes of  
16 facilitating completion of the projects with the highest priority or to  
17 maintain maximum federal funds eligibility.

18 (2) To achieve the legislative objectives provided in section 1(2)  
19 of this act with respect to highway projects, it is the intent of the  
20 legislature that the appropriation in this section be used for:  
21 Transportation 2003 account (nickel account) projects and  
22 transportation partnership account (TPA) projects that would have  
23 otherwise been delayed due to decreased revenues, so as to advance  
24 project completion dates similar to those envisioned in the enacted  
25 2008 legislative list of projects; projects that preserve or  
26 rehabilitate Washington state highways and roads; and projects that  
27 modify roadway alignments and conditions to create safer roads for the  
28 traveling public.

1 (3)(a) The department of transportation shall obligate at least  
2 fifty percent of the funds no later than one hundred twenty days after  
3 surface transportation program funds under the American Recovery and  
4 Reinvestment Act of 2009 have been apportioned to the states;

5 (b) The department shall obligate all funds no later than one year  
6 after surface transportation program funds under the American Recovery  
7 and Reinvestment Act of 2009 have been apportioned to the states;

8 (c) The department shall place the first priority for allocating  
9 funds on those projects listed as "First Tier" projects on ARRA  
10 Washington State Project LEAP document 2009, as developed on February  
11 24, 2009. The department shall place the second priority on projects  
12 listed as "Second Tier" projects on the document; and

13 (d) Within each tier of projects on ARRA Washington State Project  
14 LEAP document 2009, as developed on February 24, 2009, the department  
15 shall place the highest priority for allocating funds on the  
16 transportation 2003 account (nickel account) projects and  
17 transportation partnership account (TPA) projects listed to advance  
18 their completion. The department shall prioritize funding for other  
19 projects within the tier according to how soon the contract for the  
20 project could be awarded.

21 (4) By June 30, 2009, the department of transportation shall report  
22 to the legislative standing committees on transportation and the office  
23 of financial management on the status of federal stimulus funds  
24 including, but not limited to, identifying the projects shown in ARRA  
25 Washington State Project LEAP document 2009, as developed on February  
26 24, 2009, for which federal stimulus funding has already been  
27 obligated, the amount of federal recovery funds estimated to be  
28 obligated to the projects, and the completion status of each project.  
29 Subsequent status reports are due to the legislative standing  
30 committees on transportation and the office of financial management on  
31 August 31, 2009, and December 1, 2009.

32 **GENERAL GOVERNMENT AGENCIES--OPERATING**

33 **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as  
34 follows:

1 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2 Motor Vehicle Account--State Appropriation . . . . . ((~~\$422,000~~))  
3 \$413,000

4 The appropriation in this section is subject to the following  
5 conditions and limitations: The entire appropriation is provided  
6 solely for staffing costs to be dedicated to state transportation  
7 activities. Staff hired to support transportation activities must have  
8 practical experience with complex construction projects.

9 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as  
10 follows:

11 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

12 Grade Crossing Protective Account--State  
13 Appropriation . . . . . ((~~\$705,000~~))  
14 \$702,000

15 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as  
16 follows:

17 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

18 Motor Vehicle Account--State Appropriation . . . . . ((~~\$3,389,000~~))  
19 \$3,526,000

20 Puget Sound Ferry Operations Account--State  
21 Appropriation . . . . . ((~~\$100,000~~))  
22 \$98,000

23 TOTAL APPROPRIATION . . . . . ((~~\$3,489,000~~))  
24 \$3,624,000

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

27 (1) \$1,699,000 of the motor vehicle account--state appropriation is  
28 provided solely for the office of regulatory assistance integrated  
29 permitting project.

30 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
31 provided solely for the continued maintenance and support of the  
32 transportation executive information system. Of the amount provided in  
33 this subsection, \$502,000 is for two existing FTEs at the department of  
34 transportation to maintain and support the system.

35 (3) \$150,000 of the motor vehicle account--state appropriation is  
36 provided solely for the office of financial management to contract with

1 the Washington state association of counties for a pilot program to  
2 develop and implement a streamlined process for programmatic hydraulic  
3 project approvals for multiple, recurring local transportation and  
4 public works projects. The pilot program must include the following:  
5 (a) Describing, defining, and documenting classes of local  
6 transportation and public works projects appropriate for programmatic  
7 hydraulic project approvals permits; (b) developing technical  
8 permitting requirements and conditions; (c) administratively adopting  
9 and implementing programmatic hydraulic project approvals statewide;  
10 and (d) piloting, reviewing, updating, and training throughout all  
11 Washington counties. For the purpose of this subsection, the contract  
12 with the Washington state association of counties is deemed a revenue  
13 generation and auditing activity as that term is construed in section  
14 602(2), chapter 3, Laws of 2010.

15 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as  
16 follows:

17 **FOR THE MARINE EMPLOYEES COMMISSION**  
18 Puget Sound Ferry Operations Account--State  
19 Appropriation . . . . . ((~~\$446,000~~))  
20 \$440,000

21 **Sec. 105.** 2009 c 470 s 105 (uncodified) is amended to read as  
22 follows:

23 **FOR THE STATE PARKS AND RECREATION COMMISSION**  
24 Motor Vehicle Account--State Appropriation . . . . . ((~~\$986,000~~))  
25 \$985,000

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

29 **Sec. 106.** 2009 c 470 s 106 (uncodified) is amended to read as  
30 follows:

31 **FOR THE DEPARTMENT OF AGRICULTURE**  
32 Motor Vehicle Account--State Appropriation . . . . . ((~~\$1,507,000~~))  
33 \$1,493,000

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

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

4 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
5 provided solely to test the quality of biofuel. The department must  
6 test fuel quality at the biofuel manufacturer, distributor, and  
7 retailer.

8 **Sec. 107.** 2009 c 470 s 107 (uncodified) is amended to read as  
9 follows:

10 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**  
11 Motor Vehicle Account--State Appropriation . . . . . (~~(\$502,000)~~)  
12 \$491,000

13 **Sec. 108.** 2009 c 470 s 108 (uncodified) is amended to read as  
14 follows:

15 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**  
16 Multimodal Transportation Account--State Appropriation . . . . . \$50,000

17 (1) As part of its 2009-11 fiscal biennium work plan, the joint  
18 legislative audit and review committee shall audit the capital cost  
19 accounting practices of the Washington state ferries. The audit must  
20 review the following and provide a report on its findings and any  
21 related recommendations to the legislature by January 2011:

22 (a) Costs assigned to capital accounts to determine whether they  
23 are capital costs that meet the statutory requirements for preservation  
24 and improvement activities and whether they are within the scope of  
25 legislative appropriations;

26 (b) Implementation of the life-cycle cost model required under RCW  
27 47.60.345 to determine if it was developed as required and is  
28 maintained and updated when asset inspections are made; and

29 (c) Washington state ferries' implementation of the cost allocation  
30 methodology evaluated under section 205, chapter 518, Laws of 2007,  
31 assessing whether actual costs are allocated consistently with the  
32 methodology, whether there are sufficient internal controls to ensure  
33 proper allocation, and the adequacy of staff training.

34 (2) The joint legislative audit and review committee shall use  
35 existing staff and resources to conduct a review of scoping and cost  
36 estimates for transportation highway improvement and preservation

1 projects funded in whole, or in part, by transportation partnership  
2 account--state and transportation 2003 account (nickel account)--state  
3 funds, excluding mega-projects. The review will examine whether the  
4 scoping and cost estimates guidelines used by the department of  
5 transportation are consistent with general construction industry  
6 practices and other appropriate standards. The review will include an  
7 analysis of a sample of scope and cost estimates for future projects.  
8 A report on the committee's findings and recommendations must be  
9 submitted to the house of representatives and senate transportation  
10 committees by December 2009.

11 (3) As part of its 2009-11 fiscal biennium work plan, the joint  
12 legislative audit and review committee shall conduct an analysis of the  
13 cost of credit card payment options at the department of  
14 transportation. For programs where a credit card payment option is  
15 offered, the review must include:

16 (a) An analysis of the direct and indirect cost per transaction to  
17 process customer payments using credit cards;

18 (b) An analysis of the direct and indirect cost per transaction for  
19 other methods of processing customer payments;

20 (c) An analysis of the historical and projected total aggregate  
21 costs for processing all forms of customer payments;

22 (d) Identification of whether there are customer service,  
23 administrative, and revenue collection benefits resulting from credit  
24 card usage; and

25 (e) A review of the use of credit card payment options in other  
26 state agencies and in similar transportation programs at other states.

27 The committee shall provide a report on its findings and any  
28 related recommendations to the legislature by January 2010.

29 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire  
30 appropriation in this section is for the joint legislative audit and  
31 review committee to conduct an analysis of the storm water permit  
32 requirements issued by the department of ecology in February 2009 to  
33 determine the costs and benefits of alternative options for the  
34 department of transportation to meet the requirements. However, if the  
35 committee does not include the analysis as part of its 2009-11 fiscal  
36 biennium work plan by April 15, 2010, the amount provided in this  
37 section lapses. The analysis must include, at a minimum, an analysis  
38 of the following:



1 pilot program is approved for funding by the national highway traffic  
2 safety administration, and sufficient federal grants are received, the  
3 commission shall provide grants to the Washington state patrol for the  
4 purchase of twenty-one fully equipped patrol vehicles in fiscal year  
5 2010, and up to twenty-four months of salaries and benefits for  
6 eighteen troopers and three sergeants beginning in fiscal year ((2011))  
7 2010. The legislature anticipates that an additional ((\$1,830,000))  
8 \$1,673,900 will be appropriated from the highway safety account--  
9 federal in the 2011-13 fiscal biennium to conclude this pilot program.

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

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

18 (b) In order to ensure adequate time in the 2009-11 fiscal biennium  
19 to evaluate the effectiveness of the pilot projects, any projects  
20 authorized by the commission must be authorized by December 31, 2009.

21 (c) By January 1, 2011, the commission shall provide a report to  
22 the legislature regarding the use, public acceptance, outcomes, and  
23 other relevant issues regarding automated traffic safety cameras  
24 demonstrated by the projects.

25 (3) \$18,000,000 of the highway safety account--federal  
26 appropriation is for federal funds that may be received during the  
27 2009-11 fiscal biennium. Upon receipt of the funds, the commission  
28 shall provide a report on the use of the funds to the transportation  
29 committees of the legislature and the office of financial management.

30 **Sec. 202.** 2009 c 470 s 202 (uncodified) is amended to read as  
31 follows:

32 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

|  |                    |
|--|--------------------|
| 33 Rural Arterial Trust Account--State Appropriation . . . . | (((\$920,000))     |
|  | <u>\$896,000</u>   |
| 35 Motor Vehicle Account--State Appropriation . . . . .      | (((\$2,129,000))   |
| 36   | <u>\$2,084,000</u> |
| 37 County Arterial Preservation Account--State               |                    |





1 by the department to model financial plans for tolled facilities. The  
2 joint transportation committee shall work with staff from the senate  
3 and the house of representatives transportation committees to identify  
4 the scope of the review and to assure that the work performed meets the  
5 needs of the house of representatives and the senate. The joint  
6 transportation committee shall provide a report to the house of  
7 representatives and senate transportation committees by September 1,  
8 2009.

9 (3) \$300,000 of the motor vehicle account--state appropriation is  
10 for an independent analysis of methodologies to value the reversible  
11 lanes on Interstate 90 to be used for high capacity transit pursuant to  
12 sound transit proposition 1 approved by voters in November 2008. The  
13 independent analysis shall be conducted by sound transit and the  
14 department of transportation, using consultant resources deemed  
15 appropriate by the secretary of the department, the chief executive  
16 officer of sound transit, and the cochairs of the joint transportation  
17 committee. It shall be conducted in consultation with the federal  
18 transit and federal highway administrations and account for applicable  
19 federal laws, regulations, and practices. It shall also account for  
20 the 1976 Interstate 90 memorandum of agreement and subsequent 2004  
21 amendment and the 1978 federal secretary of transportation's  
22 environmental decision on Interstate 90. The department and sound  
23 transit must provide periodic reports to the joint transportation  
24 committee, the sound transit board of directors, and the governor, and  
25 report final recommendations by November 1, 2009.

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

37 (5)(a) \$350,000 of the multimodal transportation account--state  
38 appropriation is for the joint transportation committee to conduct a

1 study to establish a statewide blueprint for public transportation that  
2 will serve to guide state investments in public transportation. At a  
3 minimum, the study should include an assessment of unmet operating and  
4 capital needs of public transportation agencies, the state role in  
5 funding those unmet needs, and the priorities for state investments.  
6 The report should include efficiency and accountability measures that  
7 inform future state investment in public transportation to maximize  
8 mobility, social, economic, and environmental benefits provided to the  
9 state.

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

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

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

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

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

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

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

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

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

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

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

1 (x) One member of a collective bargaining organization that  
2 primarily represents the interests of transit agency employees; and  
3 (xi) Other individuals deemed appropriate.

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

9 (d) The joint transportation committee shall submit a report on the  
10 study to the standing transportation committees of the legislature by  
11 December 15, 2010.

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

20 (7) \$125,000 of the motor vehicle account--state appropriation is  
21 for the joint transportation committee to evaluate the preparation of  
22 state-level transportation plans. The evaluation must include a review  
23 of federal planning requirements, the Washington transportation plan  
24 and statewide modal plan requirements, and transportation plan  
25 requirements for regional and local entities. The evaluation must make  
26 recommendations concerning the appropriate responsibilities for  
27 preparation of plans, methods to develop plans more efficiently, and  
28 the utility of the state-level planning documents. The committee shall  
29 issue a report of its evaluation, including draft legislation if  
30 required, to the house of representatives and senate transportation  
31 committees by December 15, 2010.

32 (8)(a) \$200,000 of the motor vehicle account--state appropriation  
33 is for the joint transportation committee to evaluate funding  
34 assistance and services provided by the county road administration  
35 board, transportation improvement board, freight mobility strategic  
36 investment board, and the department of transportation's highway and  
37 local programs division. In 2010, the governor recommended  
38 consolidating small transportation agencies as part of an overall

1 effort to streamline state government, provide economies of scale, and  
2 improve customer service. The evaluation may include recommendations  
3 on consolidating the agencies within the department of transportation,  
4 within another existing agency, or within a newly created agency. The  
5 study may also make recommendations on restructuring grant programs to  
6 generate efficiencies or other more efficient ways to distribute  
7 associated revenues.

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

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

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

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

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

34 (10)(a) \$50,000 of the multimodal transportation account--state  
35 appropriation is for the joint transportation committee to conduct an  
36 analysis of the storm water permit requirements issued by the  
37 department of ecology in February 2009 to determine the costs and  
38 benefits of alternative options for the department of transportation to

1 meet the requirements. However, if the committee does not include the  
2 analysis as part of its 2009-11 fiscal biennium work plan by April 15,  
3 2010, the amount provided in this subsection lapses. The analysis must  
4 include, at a minimum, an analysis of the following:

5 (i) The department of transportation performing the functions of  
6 the permit in house;

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

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

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

14 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as  
15 follows:

16 **FOR THE TRANSPORTATION COMMISSION**

|   |                              |
|---|------------------------------|
| 17 Motor Vehicle Account--State Appropriation . . . . .           | (( <del>\$2,237,000</del> )) |
|   | <u>\$2,328,000</u>           |
| 19 Multimodal Transportation Account--State Appropriation . . . . | \$112,000                    |
| 20 TOTAL APPROPRIATION . . . . .                                  | (( <del>\$2,349,000</del> )) |
|   | <u>\$2,440,000</u>           |

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

24 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
25 the transportation commission shall periodically review and, if  
26 necessary, modify the schedule of fares for the Washington state ferry  
27 system. The transportation commission may increase ferry fares,  
28 except no fare schedule modifications may be made prior to September 1,  
29 2009. For purposes of this subsection, "modify" includes increases or  
30 decreases to the schedule. (~~The commission may only approve ferry~~  
31 ~~fare rate changes that have the same proportionate change for~~  
32 ~~passengers as for vehicles.))~~

33 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
34 the transportation commission shall periodically review and, if  
35 necessary, modify a schedule of toll charges applicable to the state  
36 route number 167 high occupancy toll lane pilot project, as required

1 under RCW 47.56.403. For purposes of this subsection, "modify"  
2 includes increases or decreases to the schedule.

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

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

15 (5) \$350,000 of the motor vehicle account--state appropriation is  
16 provided solely for consultant support services to assist the  
17 commission in updating the statewide transportation plan. The updated  
18 plan must be submitted to the legislature by December 1, 2010.

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

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

36 (8) As part of its development of the statewide transportation  
37 plan, the commission shall review prioritized projects, including  
38 preservation and maintenance projects, from regional transportation and

1 metropolitan planning organizations to identify statewide  
2 transportation needs. The review should include a brief description  
3 and status of each project along with the funding required and  
4 associated timeline from start to completion. The commission shall  
5 submit the review, along with recommendations, to the house of  
6 representatives and senate transportation committees by January 2011.

7 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as  
8 follows:

9 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

10 Motor Vehicle Account--State Appropriation . . . . . ((\$695,000))  
11 \$688,000

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

17 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as  
18 follows:

19 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

20 State Patrol Highway Account--State  
21 Appropriation . . . . . ((\$228,024,000))  
22 \$227,958,000  
23 State Patrol Highway Account--Federal  
24 Appropriation . . . . . ((\$10,602,000))  
25 \$10,903,000  
26 State Patrol Highway Account--Private/Local  
27 Appropriation . . . . . ((\$859,000))  
28 \$867,000  
29 TOTAL APPROPRIATION . . . . . ((\$239,485,000))  
30 \$239,728,000

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

33 (1) Washington state patrol officers engaged in off-duty uniformed  
34 employment providing traffic control services to the department of  
35 transportation or other state agencies may use state patrol vehicles  
36 for the purpose of that employment, subject to guidelines adopted by



1 the chief of the Washington state patrol. The Washington state patrol  
2 shall be reimbursed for the use of the vehicle at the prevailing state  
3 employee rate for mileage and hours of usage, subject to guidelines  
4 developed by the chief of the Washington state patrol, and Cessna  
5 pilots funded from the state patrol highway account who are certified  
6 to fly the King Airs may pilot those aircraft for general fund purposes  
7 with the general fund reimbursing the state patrol highway account an  
8 hourly rate to cover the costs incurred during the flights since the  
9 aviation section will no longer be part of the Washington state patrol  
10 cost allocation system as of July 1, 2009.

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

17 (3) During the 2009-11 fiscal biennium, the Washington state patrol  
18 shall continue to perform traffic accident investigations on Thurston  
19 county roads, and shall work with the county to transition the traffic  
20 accident investigations on Thurston county roads to the county by July  
21 1, 2011.

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

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

30 ~~(6) ((The Washington state patrol shall discuss the implementation~~  
31 ~~of the pilot program described under section 218(2) of this act with~~  
32 ~~any union representing the affected employees.~~

33 ~~(7) The Washington state patrol shall assign necessary personnel~~  
34 ~~and equipment to implement and operate the pilot program described~~  
35 ~~under section 218(2) of this act using the portion of the automated~~  
36 ~~traffic safety camera fines deposited into the state patrol highway~~  
37 ~~account, but not to exceed \$370,000. If the fines deposited into the~~  
38 ~~state patrol highway account from automated traffic safety camera~~

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

20 (7) If, as a result of lower than average rate of attrition among  
21 troopers, the Washington state patrol postpones the year 2011 training  
22 for trooper cadets beyond June 30, 2011, funding provided in section  
23 207, chapter 470, Laws of 2009 for the class must be used to fund the  
24 salaries and benefits associated with the existing commissioned  
25 Washington state patrol troopers that are funded within the field  
26 operations bureau.

27 (8) \$2,832,000 of the state patrol highway account--state  
28 appropriation is provided solely for the aerial traffic enforcement  
29 program. The Washington state patrol shall evaluate the costs  
30 associated with aerial traffic highway enforcement to determine if the  
31 costs are accurately apportioned between the state patrol highway  
32 account and the general fund. It is the intent of the legislature that  
33 the state patrol highway account incurs costs that result only from  
34 highway enforcement activities and that the general fund incurs costs  
35 associated with the King Airs. The Washington state patrol shall  
36 report the results of the evaluation to the legislature by June 30,  
37 2010.

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

4       (10) \$3,601,000 of the state patrol highway account--state  
5 appropriation is provided solely for the costs associated with a basic  
6 trooper class.

7       **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as  
8 follows:

9 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

10 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))  
11 \$1,648,000

12       **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as  
13 follows:

14 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

15 State Patrol Highway Account--State Appropriation . . ((~~\$105,680,000~~))  
16 \$108,560,000

17 State Patrol Highway Account--Private/Local  
18 Appropriation . . . . . ((~~\$2,008,000~~))  
19 \$2,510,000

20 TOTAL APPROPRIATION . . . . . ((~~\$107,688,000~~))  
21 \$111,070,000

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

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

32 (2) ((~~\$8,673,000~~)) \$10,425,000 of the total appropriation is  
33 provided solely for automobile fuel in the 2009-11 fiscal biennium.

34 (3) \$7,421,000 of the total appropriation is provided solely for  
35 the purchase of pursuit vehicles.

1 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is  
2 provided solely for vehicle repair and maintenance costs of vehicles  
3 used for highway purposes.

4 (5) (~~(\$384,000)~~) \$1,724,000 of the total appropriation is provided  
5 solely for the purchase of mission vehicles used for highway purposes  
6 in the commercial vehicle and traffic investigation sections of the  
7 Washington state patrol.

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

12 (7) \$345,000 of the state patrol highway account--state  
13 appropriation is provided solely for the implementation of Engrossed  
14 Substitute House Bill No. 1445 (domestic partners/Washington state  
15 patrol retirement system). If Engrossed Substitute House Bill No. 1445  
16 is not enacted by June 30, 2009, the amount provided in this subsection  
17 shall lapse.

18 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as  
19 follows:

20 **FOR THE DEPARTMENT OF LICENSING**

|    |   |                                |
|----|---|--------------------------------|
| 21 | Marine Fuel Tax Refund Account--State Appropriation . . . . . | \$32,000                       |
| 22 | Motorcycle Safety Education Account--State                    |                                |
| 23 | Appropriation . . . . .                                       | ( <del>(\$4,373,000)</del> )   |
| 24 |   | <u>\$4,356,000</u>             |
| 25 | Wildlife Account--State Appropriation . . . . .               | ( <del>(\$837,000)</del> )     |
| 26 |   | <u>\$821,000</u>               |
| 27 | Highway Safety Account--State Appropriation . . . . .         | ( <del>(\$145,085,000)</del> ) |
| 28 |   | <u>\$143,660,000</u>           |
| 29 | Highway Safety Account--Federal Appropriation . . . . .       | ( <del>(\$8,000)</del> )       |
| 30 |   | <u>\$944,000</u>               |
| 31 | Motor Vehicle Account--State Appropriation . . . . .          | ( <del>(\$78,805,000)</del> )  |
| 32 |   | <u>\$77,898,000</u>            |
| 33 | Motor Vehicle Account--Private/Local Appropriation . . . . .  | \$1,372,000                    |
| 34 | Motor Vehicle Account--Federal Appropriation . . . . .        | \$242,000                      |
| 35 | Department of Licensing Services Account--State               |                                |
| 36 | Appropriation . . . . .                                       | ( <del>(\$3,867,000)</del> )   |
| 37 |   | <u>\$4,705,000</u>             |



1       ~~(c) The report must include draft legislation, which transfers~~  
2 ~~administration of fuel taxes as described under (a) of this subsection~~  
3 ~~to the department of revenue on July 1, 2010, and amends existing law~~  
4 ~~as needed)).~~

5       (2) \$55,845,000 of the highway safety account--state appropriation  
6 is provided solely for the driver examining program. In order to  
7 reduce costs and make the most efficient use of existing resources, the  
8 department may consolidate licensing service offices by closing the  
9 vehicle services counter at the highways licensing building in Olympia  
10 and up to twenty-five licensing service offices.

11       (a) When closing offices, the department may redistribute staff  
12 from consolidated offices to neighboring offices and local community  
13 supercenters.

14       (b) In order to mitigate the effects of office consolidations on  
15 customers, the department shall, within existing resources, provide the  
16 following enhanced services:

17       (i) Extended daily and weekend hours in regional supercenter  
18 offices;

19       (ii) Staffed greeter stations to improve office work flow; and

20       (iii) Self-service stations for online transaction access,  
21 including vehicle renewal transactions.

22       (c) In areas that are not consolidated, the department will work to  
23 reduce costs by identifying opportunities to share facilities with  
24 subagent offices and state, county, or local government offices and by  
25 analyzing hours and days of operation to meet demand.

26       (d) The department shall work with vehicle licensing subagents  
27 regarding potential placement of self-service driver licensing kiosks  
28 in communities that will be affected by licensing services offices  
29 closures. The department may place kiosks in those subagent offices  
30 where both parties agree, and may pay the subagents the fair market  
31 value for any space used for kiosks.

32       (e) The department shall report to the joint transportation  
33 committee by November 30, 2009, on the department's consolidation  
34 implementation to date and its plan for continued implementation.

35       (3) \$11,688,000 of the highway safety account--state appropriation  
36 is provided solely for costs associated with: Issuing enhanced  
37 drivers' licenses and identicards at the enhanced licensing services

1 offices; extended hours at those licensing services offices; cross-  
2 border tourism education; and other education campaigns. This is the  
3 maximum amount the department may expend for this purpose.

4 (4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device  
5 revolving account--state appropriation is provided solely for the  
6 department to assist indigent persons with the costs of installing,  
7 removing, and leasing the device, and applicable licensing pursuant to  
8 RCW 46.68.340.

9 (5) By December 31, 2009, the department shall report to the office  
10 of financial management and the transportation committees of the  
11 legislature a cost-benefit analysis of leasing versus purchasing field  
12 office equipment.

13 (6) By December 31, 2009, the department shall submit to the office  
14 of financial management and the transportation committees of the  
15 legislature draft legislation that rewrites RCW 46.52.130 (driving  
16 record abstracts) in plain language.

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

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

28 (9) Consistent with the authority delegated to the director of  
29 licensing under RCW 46.01.100, the department may adopt a new  
30 organizational structure that includes the following programs: (a)  
31 Driver and vehicle services, which must encompass services relating to  
32 driver licensing customers, vehicle industry and fuel tax licensees,  
33 and vehicle and vessel licensing and registration; and (b) driver  
34 policy and programs, which must encompass policy development for all  
35 driver-related programs, including driver examining, driver records,  
36 commercial driver's license testing and auditing, driver training  
37 schools, motorcycle safety, technical services, hearings, driver

1 special investigations, drivers' data management, central issuance  
2 contract management, and state and federal initiatives.

3 (10) The legislature finds that measuring the performance of the  
4 department requires the measurement of quality, timeliness, and unit  
5 cost of services delivered to customers. Consequently:

6 (a) The department shall develop a set of metrics that measure that  
7 performance and report to the transportation committees of the house of  
8 representatives and the senate and to the office of financial  
9 management on the development of these measurements along with  
10 recommendations to the 2010 legislature on which measurements must  
11 become a part of the next omnibus transportation appropriations act;

12 (b) The department shall study the process in place at the  
13 licensing services office and present to the 2010 legislature  
14 recommendations for process changes to improve efficiencies for both  
15 the department and the customer; and

16 (c) The department shall, on a quarterly basis, report to the  
17 transportation committees of the legislature the following monthly data  
18 by licensing service office locations: (i) Lease costs; (ii) salary  
19 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of  
20 transactions completed, by type of transaction; and (vi) office hours.

21 (11) \$25,000 of the motor vehicle account--state appropriation is  
22 provided solely for the department to provide to at least five hundred  
23 limousine chauffeurs an overview of the laws and rules governing  
24 limousine carriers.

25 (12) \$938,000 of the highway safety account--federal appropriation  
26 is for federal funds that may be received during the 2009-11 fiscal  
27 biennium. Upon receipt of the funds, the department shall provide a  
28 report on the use of the funds to the transportation committees of the  
29 legislature and the office of financial management.

30 (13) \$869,000 of the department of licensing services account--  
31 state appropriation is provided solely for purchasing equipment for the  
32 field licensing service offices and subagent offices.

33 **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as  
34 follows:

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

37 High Occupancy Toll Lanes Operations Account--State



|    |  |                     |
|----|--|---------------------|
| 1  | Appropriation . . . . .                              | (( \$2,867,000 ))   |
| 2  |  | <u>\$2,852,000</u>  |
| 3  | Motor Vehicle Account--State Appropriation . . . . . | (( \$585,000 ))     |
| 4  |  | <u>\$575,000</u>    |
| 5  | Tacoma Narrows Toll Bridge Account--State            |                     |
| 6  | Appropriation . . . . .                              | (( \$27,358,000 ))  |
| 7  |  | <u>\$26,543,000</u> |
| 8  | State Route Number 520 Corridor Account--State       |                     |
| 9  | Appropriation . . . . .                              | (( \$58,088,000 ))  |
| 10 |  | <u>\$28,000,000</u> |
| 11 | <u>State Route Number 520 Civil Penalties</u>        |                     |
| 12 | <u>Account--State Appropriation . . . . .</u>        | <u>\$2,130,000</u>  |
| 13 | TOTAL APPROPRIATION . . . . .                        | (( \$88,898,000 ))  |
| 14 |  | <u>\$60,100,000</u> |

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

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

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

28 (3) (( \$58,088,000 )) \$28,000,000 of the state route number 520  
29 corridor account--state appropriation is provided solely for the costs  
30 directly related to tolling the state route number 520 floating bridge.  
31 Of this amount, (( \$175,000 is for the immediate costs necessary to  
32 pursue a request for proposal to implement variable, open road tolling  
33 on the state route number 520 floating bridge. The request for  
34 proposal must include tolling infrastructure and signage, customer  
35 service centers, collection and billing procedures, and, to the extent  
36 practicable, the maintenance and dispensing of transponders by the  
37 vendor. The remaining \$57,913,000 )) \$8,000,000 must be retained in  
38 unallotted status, and may only be released by the office of financial

1 management after consultation with the joint transportation committee  
2 (~~following the committee's examination of toll operations costs~~  
3 ~~referenced in section 204(2) of this act. The amount provided in this~~  
4 ~~subsection is contingent on the enactment of (a) Engrossed Substitute~~  
5 ~~House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.~~  
6 ~~2326 or other legislation authorizing bonds for the state route number~~  
7 ~~520 corridor projects. If the conditions of this subsection are not~~  
8 ~~satisfied, the amount provided in this subsection shall lapse)).~~

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

12 (5) \$2,130,000 of the state route number 520 civil penalties  
13 account--state appropriation and \$140,000 of the Tacoma Narrows toll  
14 bridge account--state appropriation are provided solely for  
15 expenditures related to the toll adjudication process. The amount  
16 provided in this subsection is contingent on the enactment by June 30,  
17 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute  
18 House Bill No. 2897; however, if the enacted bill does not specify the  
19 department as the toll penalty adjudicating agency, the amounts  
20 provided in this subsection lapse.

21 (6) The department shall review, and revise where appropriate,  
22 current signage and ingress/egress locations on the state route number  
23 167 high occupancy toll lanes pilot project. The department shall  
24 continue to work with the Washington state patrol on educating the  
25 public on the rules of the road related to crossing a double white  
26 line. The department shall continue to monitor the performance of the  
27 high occupancy toll lanes to ensure that driving conditions for high  
28 occupancy vehicles that share these lanes are not significantly  
29 changed.

30 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as  
31 follows:

32 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**  
33 **C**

|   |                     |
|---|---------------------|
| 34 Transportation Partnership Account--State            |                     |
| 35 Appropriation . . . . .                              | \$2,675,000         |
| 36 Motor Vehicle Account--State Appropriation . . . . . | (( \$67,811,000 ))  |
| 37  | <u>\$68,650,000</u> |

|   |  |                               |
|---|--|-------------------------------|
| 1 | Motor Vehicle Account--Federal Appropriation . . . . . | \$240,000                     |
| 2 | Multimodal Transportation Account--State               |                               |
| 3 | Appropriation . . . . .                                | \$363,000                     |
| 4 | Transportation 2003 Account (Nickel Account)--State    |                               |
| 5 | Appropriation . . . . .                                | \$2,676,000                   |
| 6 | TOTAL APPROPRIATION . . . . .                          | (( <del>\$73,765,000</del> )) |
| 7 |  | <u>\$74,604,000</u>           |

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

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

17       (2) \$1,216,000 of the transportation partnership account--state  
18 appropriation and \$1,216,000 of the transportation 2003 account (nickel  
19 account)--state appropriation are provided solely for the department to  
20 develop a project management and reporting system which is a collection  
21 of integrated tools for capital construction project managers to use to  
22 perform all the necessary tasks associated with project management.  
23 The department shall integrate commercial off-the-shelf software with  
24 existing department systems and enhanced approaches to data management  
25 to provide web-based access for multi-level reporting and improved  
26 business work flows and reporting. On a quarterly basis, the  
27 department shall report to the office of financial management and the  
28 transportation committees of the legislature on the status of the  
29 development and integration of the system. At a minimum, the reports  
30 shall indicate the status of the work as it compares to the work plan,  
31 any discrepancies, and proposed adjustments necessary to bring the  
32 project back on schedule or budget if necessary.

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

37       (4) \$573,000 of the motor vehicle account--state appropriation is  
38 provided solely for the department to maintain the investment in the

1 electronic fare system at Washington's ferry terminals. Investment in  
2 the electronic fare system must include the following: Replacement of  
3 critical hardware components that are at risk of failure;  
4 implementation of software to allow ORCA cards to be used for vehicles;  
5 repair of the turnstiles to ensure that the turnstiles properly record  
6 ORCA credit and debit card charges; and dedication of a communication  
7 line for transmission of ORCA data to the clearinghouse.

8 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as  
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**  
11 **AND CONSTRUCTION--PROGRAM D--OPERATING**

|   |                     |
|---|---------------------|
| 12 Motor Vehicle Account--State Appropriation . . . . . | (( \$25,501,000 ))  |
| 13  | <u>\$25,292,000</u> |

14 **Sec. 214.** 2009 c 470 s 214 (uncodified) is amended to read as  
15 follows:

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

|   |                    |
|---|--------------------|
| 17 Aeronautics Account--State Appropriation . . . . .   | (( \$6,009,000 ))  |
| 18  | <u>\$5,960,000</u> |
| 19 Aeronautics Account--Federal Appropriation . . . . . | \$2,150,000        |
| 20 TOTAL APPROPRIATION . . . . .                        | (( \$8,159,000 ))  |
| 21  | <u>\$8,110,000</u> |

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

24 (1) \$50,000 of the aeronautics account--state appropriation is a  
25 reappropriation provided solely to pay any outstanding obligations of  
26 the aviation planning council, which expires July 1, 2009.

27 (2) \$150,000 of the aeronautics account--state appropriation is a  
28 reappropriation provided solely to complete runway preservation  
29 projects.

30 (3) Within the amounts provided in this section, the department  
31 shall develop guidelines setting forth consultation procedures and a  
32 process to assist counties and cities to identify land uses that may be  
33 incompatible with airports and aircraft operations, and to encourage  
34 and facilitate the adoption and implementation of comprehensive plan  
35 policies and development regulations consistent with RCW 36.70.547 and  
36 36.70A.510.



1 47.12.080, the legislature declares that transferring the property to  
2 the department of fish and wildlife for recreational use and fish and  
3 wildlife restoration efforts is consistent with the public interest in  
4 order to preserve the area for the use of the public and the betterment  
5 of the natural environment. The department of transportation shall(~~(~~  
6 ~~as soon as is practicable,~~) work with the department of fish and  
7 wildlife, and shall transfer and convey the Dryden pit site to the  
8 department of fish and wildlife as is for (~~adequate consideration in~~  
9 ~~the amount of no less than \$600,000~~) an adjusted fair market value  
10 reflecting site conditions, the proceeds of which must be deposited in  
11 the motor vehicle fund. (~~By July 1, 2009~~) The department of  
12 transportation is not responsible for any costs associated with the  
13 cleanup or transfer of this property. By July 1, 2010, and annually  
14 thereafter until the entire Dryden pit property has been transferred,  
15 the department shall submit a status report regarding the transaction  
16 to the chairs of the legislative transportation committees.

17 (~~(+5) \$750,000~~) (3) \$3,175,000 of the motor vehicle account--state  
18 appropriation is provided solely for the department's compliance with  
19 its national pollution discharge elimination system permit. The  
20 department's work may include the completion of system development,  
21 reporting, and planning to meet deadlines in the current biennium. The  
22 appropriation provided in this subsection is contingent on either the  
23 joint legislative audit and review committee or the joint  
24 transportation committee including the analysis identified in sections  
25 108(4) and 204 of this act in its respective 2009-11 fiscal biennium  
26 work plan by April 15, 2010.

27 (~~(+6)~~) (4) The department shall provide updated information on six  
28 project milestones for all active projects, funded in part or in whole  
29 with 2005 transportation partnership account funds or 2003 nickel  
30 account funds, on a quarterly basis in the transportation executive  
31 information system (TEIS). The department shall also provide updated  
32 information on six project milestones for projects, funded with  
33 preexisting funds and that are agreed to by the legislature, office of  
34 financial management, and the department, on a quarterly basis in TEIS.

35 (5) It is the intent of the legislature that the real estate  
36 services division of the department will recover the cost of its  
37 efforts from future sale proceeds. By January 31, 2011, the department  
38 must report to the office of financial management and the legislative

1 transportation committees on the status of surplus property. The  
2 report must include: (a) The department's plan for continued disposal  
3 of surplus property; (b) a detail of changes from the previous report;  
4 and (c) a current list of surplus property by region that includes the  
5 acquisition date and price of the property, the status of the surplus  
6 property, and estimated value of the property. Except as provided  
7 otherwise in this subsection, by June 30, 2010, the department must  
8 finalize all pending equal value exchange activity for the construction  
9 or improvement of facilities, after which time the department may not  
10 pursue any other equal value exchanges for the construction or  
11 improvement of facilities. However, the northwest region may pursue an  
12 equal value exchange to replace the Mount Baker headquarters office.  
13 The exchange may include an exchange for the old Puget Sound energy  
14 site, the old Arco site, or any combination of the two.

15 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as  
16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**  
18 **K**

|   |                            |
|---|----------------------------|
| 19 Motor Vehicle Account--State Appropriation . . . . .             | (( <del>\$615,000</del> )) |
|   | <u>\$673,000</u>           |
| 21 Multimodal Transportation Account--State Appropriation . . . . . | \$200,000                  |
| 22 TOTAL APPROPRIATION . . . . .                                    | (( <del>\$815,000</del> )) |
| 23  | <u>\$873,000</u>           |

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

26 (1) \$200,000 of the multimodal transportation account--state  
27 appropriation is provided solely for the department to develop and  
28 implement public private partnerships at high priority terminals as  
29 identified in the January 12, 2009, final report on joint development  
30 opportunities at Washington state ferries terminals. The department  
31 shall first consider a mutually beneficial agreement at the Edmonds  
32 terminal.

33 (2) \$50,000 of the motor vehicle account--state appropriation is  
34 provided solely for the department to investigate the potential to  
35 generate revenue from web site sponsorships and similar ventures and,  
36 if feasible, pursue partnership opportunities.

1        (3) \$75,000 of the motor vehicle account--state appropriation is  
2 provided solely for the implementation of a pilot project allowing  
3 advertisements and sponsorships on select web pages. The pilot project  
4 must be organized under the partnership model described in the  
5 department's web site monetizing feasibility study, which was prepared  
6 under subsection (2) of this section. Once operational, the pilot  
7 project must operate for at least twelve consecutive months. After  
8 twelve months of continuous operation, the department shall provide a  
9 report with recommendations on whether to continue project operations  
10 to the office of financial management and the chairs of the  
11 transportation committees. The department may end the pilot project  
12 after less than twelve consecutive months of operation if insufficient  
13 bids or proposals are received from potential sponsors or advertisers.  
14 For the purpose of this subsection, if a consultant contract is  
15 warranted, the consultant contract is deemed a revenue generation  
16 activity as that term is construed in section 602(2), chapter 3, Laws  
17 of 2010.

18        **Sec. 217.** 2009 c 470 s 217 (uncodified) is amended to read as  
19 follows:

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

|  |                                |
|--|--------------------------------|
| 21 Motor Vehicle Account--State Appropriation . . . . .                  | (( <del>\$347,637,000</del> )) |
|  | <u>\$347,645,000</u>           |
| 23 Motor Vehicle Account--Federal Appropriation . . . . .                | (( <del>\$2,000,000</del> ))   |
|  | <u>\$7,000,000</u>             |
| 25 Motor Vehicle Account--Private/Local Appropriation . . . . .          | \$5,797,000                    |
| 26 ( <del>Water Pollution Account--State Appropriation . . . . .</del> ) | <del>\$12,500,000</del> )      |
| 27            TOTAL APPROPRIATION . . . . .                              | (( <del>\$367,934,000</del> )) |
|  | <u>\$360,442,000</u>           |

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

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

36        (2) The department shall request an unanticipated receipt for any  
37 federal moneys received for emergency snow and ice removal and shall



1 place an equal amount of the motor vehicle account--state into  
2 unallotted status. This exchange shall not affect the amount of  
3 funding available for snow and ice removal.

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

8 (4) (~~(\$2,000,000)~~) \$7,000,000 of the motor vehicle account--federal  
9 appropriation is for unanticipated federal funds that may be received  
10 during the 2009-11 fiscal biennium. Upon receipt of the funds, the  
11 department shall provide a report on the use of the funds to the  
12 transportation committees of the legislature and the office of  
13 financial management.

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

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

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

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

28 (7) \$650,000 of the motor vehicle account--state appropriation is  
29 provided solely for increased asphalt costs. (~~(If Senate Bill No. 5976  
30 is not enacted by June 30, 2009, the amount provided in this subsection  
31 shall lapse.)~~)

32 (8) \$16,800,000 of the motor vehicle account--state appropriation  
33 is provided solely for the high priority maintenance backlog.  
34 Addressing the maintenance backlog must result in increased levels of  
35 service.

36 (~~(+10)~~) (9) \$750,000 of the motor vehicle account--state  
37 appropriation is provided solely for the department's compliance with  
38 its national pollution discharge elimination system permit.



1 would make it unsafe to drive at higher speeds, such as, when the  
2 department is redirecting or realigning lanes on any public roadway  
3 pursuant to ongoing construction. The department shall use the  
4 following guidelines to administer the program:

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

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

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

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

22 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
23 infractions detected through the use of automated traffic safety  
24 cameras are not part of the registered owner's driving record under RCW  
25 46.52.101 and 46.52.120. Additionally, infractions generated by the  
26 use of automated traffic safety cameras must be processed in the same  
27 manner as parking infractions for the purposes of RCW 3.50.100,  
28 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
29 fine issued under this subsection (2) for an infraction generated  
30 through the use of an automated traffic safety camera is one hundred  
31 thirty-seven dollars. The court shall remit thirty-two dollars of the  
32 fine to the state treasurer for deposit into the state patrol highway  
33 account; and

34 (f) If a notice of infraction is sent to the registered owner and  
35 the registered owner is a rental car business, the infraction must be  
36 dismissed against the business if it mails to the patrol, within  
37 fourteen days of receiving the notice, a declaration under penalty of  
38 perjury of the name and known mailing address of the individual driving

1 or renting the vehicle when the infraction occurred. If the business  
2 is unable to determine who was driving or renting the vehicle at the  
3 time the infraction occurred, the business must sign a declaration  
4 under penalty of perjury to this effect. The declaration must be  
5 mailed to the patrol within fourteen days of receiving the notice of  
6 traffic infraction. Timely mailing of this declaration to the issuing  
7 agency relieves a rental car business of any liability under this  
8 section for the notice of infraction. A declaration form suitable for  
9 this purpose must be included with each automated traffic infraction  
10 notice issued, along with instructions for its completion and use.

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

18 (4) \$173,000 of the motor vehicle account--state appropriation is  
19 provided solely for the department to continue a pilot tow truck  
20 incentive program and to expand the program to other areas of the  
21 state. The department may provide incentive payments to towing  
22 companies that meet clearance goals on accidents that involve heavy  
23 trucks. The department shall report to the office of financial  
24 management and the transportation committees of the legislature on the  
25 effectiveness of the clearance goals and submit recommendations to  
26 improve the pilot program with the department's 2010 supplemental  
27 omnibus transportation appropriations act submittal. The tow truck  
28 incentive program may continue to provide incentives for quick  
29 clearance of traffic incidents involving large vehicles. The  
30 department shall make recommendations as part of its biennial budget  
31 proposal for expanding the use of the incentive program.

32 (5) \$92,000 of the motor vehicle account--state appropriation is  
33 provided solely for operating a new active traffic management system on  
34 Interstate 5, Interstate 90, and SR 520. The department shall track  
35 the costs associated with these systems on a corridor basis and report  
36 to the legislative transportation committees on the cost and benefits  
37 of the system.

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

3 (7) During the 2009-11 biennium, the department shall implement a  
4 pilot program that expands private transportation providers' access to  
5 high occupancy vehicle lanes. Under the pilot program, when the  
6 department reserves a portion of a highway based on the number of  
7 passengers in a vehicle, the following vehicles must be authorized to  
8 use the reserved portion of the highway if the vehicle has the capacity  
9 to carry eight or more passengers, regardless of the number of  
10 passengers in the vehicle: (a) Auto transportation company vehicles  
11 regulated under chapter 81.68 RCW; (b) passenger charter carrier  
12 vehicles regulated under chapter 81.70 RCW, except marked or unmarked  
13 stretch limousines and stretch sport utility vehicles as defined under  
14 department rules; (c) private nonprofit transportation provider  
15 vehicles regulated under chapter 81.66 RCW; and (d) private employer  
16 transportation service vehicles. For purposes of this subsection,  
17 "private employer transportation service" means regularly scheduled,  
18 fixed-route transportation service that is offered by an employer for  
19 the benefit of its employees. By June 30, 2011, the department shall  
20 report to the transportation committees of the legislature on whether  
21 private transportation provider use of high occupancy vehicle lanes  
22 under the pilot program reduces the speeds of high occupancy vehicle  
23 lanes.

24 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as  
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**  
27 **SUPPORT--PROGRAM S**

|    |  |                               |
|----|--|-------------------------------|
| 28 | Motor Vehicle Account--State Appropriation . . . . .   | (( <del>\$29,153,000</del> )) |
| 29 |  | <u>\$28,468,000</u>           |
| 30 | Motor Vehicle Account--Federal Appropriation . . . . . | \$30,000                      |
| 31 | Multimodal Transportation Account--State               |                               |
| 32 | Appropriation . . . . .                                | (( <del>\$973,000</del> ))    |
| 33 |  | <u>\$971,000</u>              |
| 34 | State Route Number 520 Corridor Account--State         |                               |
| 35 | Appropriation . . . . .                                | \$264,000                     |
| 36 | TOTAL APPROPRIATION . . . . .                          | (( <del>\$30,420,000</del> )) |
| 37 |  | <u>\$29,733,000</u>           |

1 The appropriations in this section are subject to the following  
 2 conditions and limitations: \$264,000 of the state route number 520  
 3 corridor account--state appropriation is provided solely for the costs  
 4 directly related to tolling the state route number 520 floating bridge.  
 5 This amount must be retained in unallotted status, and may only be  
 6 released by the office of financial management after consultation with  
 7 the joint transportation committee (~~following the committee's~~  
 8 ~~examination of toll operations costs referenced in section 204(2) of~~  
 9 ~~this act. The amount provided in this section is contingent on the~~  
 10 ~~enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)~~  
 11 ~~either Engrossed Substitute House Bill No. 2326 or other legislation~~  
 12 ~~authorizing bonds for the state route number 520 corridor projects. If~~  
 13 ~~the conditions of this section are not satisfied, the amount provided~~  
 14 ~~in this section shall lapse)).~~

15 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as  
 16 follows:

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

|    |  |                     |
|----|--|---------------------|
| 19 | Motor Vehicle Account--State Appropriation . . . . .   | (((\$24,724,000))   |
| 20 |  | <u>\$25,955,000</u> |
| 21 | Motor Vehicle Account--Federal Appropriation . . . . . | (((\$19,116,000))   |
| 22 |  | <u>\$22,002,000</u> |
| 23 | Multimodal Transportation Account--State               |                     |
| 24 | Appropriation . . . . .                                | (((\$696,000))      |
| 25 |  | <u>\$1,090,000</u>  |
| 26 | Multimodal Transportation Account--Federal             |                     |
| 27 | Appropriation . . . . .                                | (((\$2,809,000))    |
| 28 |  | <u>\$3,287,000</u>  |
| 29 | Multimodal Transportation Account--Private/Local       |                     |
| 30 | Appropriation . . . . .                                | (((\$100,000))      |
| 31 |  | <u>\$99,000</u>     |
| 32 | TOTAL APPROPRIATION . . . . .                          | (((\$47,445,000))   |
| 33 |  | <u>\$52,433,000</u> |

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

36 (1) \$150,000 of the motor vehicle account--federal appropriation is  
 37 provided solely for the costs to develop an electronic map-based

1 computer application that will enable law enforcement officers and  
2 others to more easily locate collisions and other incidents in the  
3 field.

4 (2) \$400,000 of the (~~motor vehicle account~~) multimodal  
5 transportation account--state appropriation is provided solely for a  
6 diesel multiple unit feasibility and initial planning study. The study  
7 must evaluate potential service on the Stampede Pass line from Maple  
8 Valley to Auburn via Covington. The study must evaluate the potential  
9 demand for service, the business model and capital needs for launching  
10 and running the line, and the need for improvements in switching,  
11 signaling, and tracking. The study must also consider the  
12 interconnectivity benefits of, and potential for, future Amtrak  
13 Cascades stops in south King county and north Pierce county. As part  
14 of its consideration, the department shall conduct a thorough market  
15 analysis of the potential for adding or changing stops on the Amtrak  
16 Cascades route. The department shall amend the scope, schedule, and  
17 budget of the current study process to accommodate the market analysis.  
18 A report on the study must be submitted to the legislature by (~~June~~)  
19 September 30, 2010.

20 (3) (~~\$243,000~~) \$365,000 of the motor vehicle account--state  
21 appropriation and \$81,000 of the motor vehicle account--federal  
22 appropriation are provided solely for the development of a freight  
23 database to help guide freight investment decisions and track project  
24 effectiveness. The database must be based on truck movement tracked  
25 through geographic information system technology. For the remainder of  
26 the biennium, the department may expand data collection to any highways  
27 that have high truck volumes. TransNow shall contribute additional  
28 federal funds that are not appropriated in this act. The department  
29 shall work with the freight mobility strategic investment board to  
30 implement this database.

31 (4) \$2,000,000 of the motor vehicle account--state appropriation is  
32 provided solely for scoping unfunded state highway projects to ensure  
33 that a well-vetted project list is available for future program funding  
34 discussions.

35 (a) It is the intent of the legislature that the funding provided  
36 in this subsection support the development of transportation solutions  
37 that benefit all state residents, including addressing the impacts of

1 traffic diversion from tolled facilities. It is further the intent of  
2 the legislature that the buying power of future revenue packages is  
3 maximized.

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

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

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

15 (5) \$150,000 of the motor vehicle account--state appropriation is  
16 provided solely for a corridor study of state route number 516 from the  
17 eastern border of Maple Valley to state route number 167 to determine  
18 whether improvements are needed and the costs of any needed  
19 improvements.

20 (6) \$500,000 of the multimodal transportation account--federal  
21 appropriation is provided solely for continued support of the  
22 International Mobility and Trade Corridor project and for the  
23 department to work with the Whatcom council of governments to examine  
24 potential improvements to international border freight and passenger  
25 rail movement and the use of diesel multiple units.

26 (7) \$80,000 of the motor vehicle account--state appropriation is  
27 provided solely to continue existing work regarding feasibility of a  
28 new interchange between Rochester and Harrison Avenue on Interstate 5.

29 **Sec. 221.** 2009 c 470 s 222 (uncodified) is amended to read as  
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**  
32 **V**

33 Regional Mobility Grant Program Account--State  
34 Appropriation . . . . . ((\$54,677,000))  
35 \$65,274,000

36 Multimodal Transportation Account--State  
37 Appropriation . . . . . ((\$65,795,000))



|   |  |                                |
|---|--|--------------------------------|
| 1 |  | <u>\$65,667,000</u>            |
| 2 | Multimodal Transportation Account--Federal       |                                |
| 3 | Appropriation . . . . .                          | (( <del>\$2,582,000</del> ))   |
| 4 |  | <u>\$2,573,000</u>             |
| 5 | Multimodal Transportation Account--Private/Local |                                |
| 6 | Appropriation . . . . .                          | (( <del>\$1,027,000</del> ))   |
| 7 |  | <u>\$1,025,000</u>             |
| 8 | TOTAL APPROPRIATION . . . . .                    | (( <del>\$124,081,000</del> )) |
| 9 |  | <u>\$134,539,000</u>           |

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

12 (1) \$25,000,000 of the multimodal transportation account--state  
13 appropriation is provided solely for a grant program for special needs  
14 transportation provided by transit agencies and nonprofit providers of  
15 transportation.

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

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

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

35 (a) \$8,500,000 of the multimodal transportation account--state  
36 appropriation is provided solely for grants for those transit systems  
37 serving small cities and rural areas as identified in the "Summary of  
38 Public Transportation - 2007" published by the department of

1 transportation. Noncompetitive grants must be distributed to the  
2 transit systems serving small cities and rural areas in a manner  
3 similar to past disparity equalization programs.

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

8 (3) \$7,000,000 of the multimodal transportation account--state  
9 appropriation is provided solely for a vanpool grant program for: (a)  
10 Public transit agencies to add vanpools or replace vans; and (b)  
11 incentives for employers to increase employee vanpool use. The grant  
12 program for public transit agencies will cover capital costs only;  
13 operating costs for public transit agencies are not eligible for  
14 funding under this grant program. Additional employees may not be  
15 hired from the funds provided in this section for the vanpool grant  
16 program, and supplanting of transit funds currently funding vanpools is  
17 not allowed. The department shall encourage grant applicants and  
18 recipients to leverage funds other than state funds. At least  
19 \$1,600,000 of this amount must be used for vanpool grants in congested  
20 corridors.

21 (4) \$400,000 of the multimodal transportation account--state  
22 appropriation is provided solely for a grant for a flexible carpooling  
23 pilot project program to be administered and monitored by the  
24 department. Funds are appropriated for one time only. The pilot  
25 project program must: Test and implement at least one flexible  
26 carpooling system in a high-volume commuter area that enables  
27 carpooling without prearrangement; utilize technologies that, among  
28 other things, allow for transfer of ride credits between participants;  
29 and be a membership system that involves prescreening to ensure safety  
30 of the participants. The program must include a pilot project that  
31 targets commuter traffic on the state route number 520 bridge. The  
32 department shall submit to the legislature by December 2010 a report on  
33 the program results and any recommendations for additional flexible  
34 carpooling programs.

35 (5) \$3,318,000 of the multimodal transportation account--state  
36 appropriation and \$21,248,000 of the regional mobility grant program  
37 account--state appropriation are reappropriated and provided solely for  
38 the regional mobility grant projects identified on the LEAP

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

22 (6) \$33,429,000 of the regional mobility grant program account--  
23 state appropriation is provided solely for the regional mobility grant  
24 projects identified in LEAP Transportation Document 2009-B, as  
25 developed April 24, 2009. The department shall review all projects  
26 receiving grant awards under this program at least semiannually to  
27 determine whether the projects are making satisfactory progress. Any  
28 project that has been awarded funds, but does not report activity on  
29 the project within one year of the grant award, must be reviewed by the  
30 department to determine whether the grant should be terminated. The  
31 department shall promptly close out grants when projects have been  
32 completed, and any remaining funds available to the office of transit  
33 mobility must be used only to fund projects identified in LEAP  
34 Transportation Document 2009-B, as developed April 24, 2009. The  
35 department shall provide annual status reports on December 15, 2009,  
36 and December 15, 2010, to the office of financial management and the  
37 transportation committees of the legislature regarding the projects

1 receiving the grants. It is the intent of the legislature to  
2 appropriate funds through the regional mobility grant program only for  
3 projects that will be completed on schedule.

4 (7) \$10,596,768 of the regional mobility grant program account--  
5 state appropriation must be obligated no later than December 31, 2010,  
6 and is provided solely for the following recommended contingency  
7 regional mobility grant projects identified in the 2009-11 omnibus  
8 transportation appropriations act, LEAP Transportation Document 2009-B,  
9 as developed April 24, 2009, as follows:

10 (a) \$4,000,000 is provided solely for the Rainier/Jackson transit  
11 priority corridor improvements;

12 (b) \$2,100,000 is provided solely for the state route number 522  
13 west city limits to Northeast 180th stage 2A (91st Ave NE to west of  
14 96th Ave NE) project; and

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

17 (8) \$300,000 of the multimodal transportation account--state  
18 appropriation is provided solely for a transportation demand management  
19 program, developed by the Whatcom council of governments, to further  
20 reduce drive-alone trips and maximize the use of sustainable  
21 transportation choices. The community-based program must focus on all  
22 trips, not only commute trips, by providing education, assistance, and  
23 incentives to four target audiences: (a) Large work sites; (b)  
24 employees of businesses in downtown areas; (c) school children; and (d)  
25 residents of Bellingham.

26 ~~((+8))~~ (9) \$130,000 of the multimodal transportation account--  
27 state appropriation is provided solely to the department to distribute  
28 to support Engrossed Substitute House Bill No. 2072 (special needs  
29 transportation).

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

34 (b) \$50,000 of the amount provided in this subsection is provided  
35 solely to support the pilot project to be developed or implemented by  
36 the local coordinating coalition comprised of a single county,  
37 described in sections 9, 10, and 11, chapter . . . (Engrossed  
38 Substitute House Bill No. 2072), Laws of 2009. The department shall

1 assist the local coordinating coalition to seek funding sufficient to  
2 fully fund the pilot project from a variety of sources including, but  
3 not limited to, the regional transit authority serving the county, the  
4 regional transportation planning organization serving the county, and  
5 other appropriate state and federal agencies and grants. Development  
6 or implementation of the pilot project is contingent on securing  
7 funding sufficient to fully fund the pilot project.

8 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by  
9 June 30, 2009, the amount provided in this subsection (~~((+8+))~~) (9)  
10 lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June  
11 30, 2009, but a commitment from other sources to fully fund the pilot  
12 project described in (b) of this subsection has not been obtained by  
13 September 30, 2009, the amount provided in (b) of this subsection  
14 lapses.

15 (~~((+9+))~~) (10) Funds provided for the commute trip reduction program  
16 may also be used for the growth and transportation efficiency center  
17 program.

18 (~~((+10+))~~) (11) An affected urban growth area that has not previously  
19 implemented a commute trip reduction program is exempt from the  
20 requirements in RCW 70.94.527 if a solution to address the state  
21 highway deficiency that exceeds the person hours of delay threshold has  
22 been funded and is in progress during the 2009-11 fiscal biennium.

23 (~~((+11+))~~) (12) \$2,309,000 of the multimodal transportation account--  
24 state appropriation is provided solely for the tri-county connection  
25 service for Island, Skagit, and Whatcom transit agencies.

26 (13) During the 2009-11 biennium, the department shall implement a  
27 pilot project that expands opportunities for private transportation  
28 providers' use of high occupancy vehicle lanes, transit-only lanes, and  
29 certain park and ride facilities. The pilot project must establish  
30 that to receive grant funding from a program administered by the public  
31 transportation office of the department during the 2009-11 biennium,  
32 the local jurisdiction in which the applicant is located must be able  
33 to show that it has in place an application process for the reasonable  
34 use by private transportation providers of high occupancy vehicle  
35 lanes, transit-only lanes, and certain park and ride facilities that  
36 are regulated by the local jurisdiction. If a private transportation  
37 provider clearly demonstrates that the local jurisdiction failed to  
38 consider an application in good faith, the department may not award the

1 jurisdiction any grant funding. Reasonable use exists if the private  
2 transportation provider has applied for the use of: (a) High occupancy  
3 vehicle or transit-only lanes, and such use will not interfere with the  
4 safety of public transportation operations and not reduce the speed of  
5 the lanes more than five percent during peak hours; and (b) a park and  
6 ride lot (i) during peak hours at a lot that is below ninety percent  
7 capacity during peak hours or (ii) during off-peak hours only. A  
8 transit agency may require that a private transportation provider enter  
9 into an agreement for use of the park and ride lot, and may include  
10 provisions to recover actual costs for the use of the lot and its  
11 related facilities. For purposes of this subsection: A "private  
12 transportation provider" means an auto transportation company regulated  
13 under chapter 81.68 RCW; a passenger charter carrier regulated under  
14 chapter 81.70 RCW; a private nonprofit transportation provider  
15 regulated under chapter 81.66 RCW; or a private employer transportation  
16 service provider; and "private employer transportation service" means  
17 regularly scheduled, fixed-route transportation service that is offered  
18 by an employer for the benefit of its employees.

19 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as  
20 follows:

21 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
22 Puget Sound Ferry Operations Account--State  
23 Appropriation . . . . . ((\$400,592,000))  
24 \$425,922,000

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

27 (1) ((\$53,110,560)) \$78,754,952 of the Puget Sound ferry operations  
28 account--state appropriation is provided solely for auto ferry vessel  
29 operating fuel in the 2009-11 fiscal biennium. This appropriation is  
30 contingent upon the enactment of sections 716 and 701 of this act. All  
31 fuel purchased by the Washington state ferries at Harbor Island truck  
32 terminal for the operation of the Washington state ferries diesel  
33 powered vessels must be a minimum of five percent biodiesel blend so  
34 long as the per gallon price of diesel containing a five percent  
35 biodiesel blend level does not exceed the per gallon price of diesel by  
36 more than five percent.

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

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

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

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

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

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

35 (8) (~~(\$3,000,000)~~) \$4,794,000 of the Puget Sound ferry operations  
36 account--state appropriation is provided solely for commercial  
37 insurance for ferry assets. The office of financial management, after  
38 consultation with the transportation committees of the legislature,

1 must present a business plan for the Washington state ferry system's  
2 insurance coverage to the 2010 legislature. The business plan must  
3 include a cost-benefit analysis of Washington state ferries' current  
4 commercial insurance purchased for ferry assets and a review of self-  
5 insurance for noncatastrophic events.

6 (9) \$1,100,000 of the Puget Sound ferry operations account--state  
7 appropriation is provided solely for a marketing program. The  
8 department shall present a marketing program proposal to the  
9 transportation committees of the legislature during the 2010  
10 legislative session before implementing this program. Of this amount,  
11 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of  
12 Coupeville for mitigation expenses related to only one vessel operating  
13 on the Port Townsend/Keystone ferry route. The moneys provided to the  
14 city of Port Townsend and town of Coupeville are not contingent upon  
15 the required marketing proposal.

16 (10) \$350,000 of the Puget Sound ferry operations account--state  
17 appropriation is provided solely for two extra trips per day during the  
18 summer of 2009 season, beyond the current schedule, on the Port  
19 Townsend/Keystone route.

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

23 (12) The legislature finds that measuring the performance of  
24 Washington state ferries requires the measurement of quality,  
25 timeliness, and unit cost of services delivered to customers.  
26 Consequently, the department must develop a set of metrics that measure  
27 that performance and report to the transportation committees of the  
28 legislature and to the office of financial management on the  
29 development of these measurements along with recommendations to the  
30 2010 legislature on which measurements must become a part of the next  
31 omnibus transportation appropriations act.

32 (13) As a priority task, the department is directed to propose a  
33 comprehensive incident and accident investigation policy and  
34 appropriate procedures, and to provide the proposal to the legislature  
35 by November 1, 2009, using existing resources and staff expertise. In  
36 addition to consulting with ferry system unions and the United States  
37 coast guard, the Washington state ferries is encouraged to solicit  
38 independent outside expertise on incident and accident investigation



1 best practices as they may be found in other organizations with a  
2 similar concern for marine safety. It is the intent of the legislature  
3 to enact the policies into law and to publish that law and procedures  
4 as a manual for Washington state ferries' accident/incident  
5 investigations. Until that time, the Washington state ferry system  
6 must exercise particular diligence to assure that any incident or  
7 accident investigations are conducted within the spirit of the  
8 guidelines of this act. The proposed policy must contain, at a  
9 minimum:

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

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

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

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

20 (iii) Have full access to all persons, records, and relevant  
21 organizations that may have information about or may have contributed  
22 to, directly or indirectly, the incident or accident under  
23 investigation, in compliance with any affected employee's or employees'  
24 respective collective bargaining agreement and state laws and rules  
25 regarding public disclosure under chapter 42.56 RCW;

26 (iv) Be provided with, if requested by the investigating officer or  
27 officers, appropriate outside technical expertise; and

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

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

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

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

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

6 (14) \$7,300,000 of the Puget Sound ferry operations account--state  
7 appropriation is provided solely for the purposes of travel time  
8 associated with Washington state ferries employees. However, if  
9 Engrossed Substitute House Bill No. 3209 (managing costs of ferry  
10 system) is enacted by June 30, 2010, containing an appropriation for  
11 purposes of travel time associated with Washington state ferries  
12 employees, the amount provided in this subsection lapses.

13 (15) \$50,000 of the Puget Sound ferry operations account--state  
14 appropriation is provided solely to implement a mechanism to report on-  
15 time performance statistics.

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

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

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

37 (17) By July 1, 2010, the department shall provide to the governor  
38 and the transportation committees of the senate and house of

1 representatives a listing of all benefits that Washington state ferries  
2 union employees receive that other state employees do not traditionally  
3 receive. The listing must include any costs associated with these  
4 benefits.

5 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as  
6 follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
8 Multimodal Transportation Account--State  
9 Appropriation . . . . . ((~~\$34,933,000~~))  
10 \$37,371,000

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

13 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation  
14 account--state appropriation is provided solely for the Amtrak service  
15 contract and Talgo maintenance contract associated with providing and  
16 maintaining the state-supported passenger rail service. Upon  
17 completion of the rail platform project in the city of Stanwood, the  
18 department shall provide daily Amtrak Cascades service to the city.

19 (2) Amtrak Cascade runs may not be eliminated.

20 (3) The department shall begin planning for a third roundtrip  
21 Cascades train between Seattle and Vancouver, B.C. by 2010.

22 **Sec. 224.** 2009 c 470 s 225 (uncodified) is amended to read as  
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**  
25 **OPERATING**  
26 Motor Vehicle Account--State Appropriation . . . . . ((~~\$8,739,000~~))  
27 \$8,621,000  
28 Motor Vehicle Account--Federal Appropriation . . . . . ((~~\$2,567,000~~))  
29 \$2,545,000  
30 TOTAL APPROPRIATION . . . . . ((~~\$11,306,000~~))  
31 \$11,166,000

32 **TRANSPORTATION AGENCIES--CAPITAL**

1         **Sec. 301.**   2009 c 470 s 302 (uncodified) is amended to read as  
2 follows:

|    |   |                                 |
|----|---|---------------------------------|
| 3  | <b>FOR THE COUNTY ROAD ADMINISTRATION BOARD</b>         |                                 |
| 4  | Rural Arterial Trust Account--State Appropriation . . . | ((( <del>\$51,000,000</del> ))) |
| 5  |   | <u>\$73,000,000</u>             |
| 6  | Motor Vehicle Account--State Appropriation . . . . .    | \$1,048,000                     |
| 7  | County Arterial Preservation Account--State             |                                 |
| 8  | Appropriation . . . . .                                 | \$31,400,000                    |
| 9  | TOTAL APPROPRIATION . . . . .                           | ((( <del>\$83,448,000</del> ))) |
| 10 |   | <u>\$105,448,000</u>            |

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

13             (1) \$1,048,000 of the motor vehicle account--state appropriation  
14 may be used for county ferry projects as developed pursuant to RCW  
15 47.56.725(4).

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

24             (3) \$22,000,000 of the rural arterial trust account--state  
25 appropriation is provided solely for additional grants for county road  
26 projects as approved by the county road administration board.

27         **Sec. 302.**   2009 c 470 s 303 (uncodified) is amended to read as  
28 follows:

|    |   |                                  |
|----|---|----------------------------------|
| 29 | <b>FOR THE TRANSPORTATION IMPROVEMENT BOARD</b>       |                                  |
| 30 | Small City Pavement and Sidewalk Account--State       |                                  |
| 31 | Appropriation . . . . .                               | ((( <del>\$5,779,000</del> )))   |
| 32 |   | <u>\$3,927,000</u>               |
| 33 | Urban Arterial Trust Account--State Appropriation . . | ((( <del>\$122,400,000</del> ))) |
| 34 |   | <u>\$123,900,000</u>             |
| 35 | Transportation Improvement Account--State             |                                  |
| 36 | Appropriation . . . . .                               | ((( <del>\$85,643,000</del> )))  |
| 37 |   | <u>\$81,643,000</u>              |

1 TOTAL APPROPRIATION . . . . . ((~~\$213,822,000~~))  
2 \$209,470,000

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

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

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

11 **Sec. 303.** 2009 c 470 s 306 (uncodified) is amended to read as  
12 follows:

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

14 Multimodal Transportation Account--State  
15 Appropriation . . . . . ((~~\$1,000~~))  
16 \$98,000

17 Transportation Partnership Account--State  
18 Appropriation . . . . . ((~~\$1,723,834,000~~))  
19 \$1,665,644,000

20 Motor Vehicle Account--State Appropriation . . . . . ((~~\$80,735,000~~))  
21 \$85,534,000

22 Motor Vehicle Account--Federal Appropriation . . . . . ((~~\$410,341,000~~))  
23 \$570,107,000

24 Motor Vehicle Account--Private/Local  
25 Appropriation . . . . . ((~~\$65,494,000~~))  
26 \$70,714,000

27 Special Category C Account--State Appropriation . . . . . ((~~\$24,549,000~~))  
28 \$25,221,000

29 Transportation 2003 Account (Nickel Account)--State  
30 Appropriation . . . . . ((~~\$703,708,000~~))  
31 \$713,205,000

32 Freight Mobility Multimodal Account--State  
33 Appropriation . . . . . ((~~\$4,422,000~~))  
34 \$4,574,000

35 Tacoma Narrows Toll Bridge Account--State  
36 Appropriation . . . . . ((~~\$788,000~~))  
37 \$789,000

1 State Route Number 520 Corridor Account--State  
 2 Appropriation . . . . . ((\$106,000,000))  
 3 \$231,763,000  
 4 State Route Number 520 Civil Penalties Account--State  
 5 Appropriation . . . . . \$1,190,000  
 6 TOTAL APPROPRIATION . . . . . ((\$3,119,872,000))  
 7 \$3,368,839,000

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

10 (1) Except as provided otherwise in this section, the entire  
 11 transportation 2003 account (nickel account) appropriation and the  
 12 entire transportation partnership account appropriation are provided  
 13 solely for the projects and activities as listed by fund, project, and  
 14 amount in LEAP Transportation Document ((2009-1)) 2010-1 as developed  
 15 ((April 24, 2009)) March 8, 2010, Program - Highway Improvement Program  
 16 (I). However, limited transfers of specific line-item project  
 17 appropriations may occur between projects for those amounts listed  
 18 subject to the conditions and limitations in section 603 of this act.

19 ((As a result of economic changes since the initial development  
 20 of the improvement program budget for the 2009-11 fiscal biennium, the  
 21 department has received bids on construction contracts over the last  
 22 several months that are favorable with respect to current estimates of  
 23 project costs. National economic forecasts indicate that inflationary  
 24 pressures are likely to remain lower than previously expected for the  
 25 next several years. As a result, the nominal project cost totals shown  
 26 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11  
 27 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed  
 28 the likely amount necessary to deliver the projects listed within those  
 29 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000  
 30 in the 2011-13 fiscal biennium. The appropriations provided in this  
 31 section for the projects in those biennia are therefore \$63,500,000  
 32 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13  
 33 fiscal biennium than the aggregate total of project costs listed. It  
 34 is the intent of the legislature that the department shall deliver the  
 35 projects listed in LEAP Transportation Document 2009-1 within the time,  
 36 scope, and budgets identified in that document, provided that the  
 37 prices of commodities used in transportation projects do not differ

1 significantly from those assumed for the 2009-11 and 2011-13 fiscal  
2 biennia in the March 2009 forecast of the economic and revenue forecast  
3 council.

4 ~~(3) \$162,900,000))~~ \$163,385,000 of the transportation partnership  
5 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the  
6 state route number 520 corridor account--state appropriation are  
7 provided solely for the state route number 520 bridge replacement and  
8 HOV project. The department shall submit an application for the  
9 eastside transit and HOV project to the supplemental discretionary  
10 grant program for regionally significant projects as provided in the  
11 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route  
12 number 520 improvements shall be designed and constructed to  
13 accommodate a future full interchange at 124th Avenue Northeast.  
14 Concurrent with the eastside transit and HOV project, the department  
15 shall conduct engineering design of a full interchange at 124th Avenue  
16 Northeast. The amount provided in this subsection from the state route  
17 number 520 corridor account--state appropriation is contingent on the  
18 enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)  
19 either Engrossed Substitute House Bill No. 2326 or other legislation  
20 authorizing bonds for the state route number 520 corridor projects. If  
21 the conditions of this subsection are not satisfied, the state route  
22 number 520 corridor account--state appropriation shall lapse.~~

23 ~~(4))~~ (3) As required under section 305(6), chapter 518, Laws of  
24 2007, the department shall report by January 2010 to the transportation  
25 committees of the legislature on the findings of the King county noise  
26 reduction solutions pilot project.

27 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided  
28 solely for the purpose of project impact mitigation, and shall not be  
29 used to develop or otherwise participate in the environmental  
30 assessment process.

31 ~~((+6))~~ (5) The department shall apply for surface transportation  
32 program (STP) enhancement funds to be expended in lieu of or in  
33 addition to state funds for eligible costs of projects in Programs I  
34 and P including, but not limited to, the SR 518, SR 520, Columbia river  
35 crossing, and Alaskan Way viaduct projects.

36 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning  
37 July 1, 2009, provide to the office of financial management and the  
38 legislature reports providing the status on each active project funded

1 in part or whole by the transportation 2003 account (nickel account) or  
2 the transportation partnership account. Funding provided at a  
3 programmatic level for transportation partnership account and  
4 transportation 2003 account (nickel account) projects relating to  
5 bridge rail, guard rail, fish passage barrier removal, and roadside  
6 safety projects should be reported on a programmatic basis. Projects  
7 within this programmatic level funding should be completed on a  
8 priority basis and scoped to be completed within the current  
9 programmatic budget. (~~The department shall work with the office of  
10 financial management and the transportation committees of the  
11 legislature to agree on report formatting and elements. Elements must  
12 include, but not be limited to, project scope, schedule, and costs.  
13 For~~) Report formatting and elements must be consistent with the  
14 October 2009 quarterly project report. On a representative sample of  
15 new construction contracts valued at fifteen million dollars or more,  
16 the department must also use an earned value method of project  
17 monitoring. (~~The department shall also provide the information  
18 required under this subsection on a quarterly basis via the  
19 transportation executive information systems (TEIS).~~

20 ~~(+8))~~ (7) The transportation 2003 account (nickel account)--state  
21 appropriation includes up to (~~(\$628,000,000)~~) \$653,630,000 in proceeds  
22 from the sale of bonds authorized by RCW 47.10.861.

23 ~~((+9))~~ (8) The transportation partnership account--state  
24 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,347,939,000 in  
25 proceeds from the sale of bonds authorized in RCW 47.10.873.

26 ~~((+10))~~ (9) The special category C account--state appropriation  
27 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of  
28 bonds authorized in RCW 47.10.812.

29 ~~((+11))~~ (10) The motor vehicle account--state appropriation  
30 includes up to (~~(\$31,500,000)~~) \$43,000,000 in proceeds from the sale of  
31 bonds authorized in RCW 47.10.843.

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

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



1 (a) Evaluate the potential diversion of traffic from Interstate 5  
2 to other parts of the transportation system when tolls are implemented  
3 on Interstate 5 in the vicinity of the Columbia river;

4 (b) Evaluate the most advanced tolling technology to maintain  
5 travel time speed and reliability for users of the Interstate 5 bridge;

6 (c) Evaluate available active traffic management technology to  
7 determine the most effective options for technology that could maintain  
8 travel time speed and reliability on the Interstate 5 bridge;

9 (d) Confer with the project sponsor's council, as well as local and  
10 regional governing bodies adjacent to the Interstate 5 Columbia river  
11 crossing corridor and the Interstate 205 corridor regarding the  
12 implementation of tolls, the impacts that the implementation of tolls  
13 might have on the operation of the corridors, the diversion of traffic  
14 to local streets, and potential mitigation measures;

15 (e) Regularly report to the Washington transportation commission  
16 regarding the progress of the study for the purpose of guiding the  
17 commission's potential toll setting on the facility;

18 (f) Research and evaluate options for a potential toll-setting  
19 framework between the Oregon and Washington transportation commissions;

20 (g) Conduct public work sessions and open houses to provide  
21 information to citizens, including users of the bridge and business and  
22 freight interests, regarding implementation of tolls on the Interstate  
23 5 and to solicit citizen views on the following items:

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

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

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

30 (h) Provide a report to the governor and the legislature by January  
31 2010.

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

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

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

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

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

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

16 (14) (~~(\$9,199,985)~~) \$6,488,000 of the motor vehicle account--state  
17 appropriation (~~(is)~~) and \$5,000 of the motor vehicle account--federal  
18 appropriation are provided solely for project 100224I, (~~(as identified~~  
19 ~~in the LEAP transportation document in subsection (1) of this~~  
20 ~~section\*)~~) US 2 high priority safety project. Expenditure of these  
21 funds is for safety projects on state route number 2 between Monroe and  
22 Gold Bar, which may include median rumble strips, traffic cameras, and  
23 electronic message signs.

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

27 (16) The department shall conduct a public outreach process to  
28 identify and respond to community concerns regarding the Belfair  
29 bypass. The process must include representatives from Mason county,  
30 the legislature, area businesses, and community members. The  
31 department shall use this process to consider and develop design  
32 alternatives that alter the project's scope so that the community's  
33 needs are met within the project budget. The department shall provide  
34 a report on the process and outcomes to the legislature by June 30,  
35 2010.

36 (17) The legislature is committed to the timely completion of R8A  
37 which supports the construction of sound transit's east link.  
38 Following the completion of the independent analysis of the

1 methodologies to value the reversible lanes on Interstate 90 which may  
2 be used for high capacity transit as directed in section 204 of this  
3 act, the department shall complete the process of negotiations with  
4 sound transit. Such agreement shall be completed no later than  
5 December 1, 2009.

6 (18) \$250,000 of the motor vehicle account--state appropriation is  
7 provided solely for the design and construction of a right turn lane to  
8 improve visibility and traffic flow on state route number 195 and  
9 Cheney-Spokane Road (project L1000001).

10 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal  
11 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--  
12 state appropriation are provided solely for the Westview school noise  
13 wall (project WESTV).

14 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state  
15 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--  
16 federal appropriation are provided solely for interchange design and  
17 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

18 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership  
19 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle  
20 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor  
21 vehicle account--private/local appropriation, and (~~(\$1,482,066)~~)  
22 \$4,334,000 of the motor vehicle account--federal appropriation are  
23 provided solely for project 400506A, the I-5/Columbia river  
24 crossing/Vancouver project. The funding described in this subsection  
25 includes a (~~(\$30,003,473)~~) \$30,000,000 contribution from the state of  
26 Oregon.

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

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

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

3 ~~((The state route number 520 corridor account state  
4 appropriation includes up to \$106,000,000 in proceeds from the sale of  
5 bonds authorized in Engrossed Substitute House Bill No. 2326 or in  
6 legislation authorizing bonds for the state route number 520 corridor  
7 projects. If Engrossed Substitute House Bill No. 2326, or legislation  
8 authorizing bonds for the state route number 520 corridor projects, is  
9 not enacted by June 30, 2009, the amount provided in this subsection  
10 shall lapse.~~

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

18 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation  
19 document described in subsection (1) of this section is expanded to  
20 include safety and congestion improvements from the Key Peninsula  
21 Highway to the vicinity of Purdy. The department shall consult with  
22 the Washington traffic safety commission to ensure that this project  
23 includes improvements at intersections and along the roadway to reduce  
24 the frequency and severity of collisions related to roadway conditions  
25 and traffic congestion.

26 ~~((+26) \$10,600,000))~~ (25) \$8,890,000 of the transportation  
27 partnership account--state appropriation is provided solely for project  
28 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage  
29 2 and 3 project, as indicated in the LEAP transportation document  
30 referenced in subsection (1) of this section. ~~((Funds shall be used  
31 solely for preliminary engineering on stages 2 and 3 of this project.~~

32 ~~(+27))~~ (26) The department shall continue to work with the local  
33 partners in developing transportation solutions necessary for the  
34 economic growth in the Red Mountain American Viticulture Area of Benton  
35 county.

36 ~~((+28))~~ (27) For highway construction projects where the  
37 department considers agricultural lands of long-term commercial  
38 significance, as defined in RCW 36.70A.030, in reviewing and selecting

1 sites to meet environmental mitigation requirements under the national  
2 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state  
3 environmental policy act (chapter 43.21C RCW), the department shall, to  
4 the greatest extent possible, consider using public land first. If  
5 public lands are not available that meet the required environmental  
6 mitigation needs, the department may use other sites while making every  
7 effort to avoid any net loss of agricultural lands that have a  
8 designation of long-term commercial significance.

9 ~~((+29+))~~ (28) Within the motor vehicle account--state appropriation  
10 and motor vehicle account--federal appropriation, the department may  
11 transfer funds between programs I and P, except for funds that are  
12 otherwise restricted in this act.

13 ~~((+30+))~~ (29) Within the amounts provided in this section, \$200,000  
14 of the transportation partnership account--state appropriation is  
15 provided solely for the department to prepare a comprehensive tolling  
16 study of the state route number 167 corridor to determine the  
17 feasibility of administering tolls within the corridor, identified as  
18 project number 316718A in the LEAP transportation document described in  
19 subsection (1) of this section. The department shall report to the  
20 joint transportation committee by September 30, 2010. The department  
21 shall regularly report to the Washington transportation commission  
22 regarding the progress of the study for the purpose of guiding the  
23 commission's potential toll setting on the facility. The elements of  
24 the study must include, at a minimum:

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

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

28 (c) Economic considerations for future system investments.

29 ~~((+31+))~~ (30) Within the amounts provided in this section, \$200,000  
30 of the transportation partnership account--state appropriation is  
31 provided solely for the department to prepare a comprehensive tolling  
32 study of the state route number 509 corridor to determine the  
33 feasibility of administering tolls within the corridor, identified as  
34 project number 850901F in the LEAP transportation document described in  
35 subsection (1) of this section. The department shall report to the  
36 joint transportation committee by September 30, 2010. The department  
37 shall regularly report to the Washington transportation commission

1 regarding the progress of the study for the purpose of guiding the  
2 commission's potential toll setting on the facility. The elements of  
3 the study must include, at a minimum:

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

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

7 (c) Economic considerations for future system investments.

8 ~~((+32+))~~ (31) Within the amounts provided in this section,  
9 \$28,000,000 of the transportation partnership account--state  
10 appropriation is for project 600010A, as identified in the LEAP  
11 transportation document in subsection (1) of this section: NSC-North  
12 Spokane corridor design and right-of-way - new alignment. Expenditure  
13 of these funds is for preliminary engineering and right-of-way  
14 purchasing to prepare for four lanes to be built from where existing  
15 construction ends at Francis Avenue for three miles to the Spokane  
16 river. Additionally, any savings realized on project 600001A, as  
17 identified in the LEAP transportation document in subsection (1) of  
18 this section: US 395/NSC-Francis Avenue to Farwell Road - New  
19 Alignment, must be applied to project 600010A.

20 ~~((+33+))~~ (32) \$400,000 of the motor vehicle account--state  
21 appropriation is provided solely for the department to conduct a state  
22 route number 2 route development plan (project L2000016) that will  
23 identify essential improvements needed between the port of  
24 Everett/Naval station and approaching the state route number 9  
25 interchange near the city of Snohomish.

26 ~~((+34+))~~ (33) If the SR 26 - Intersection and Illumination  
27 Improvements are not completed by June 30, 2009, the department shall  
28 ensure that the improvements are completed as soon as practicable after  
29 June 30, 2009, and shall submit monthly progress reports on the  
30 improvements beginning July 1, 2009.

31 ~~((+35+))~~ (34) \$200,000 of the transportation partnership account--  
32 state appropriation, identified on project number 400506A in the LEAP  
33 transportation document described in subsection (1) of this section, is  
34 provided solely for the department to work with the department of  
35 archaeology and historic preservation to ensure that the cultural  
36 resources investigation is properly conducted on the Columbia river  
37 crossing project. This project must be conducted with active  
38 archaeological management and result in one report that spans the

1 single cultural area in Oregon and Washington. Additionally, the  
2 department shall establish a scientific peer review of independent  
3 archaeologists that are knowledgeable about the region and its cultural  
4 resources.

5 ~~((+36+))~~ (35) The department shall work with the department of  
6 archaeology and historic preservation to ensure that the cultural  
7 resources investigation is properly conducted on all mega-highway  
8 projects and large ferry terminal projects. These projects must be  
9 conducted with active archaeological management. Additionally, the  
10 department shall establish a scientific peer review of independent  
11 archaeologists that are knowledgeable about the region and its cultural  
12 resources.

13 ~~((+37+))~~ (36) Within the amounts provided in this section,  
14 \$1,500,000 of the motor vehicle account--state appropriation is  
15 provided solely for necessary work along the south side of SR 532,  
16 identified as project number 053255C in the LEAP transportation  
17 document described in subsection (1) of this section.

18 ~~((+38+))~~ (37) \$10,000,000 of the transportation partnership  
19 account--state appropriation is provided solely for the Spokane street  
20 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -  
21 Replacement project as indicated in the LEAP transportation document  
22 referenced in subsection (1) of this section.

23 ~~((+39+))~~ (38) The department shall conduct a public outreach  
24 process to identify and respond to community concerns regarding the  
25 portion of John's Creek Road that connects state route number 3 and  
26 state route number 101. The process must include representatives from  
27 Mason county, the legislature, area businesses, and community members.  
28 The department shall use this process to consider, develop, and design  
29 a project scope so that the community's needs are met for the lowest  
30 cost. The department shall provide a report on the process and  
31 outcomes to the legislature by June 30, 2010.

32 ~~((+40+))~~ (39) The department shall apply for the competitive  
33 portion of federal transit administration funds for eligible transit-  
34 related costs of the state route number 520 bridge replacement and HOV  
35 project and the Columbia river crossing project. The federal funds  
36 described in this subsection must not include those federal transit  
37 administration funds distributed by formula. The department shall

1 provide a report regarding this effort to the legislature by January 1,  
2 2010.

3 (40) \$5,500,000 of the motor vehicle account--federal appropriation  
4 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown  
5 project, identified as project L1000034.

6 (41) \$2,244,000 of the motor vehicle account--federal appropriation  
7 and \$122,000 of the motor vehicle account--state appropriation are  
8 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -  
9 Build New Highway project, identified as project 501210T.

10 (42) \$790,000 of the motor vehicle account--federal appropriation  
11 is provided solely for the Express Lanes System Concept Study project,  
12 identified as project 800020A. As part of this project, the department  
13 shall prepare a comprehensive tolling study of the Interstate 5 express  
14 lanes to determine the feasibility of administering tolls within the  
15 corridor. The department shall regularly report to the Washington  
16 transportation commission regarding the progress of the study. The  
17 elements of the study must include, at a minimum:

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

20 (ii) Maximizing the efficient operation of the corridor;

21 (iii) Economic considerations for future system investments; and

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

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

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

34 (44) \$226,000 of the motor vehicle account--federal appropriation  
35 and \$9,000 of the motor vehicle account--state appropriation are  
36 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage  
37 Road project (301639C). These funds must not be expended before an



1 agreement stating that the city of Gig Harbor will take ownership of  
2 the road has been signed. The frontage road must be built for driving  
3 speeds of no more than thirty-five miles per hour.

4 (45) The department shall work with the Washington state  
5 transportation commission, the Oregon state department of  
6 transportation, and the Oregon state transportation commission to  
7 analyze and review potential options for a bistate, toll setting  
8 framework. As part of the analysis, the department shall undertake the  
9 following actions: Review statutory provisions and the governance  
10 structures of toll facilities in the United States that are located  
11 within two or more states; review relevant federal law regarding  
12 transportation facilities that are located within two or more states;  
13 consult with the state treasurers in Washington and Oregon regarding  
14 the appropriate structure for the issuance of debt for toll facilities  
15 that are located within two states; report findings and recommendations  
16 to the Columbia river project sponsor's council by October 1, 2010; and  
17 provide a final report to the governor and the legislature by June 30,  
18 2011.

19 (46) \$750,000 of the motor vehicle account--state appropriation is  
20 provided solely for improvements from Allan Road to state route number  
21 12 (501207Z).

22 (47) \$500,000 of the motor vehicle account--state appropriation is  
23 provided solely for a traffic signal at the intersection of state route  
24 number 7 and state route number 702 (300738A).

25 (48) \$750,000 of the motor vehicle account--state appropriation is  
26 provided solely for environmental work on the Belfair Bypass (project  
27 300344C).

28 (49) The legislature finds that state route number 522 corridor  
29 provides an important link between Interstates 5 and 405 and will be  
30 impacted by diversion from tolling elsewhere in the region. State  
31 route number 522 must be reviewed as part of the scoping work conducted  
32 under section 220(4) of this act. As such, the legislature intends to  
33 provide additional funding for the corridor as a priority in the next  
34 revenue package. The state will work with the affected cities and the  
35 federal government to secure the necessary resources to address the  
36 needs of this critical corridor.

37 (50) \$500,000 of the motor vehicle account--state appropriation is

1 provided solely for the US 12/SR 122/Mosseyrock - Intersection project  
2 (401212R) for safety improvements.

3 (51) \$200,000 of the motor vehicle account--federal appropriation  
4 is provided solely for project US 97A/North of Wenatchee - Wildlife  
5 Fence (209790B), and an offsetting reduction is anticipated in the  
6 2011-13 biennium.

7 (52) If a planned roundabout in the vicinity of state route number  
8 526 and 40th Avenue West would divert commercial traffic onto  
9 neighborhood streets, the department may not proceed with improvements  
10 at state route number 526 and 84th Street SW until the traffic impacts  
11 in the vicinity of state route number 526 and 40th Avenue West are  
12 addressed.

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

17 (54) \$2,600,000 of the motor vehicle account--federal appropriation  
18 is provided solely for the ITS Advanced Traveler Information System  
19 project in Whatcom county (100589B).

20 (55) \$900,000 of the motor vehicle account--federal appropriation  
21 is provided solely for the US 97/Cameron Lake Road intersection  
22 improvements project in Okanogan county (209700W).

23 (56) \$400,000 of the motor vehicle account--federal appropriation  
24 and \$100,000 of the motor vehicle account--state appropriation are  
25 provided solely for the SR 9/SR 204 Intersection Improvement project  
26 (L2000040).

27 (57) The legislature finds that the state route number 12 widening  
28 from state route number 124 to Walla Walla is an important east-west  
29 corridor in the southeast region of the state. Widening the highway to  
30 four lanes will increase safety and improve freight mobility.  
31 Therefore, the legislature intends for the department to use up to two  
32 million dollars in future redistributed federal obligation authority  
33 that may be received by the department for right-of-way purchase for  
34 the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A  
35 project (501210T).

36 **Sec. 304.** 2009 c 470 s 307 (uncodified) is amended to read as  
37 follows:

|    |  |                                |
|----|--|--------------------------------|
| 1  | <b>FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P</b> |                                |
| 2  | Transportation Partnership Account--State                            |                                |
| 3  | Appropriation . . . . .  | (( <del>\$103,077,000</del> )) |
| 4  |  | <u>\$75,305,000</u>            |
| 5  | Motor Vehicle Account--State Appropriation . . . . .                 | (( <del>\$88,142,000</del> ))  |
| 6  |  | <u>\$96,884,000</u>            |
| 7  | Motor Vehicle Account--Federal Appropriation . . . . .               | (( <del>\$524,954,000</del> )) |
| 8  |  | <u>\$556,705,000</u>           |
| 9  | Motor Vehicle Account--Private/Local Appropriation . . . . .         | (( <del>\$6,417,000</del> ))   |
| 10 |  | <u>\$18,768,000</u>            |
| 11 | Transportation 2003 Account (Nickel Account)--State                  |                                |
| 12 | Appropriation . . . . .  | (( <del>\$7,237,000</del> ))   |
| 13 |  | <u>\$6,328,000</u>             |
| 14 | Puyallup Tribal Settlement Account--State                            |                                |
| 15 | Appropriation . . . . .  | (( <del>\$6,500,000</del> ))   |
| 16 |  | <u>\$6,636,000</u>             |
| 17 | TOTAL APPROPRIATION . . . . .  | (( <del>\$736,327,000</del> )) |
| 18 |  | <u>\$760,626,000</u>           |

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

21 (1) Except as provided otherwise in this section, the entire  
22 transportation 2003 account (nickel account) appropriation and the  
23 entire transportation partnership account appropriation are provided  
24 solely for the projects and activities as listed by fund, project, and  
25 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed  
26 ((~~April 24, 2009~~)) March 8, 2010, Program - Highway Preservation  
27 Program (P). However, limited transfers of specific line-item project  
28 appropriations may occur between projects for those amounts listed  
29 subject to the conditions and limitations in section 603 of this act.

30 (2) ((~~\$544,639~~)) \$542,000 of the motor vehicle account--federal  
31 appropriation and ((~~\$455,361~~)) \$453,000 of the motor vehicle account--  
32 state appropriation are provided solely for project 602110F, ((~~as~~  
33 ~~identified in the LEAP transportation document in subsection (1) of~~  
34 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are  
35 provided solely for preservation work on the existing vessel, the  
36 Martha S.

37 (3) The department shall apply for surface transportation program

1 (STP) enhancement funds to be expended in lieu of or in addition to  
2 state funds for eligible costs of projects in Programs I and P.

3 (4) (~~(\$6,500,000)~~) \$6,636,000 of the Puyallup tribal settlement  
4 account--state appropriation is provided solely for (~~mitigation~~)  
5 costs associated with the Murray Morgan/11th Street bridge  
6 (~~demolition. The department may negotiate with the city of Tacoma for~~  
7 ~~the purpose of transferring ownership of the Murray Morgan/11th Street~~  
8 ~~bridge to the city. If the city agrees to accept ownership of the~~  
9 ~~bridge, the department~~) project. The city of Tacoma may use the  
10 Puyallup tribal settlement account appropriation and other appropriated  
11 funds for bridge rehabilitation, bridge replacement, bridge demolition,  
12 and related mitigation. The department's participation, including  
13 prior expenditures, may not exceed (~~(\$39,953,000)~~) \$40,270,000.  
14 (~~Funds may not be expended unless~~) The city of Tacoma (~~agrees to~~  
15 ~~take~~) has taken ownership of the bridge in its entirety, and  
16 (~~provides that~~) the payment of these funds extinguishes any real or  
17 implied agreements regarding future bridge expenditures.

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

23 (6) The department shall, on a quarterly basis beginning July 1,  
24 2009, provide to the office of financial management and the legislature  
25 reports providing the status on each active project funded in part or  
26 whole by the transportation 2003 account (nickel account) or the  
27 transportation partnership account. Funding provided at a programmatic  
28 level for transportation partnership account projects relating to  
29 seismic bridges should be reported on a programmatic basis. Projects  
30 within this programmatic level funding should be completed on a  
31 priority basis and scoped to be completed within the current  
32 programmatic budget. The department shall work with the office of  
33 financial management and the transportation committees of the  
34 legislature to agree on report formatting and elements. Elements must  
35 include, but not be limited to, project scope, schedule, and costs.  
36 For new construction contracts valued at fifteen million dollars or  
37 more, the department must also use an earned value method of project

1 monitoring. The department shall also provide the information required  
2 under this subsection on a quarterly basis via the transportation  
3 executive information systems (TEIS).

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

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

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

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

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

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

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

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

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

34 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state  
35 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle  
36 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the  
37 transportation partnership account--state appropriation are provided

1 solely for the SR 104/Hood Canal bridge - replace east half project,  
2 identified as project 310407B in the LEAP transportation document  
3 described in subsection (1) of this section.

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

8 (11) Within the amounts provided in this section, \$1,510,000 of the  
9 motor vehicle account--state appropriation is provided solely to  
10 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

11 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--  
12 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--  
13 state appropriation are provided solely for the environmental impact  
14 statement and preliminary planning for the replacement of the state  
15 route number 9 Snohomish river bridge (project L2000018).

16 (13) \$12,503,000 of the motor vehicle account--federal  
17 appropriation and \$497,000 of the motor vehicle account--state  
18 appropriation are provided solely for the SR 410/Nile Valley Landslide  
19 - Establish Interim Detour project (541002R).

20 (14) \$4,239,000 of the motor vehicle account--federal appropriation  
21 and \$662,000 of the motor vehicle account--state appropriation are  
22 provided solely for the SR 410/Nile Valley Landslide - Reconstruct  
23 Route project (541002T).

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

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

37 (17) \$2,100,000 of the motor vehicle account--federal appropriation

1 is provided solely for the SR 21/Kettle River to Malo paving project in  
2 Ferry county (602117A).

3 **Sec. 305.** 2009 c 470 s 308 (uncodified) is amended to read as  
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
6 **CAPITAL**

|    |   |                               |
|----|---|-------------------------------|
| 7  | Motor Vehicle Account--State Appropriation . . . . .                | (( <del>\$6,394,000</del> ))  |
| 8  |   | <u>\$8,158,000</u>            |
| 9  | Motor Vehicle Account--Federal Appropriation . . . . .              | (( <del>\$9,262,000</del> ))  |
| 10 |   | <u>\$18,037,000</u>           |
| 11 | <u>Motor Vehicle Account--Private/Local Appropriation . . . . .</u> | <u>\$173,000</u>              |
| 12 | TOTAL APPROPRIATION . . . . .                                       | (( <del>\$15,656,000</del> )) |
| 13 |   | <u>\$26,368,000</u>           |

14 **Sec. 306.** 2009 c 470 s 309 (uncodified) is amended to read as  
15 follows:

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

|    |   |                                |
|----|---|--------------------------------|
| 18 | Puget Sound Capital Construction Account--State     |                                |
| 19 | Appropriation . . . . .                             | (( <del>\$118,752,000</del> )) |
| 20 |   | <u>\$126,824,000</u>           |
| 21 | Puget Sound Capital Construction Account--Federal   |                                |
| 22 | Appropriation . . . . .                             | (( <del>\$38,306,000</del> ))  |
| 23 |   | <u>\$60,364,000</u>            |
| 24 | Puget Sound Capital Construction Account--Local     |                                |
| 25 | Appropriation . . . . .                             | (( <del>\$8,492,000</del> ))   |
| 26 |   | <u>\$200,000</u>               |
| 27 | Transportation 2003 Account (Nickel Account)--State |                                |
| 28 | Appropriation . . . . .                             | \$51,734,000                   |
| 29 | Transportation Partnership Account--State           |                                |
| 30 | Appropriation . . . . .                             | (( <del>\$67,234,000</del> ))  |
| 31 |   | <u>\$66,879,000</u>            |
| 32 | Multimodal Transportation Account--State            |                                |
| 33 | Appropriation . . . . .                             | (( <del>\$170,000</del> ))     |
| 34 |   | <u>\$149,000</u>               |
| 35 | TOTAL APPROPRIATION . . . . .                       | (( <del>\$284,688,000</del> )) |
| 36 |   | <u>\$306,150,000</u>           |

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

3 (1) (~~(\$118,752,000)~~) \$126,824,000 of the Puget Sound capital  
4 construction account--state appropriation, (~~(\$38,306,000)~~) \$60,364,000  
5 of the Puget Sound capital construction account--federal appropriation,  
6 (~~(\$8,492,000)~~) \$200,000 of the Puget Sound capital construction  
7 account--local appropriation, (~~(\$67,234,000)~~) \$66,879,000 of the  
8 transportation partnership account--state appropriation, \$51,734,000 of  
9 the transportation 2003 account (nickel account)--state appropriation,  
10 and (~~(\$170,000)~~) \$149,000 of the multimodal transportation account--  
11 state appropriation are provided solely for ferry capital projects,  
12 project support, and administration as listed in LEAP Transportation  
13 Document ALL PROJECTS (~~(2009-2)~~) 2010-2 as developed (~~(April 24, 2009)~~)  
14 March 8, 2010, Program - Ferries Construction Program (W). Of the  
15 total appropriation, a maximum of \$10,627,000 may be used for  
16 administrative support, a maximum of \$8,184,000 may be used for  
17 terminal project support, and a maximum of \$4,497,000 may be used for  
18 vessel project support. Of the total appropriation, \$5,851,000 is  
19 provided solely for a reservation system and associated communications  
20 projects.

21 (2) \$51,734,000 of the transportation 2003 account (nickel  
22 account)--state appropriation (~~and~~), \$63,100,000 of the  
23 transportation partnership account--state appropriation, and  
24 \$10,164,000 of the Puget Sound capital construction account--state  
25 appropriation are provided solely for the acquisition of three new  
26 Island Home class ferry vessels subject to the conditions of RCW  
27 47.56.780. The department shall pursue a contract for the second and  
28 third Island Home class ferry vessels with an option to purchase a  
29 fourth Island Home class ferry vessel. However, if sufficient  
30 resources are available to build one 144-auto vessel prior to  
31 exercising the option to build the fourth Island Home class ferry  
32 vessel, procurement of the fourth Island Home class ferry vessel will  
33 be postponed and the department shall pursue procurement of a 144-auto  
34 vessel.

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

37 (b) The department may add additional passenger capacity to one of



1 the Island Home class ferry vessels to make it more flexible within the  
2 system in the future, if doing so does not require additional staffing  
3 on the vessel.

4 (c) Cost savings from the following initiatives will be included in  
5 the funding of these vessels: The department's review and update of  
6 the vessel life-cycle cost model as required under this section; and  
7 the implementation of technology efficiencies as required under section  
8 602 of this act.

9 ~~(3) ((\$2,450,000 of the Puget Sound capital construction account--~~  
10 ~~state appropriation is provided solely for contingencies associated~~  
11 ~~with closing out the existing contract for the technical design of the~~  
12 ~~144-auto vessel and the storage and maintenance of vessel owner-~~  
13 ~~furnished equipment already procured. The department shall use as much~~  
14 ~~of the already procured equipment as is practicable on the Island Home~~  
15 ~~class ferry vessel if it is likely to be obsolete before it is used in~~  
16 ~~procured 144-auto vessels.))~~ (a) \$8,450,000 of the Puget Sound capital  
17 construction account--state appropriation and \$2,450,000 of the  
18 transportation partnership account--state appropriation are provided  
19 solely for the following projects related to the design of a 144-  
20 vehicle vessel class: (i) \$1,380,000 is provided solely for completion  
21 of the contract for owner-furnished equipment; (ii) \$8,320,000 is  
22 provided solely for completion of the technical design, detail design,  
23 and production drawings, all of which must plan for an aluminum  
24 superstructure; (iii) \$480,000 is provided solely for the storage of  
25 owner-furnished equipment; and (iv) a maximum of \$720,000 is for  
26 construction engineering. In completing the contract for owner-  
27 furnished equipment, the department shall use as much of the already  
28 procured equipment as is practicable on the Island Home class ferry  
29 vessels if it is likely to be obsolete before it is used in procured  
30 144-vehicle vessels.

31 (b) The department shall conduct a cost-benefit study on  
32 alternative furnishings and fittings for the 144-vehicle vessel class.  
33 The study must review the proposed interior furnishings and fittings  
34 for the long-term maintenance and out-of-service vessel costs and, if  
35 appropriate, propose alternative interior furnishings and fittings that  
36 will decrease long-term maintenance and out-of-service vessel costs.  
37 The study must include a projection of out-of-service time and a life-

1 cycle cost analysis of planned out-of-service time, including the  
2 impact on fleet size. The department must submit the study to the  
3 joint transportation committee by August 1, 2010.

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

8 (4) \$6,300,000 of the Puget Sound capital construction account--  
9 state appropriation is provided solely for emergency capital costs.

10 (5) ~~((The Anacortes terminal may be replaced if additional federal~~  
11 ~~funds are sought and received by the department. If federal funds~~  
12 ~~received are not sufficient to replace the terminal, only usable,~~  
13 ~~discrete phases of the project, up to the amount of federal funds~~  
14 ~~received, may be constructed with the funds.))~~ \$3,000,000 of the Puget  
15 Sound capital construction account--federal appropriation is provided  
16 solely for completing the Anacortes terminal design up to the maximum  
17 allowable construction cost phase. Beyond preparing environmental  
18 work, these funds may be spent only after the following conditions have  
19 been met: (a) A value engineering process is conducted on the existing  
20 design and the concept of a terminal building smaller than preferred  
21 alternative; (b) the office of financial management participates in the  
22 value engineering process; (c) the office of financial management  
23 concurs with the recommendations of the value engineering process; and  
24 (d) the office of financial management gives its approval to proceed  
25 with the design work.

26 (6) \$3,965,000 of the Puget Sound capital construction account--  
27 state appropriation is provided solely for the following vessel  
28 projects: Waste heat recovery pilot project for the Issaquah; jumbo  
29 Mark 1 class steering gear ventilation pilot project; and ((a new  
30 propulsion system for the MV Yakima)) improvements to the Yakima and  
31 Kaleetan propulsion controls to allow for two engine operation. Before  
32 beginning these projects, the Washington state ferries must ensure the  
33 vessels' out-of-service time does not negatively impact service to the  
34 system.

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

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

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

20 ~~(((\$3,763,000 of the total appropriation is provided solely for~~  
21 ~~the Washington state ferries to develop a reservation system. The~~  
22 ~~department shall complete a predesign study and present the study to~~  
23 ~~the joint transportation committee by November 1, 2009. This analysis~~  
24 ~~must include an evaluation of the compatibility of the Washington state~~  
25 ~~ferries' electronic fare system, proposed reservation system, and the~~  
26 ~~implementation of smart card. The department may not implement a~~  
27 ~~statewide reservation system until the department is authorized to do~~  
28 ~~so in the 2010 supplemental omnibus transportation appropriations act.~~

29 ~~(11))~~ \$1,200,000 of the total appropriation is provided solely for  
30 improving the toll booth configuration at the Port Townsend and  
31 Keystone ferry terminals.

32 ~~((12) \$3,249,915))~~ (11) \$2,636,000 of the total appropriation is  
33 provided solely for continued permitting ~~((and archaeological work in~~  
34 ~~order to determine the feasibility of relocating))~~ work on the Mukilteo  
35 ferry terminal. ~~((In order to ensure that the cultural resources~~  
36 ~~investigation is properly conducted in a coordinated fashion, the~~  
37 ~~department shall work with the department of archaeology and historic~~

1 ~~preservation and shall conduct work with active archaeological~~  
2 ~~management.))~~ The department shall seek additional federal funding for  
3 this project.

4 ((+13)) (12) The department shall develop a proposed ferry vessel  
5 maintenance, preservation, and improvement program and present it to  
6 the transportation committees of the legislature by July 1, 2010. The  
7 proposal must:

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~((+14))~~ (13) \$247,000 of the Puget Sound capital construction  
4 account--state appropriation is provided solely for the Washington  
5 state ferries to review and update its vessel life-cycle cost model and  
6 report the results to the house of representatives and senate  
7 transportation committees of the legislature by ~~((December 1, 2009))~~  
8 March 15, 2010. This review will evaluate the impact of the planned  
9 out-of-service periods scheduled for each vessel on the ability of the  
10 overall system to deliver uninterrupted service and will assess the  
11 risk of service disruption from unscheduled maintenance or longer than  
12 planned maintenance periods.

13 ~~((+15))~~ (14) The department shall work with the department of  
14 archaeology and historic preservation to ensure that the cultural  
15 resources investigation is properly conducted on all large ferry  
16 terminal projects. These projects must be conducted with active  
17 archaeological management. Additionally, the department shall  
18 establish a scientific peer review of independent archaeologists that  
19 are knowledgeable about the region and its cultural resources.

20 ~~((+16))~~ (15) The Puget Sound capital construction account--state  
21 appropriation includes up to ~~(((\$118,000,000))~~ \$114,000,000 in proceeds  
22 from the sale of bonds authorized in RCW 47.10.843.

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

26 **Sec. 307.** 2009 c 470 s 310 (uncodified) is amended to read as  
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

|   |                              |
|---|------------------------------|
| 29 Essential Rail Assistance Account--State     |                              |
| 30 Appropriation . . . . .                      | <del>(((\$675,000))</del>    |
| 31  | <u>\$333,000</u>             |
| 32 Transportation Infrastructure Account--State |                              |
| 33 Appropriation . . . . .                      | <del>(((\$13,100,000))</del> |
| 34  | <u>\$13,184,000</u>          |
| 35 Multimodal Transportation Account--State     |                              |
| 36 Appropriation . . . . .                      | <del>(((\$68,530,000))</del> |
| 37  | <u>\$102,202,000</u>         |

|   |  |                               |
|---|--|-------------------------------|
| 1 | Multimodal Transportation Account--Federal       |                               |
| 2 | Appropriation . . . . .                          | (( <del>\$16,054,000</del> )) |
| 3 |  | <u>\$619,527,000</u>          |
| 4 | Multimodal Transportation Account--Private/Local |                               |
| 5 | Appropriation . . . . .                          | \$81,000                      |
| 6 | TOTAL APPROPRIATION . . . . .                    | (( <del>\$98,440,000</del> )) |
| 7 |  | <u>\$735,327,000</u>          |

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

10 (1)(a) Except as provided otherwise in this section, the entire  
11 appropriations in this section are provided solely for the projects and  
12 activities as listed by ((~~fund 7~~)) project((~~7~~)) and amount in LEAP  
13 Transportation Document ALL PROJECTS ((~~2009-2~~)) 2010-2 as developed  
14 ((~~April 24, 2009~~)) March 8, 2010, Program - Rail Capital Program (Y).  
15 ((~~However, limited transfers of specific line item project~~  
16 ~~appropriations may occur between projects for those amounts listed~~  
17 ~~subject to the conditions and limitations in section 603 of this act.~~))

18 (b)(i) Within the amounts provided in this section, \$116,000 of the  
19 transportation infrastructure account--state appropriation is for a  
20 low-interest loan through the freight rail investment bank program to  
21 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

22 (ii) Within the amounts provided in this section, \$1,200,000 of the  
23 transportation infrastructure account--state appropriation is for a  
24 low-interest loan through the freight rail investment bank program to  
25 the Port of Everett (BIN 722810A) for a new rail track to connect a  
26 cement loading facility to the mainline.

27 ((~~Within the amounts provided in this section, \$3,684,000 of~~  
28 ~~the transportation infrastructure account state appropriation is for~~  
29 ~~a low-interest loan through the freight rail investment bank program to~~  
30 ~~the Port of Quincy for construction of a rail loop.~~

31 ((~~iv~~)) The department shall issue the loans referenced in this  
32 subsection (1)(b) with a repayment period of no more than ten years,  
33 and only so much interest as is necessary to recoup the department's  
34 costs to administer the loans.

35 (c)(i) Within the amounts provided in this section, ((~~\$1,712,022~~))  
36 \$1,713,000 of the multimodal transportation account--state  
37 appropriation and ((~~\$175,000~~)) \$333,000 of the essential rail  
38 assistance account--state appropriation are for statewide - emergent

1 freight rail assistance projects as follows: Port of Ephrata/Ephrata -  
2 additional spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000;  
3 Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000;  
4 CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)  
5 (~~(\$370,650)~~) \$371,000; (~~Clark County~~) Chelatchie Prairie owned  
6 railroad/Vancouver - track rehabilitation (BIN 710110A) (~~(\$366,813)~~)  
7 \$367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN  
8 711010B) (~~(\$366,813)~~) \$525,000.

9 (ii) (~~Within the amounts provided in this section, \$500,000 of the~~  
10 ~~essential rail assistance account state appropriation and \$25,000 of~~  
11 ~~the multimodal transportation account state appropriation are for a~~  
12 ~~statewide emergent freight rail assistance project grant for the~~  
13 ~~Tacoma Rail/Roy new connection to BNSF and Yelm (BIN 711310A)~~  
14 ~~project, provided that the grantee first executes a written instrument~~  
15 ~~that imposes on the grantee the obligation to repay the grant within~~  
16 ~~thirty days in the event that the grantee discontinues or significantly~~  
17 ~~diminishes service along the line within a period of five years from~~  
18 ~~the date that the grant is awarded.~~

19 (~~iii~~) Within the amounts provided in this section, (~~(\$337,978)~~)  
20 \$338,000 of the multimodal transportation account--state appropriation  
21 is for a statewide - emergent freight rail assistance project grant for  
22 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
23 provided that the grantee first documents to the satisfaction of the  
24 department sufficient commitments from the new shipper or shippers to  
25 locate in the publicly owned industrial park west of Creston to ensure  
26 that the net present value of the public benefits of the project is  
27 greater than the grant amount.

28 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)  
29 \$8,115,000 of the transportation infrastructure account--state  
30 appropriation is for grants to any intergovernmental entity or local  
31 rail district to which the department of transportation assigns the  
32 management and oversight responsibility for the business and economic  
33 development elements of existing operating leases on the Palouse River  
34 and Coulee City (PCC) rail lines. \$300,000 of the transportation  
35 infrastructure account--state appropriation is provided solely for the  
36 fence line replacement project on the CW line. The PCC rail line  
37 system is made up of the CW, P&L, and PV Hooper rail lines. Business  
38 and economic development elements include such items as levels of

1 service and business operating plans, but must not include the state's  
2 oversight of railroad regulatory compliance, rail infrastructure  
3 condition, or real property management issues. The PCC rail system  
4 must be managed in a self-sustaining manner and best efforts must be  
5 used to ensure that it does not require state capital or operating  
6 subsidy beyond the level of state funding expended on it to date. The  
7 assignment of the stated responsibilities to an intergovernmental  
8 entity or rail district must be on terms and conditions as the  
9 department of transportation and the intergovernmental entity or rail  
10 district mutually agree. The grant funds may be used only to refurbish  
11 the rail lines. It is the intent of the legislature to make the funds  
12 appropriated in this section available as grants to an  
13 intergovernmental entity or local rail district for the purposes stated  
14 in this section at least until June 30, 2012, and to reappropriate as  
15 necessary any portion of the appropriation in this section that is not  
16 used by June 30, 2011.

17 (2)(a) The department shall issue a call for projects for the  
18 freight rail investment bank program and the emergent freight rail  
19 assistance program, and shall evaluate the applications according to  
20 the cost benefit methodology developed during the 2008 interim using  
21 the legislative priorities specified in (c) of this subsection. By  
22 November 1, 2010, the department shall submit a prioritized list of  
23 recommended projects to the office of financial management and the  
24 transportation committees of the legislature.

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

36 (c) The legislative priorities to be used in the cost benefit  
37 methodology are, in order of relative importance:



1 (i) Economic, safety, or environmental advantages of freight  
2 movement by rail compared to alternative modes;

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

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

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

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

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

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

16 (4) At the earliest possible date, the department shall apply, and  
17 assist ports and local jurisdictions in applying, for any federal  
18 funding that may be available for any projects that may qualify for  
19 such federal funding. State projects must be (a) currently identified  
20 on the project list referenced in subsection (1)(a) of this section or  
21 (b) projects for which no state match is required to complete the  
22 project. Local or port projects must not require additional state  
23 funding in order to complete the project, with the exception of (c)  
24 state funds currently appropriated for such project if currently  
25 identified on the project list referenced in subsection (1)(a) of this  
26 section or (d) potential grants awarded in the competitive grant  
27 process for the essential rail assistance program. If the department  
28 receives any federal funding, the department is authorized to obligate  
29 and spend the federal funds in accordance with federal law. To the  
30 extent permissible by federal law, federal funds may be used (e) in  
31 addition to state funds appropriated for projects currently identified  
32 on the project list referenced in subsection (1)(a) of this section in  
33 order to advance funding from future biennia for such project(s) or (f)  
34 in lieu of state funds; however, the state funds must be redirected  
35 within the rail capital program to advance funding for other projects  
36 currently identified on the project list referenced in subsection  
37 (1)(a) of this section. State funds may be redirected only upon  
38 consultation with the transportation committees of the legislature and

1 the office of financial management, and approval by the director of the  
2 office of financial management. The department shall spend the federal  
3 funds before the state funds, and shall consult the office of financial  
4 management and the transportation committees of the legislature  
5 regarding project scope changes.

6 (5) The department shall provide quarterly reports to the office of  
7 financial management and the transportation committees of the  
8 legislature regarding applications that the department submits for  
9 federal funds((7)) and the status of such applications((, and the  
10 ~~status of projects identified on the list referenced in subsection~~  
11 ~~(1)(a) of this section. The quarterly report regarding the status of~~  
12 ~~projects identified on the list referenced in subsection (1)(a) of this~~  
13 ~~section must be developed according to an earned value method of~~  
14 ~~project monitoring)).~~

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

21 (7) The multimodal transportation account--state appropriation  
22 includes up to ((\$20,000,000)) \$48,000,000 in proceeds from the sale of  
23 bonds authorized in RCW 47.10.867.

24 ((+7)) (8) When the balance of that portion of the miscellaneous  
25 program account apportioned to the department for the grain train  
26 program reaches \$1,180,000, the department shall acquire twenty-nine  
27 additional grain train railcars.

28 (9) \$590,000,000 of the multimodal transportation account--federal  
29 appropriation is provided solely for high-speed rail projects awarded  
30 to Washington state from the high-speed intercity passenger rail  
31 program under the American recovery and reinvestment act. Funding will  
32 allow for two additional round trips between Seattle and Portland, and  
33 other rail improvements.

34 (10) \$2,200,000 of the multimodal transportation account--state  
35 appropriation is provided solely for expenditures related to the  
36 capital high-speed passenger rail grant that are not federally  
37 reimbursable.

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

(12) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional expenditures along the Chelatchie Prairie railroad (LN2000025).

**Sec. 308.** 2009 c 470 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--  
CAPITAL**

|   |                     |
|---|---------------------|
| Highway Infrastructure Account--State Appropriation . . . . .         | \$207,000           |
| Highway Infrastructure Account--Federal<br>Appropriation . . . . .    | \$1,602,000         |
| Freight Mobility Investment Account--State<br>Appropriation . . . . . | (( \$13,548,000 ))  |
|   | <u>\$13,848,000</u> |
| Transportation Partnership Account--State<br>Appropriation . . . . .  | \$8,863,000         |
| Motor Vehicle Account--State Appropriation . . . . .                  | (( \$12,954,000 ))  |
|   | <u>\$14,068,000</u> |
| Motor Vehicle Account--Federal Appropriation . . . . .                | (( \$39,572,000 ))  |
|   | <u>\$43,835,000</u> |
| Freight Mobility Multimodal Account--State<br>Appropriation . . . . . | (( \$14,920,000 ))  |
|   | <u>\$15,620,000</u> |
| Freight Mobility Multimodal Account--Local<br>Appropriation . . . . . | (( \$3,135,000 ))   |
|   | <u>\$3,258,000</u>  |
| Multimodal Transportation Account--Federal<br>Appropriation . . . . . | (( \$2,098,000 ))   |
|   | <u>\$2,118,000</u>  |
| Multimodal Transportation Account--State<br>Appropriation . . . . .   | (( \$28,262,000 ))  |



1 program Z to replace those federal funds in a dollar-for-dollar match.  
2 Fund transfers authorized under this subsection shall not affect  
3 project prioritization status. Appropriations shall initially be  
4 allotted as appropriated in this act. The department may not transfer  
5 funds as authorized under this subsection without approval of the  
6 office of financial management. The department shall submit a report  
7 on those projects receiving fund transfers to the office of financial  
8 management and the transportation committees of the legislature by  
9 December 1, 2009, and December 1, 2010.

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

16 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation  
17 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor  
18 vehicle account--federal appropriation, and \$4,000,000 of the  
19 transportation partnership account--state appropriation are provided  
20 solely for the pedestrian and bicycle safety program projects and safe  
21 routes to schools program projects identified in LEAP Transportation  
22 Document 2009-A, pedestrian and bicycle safety program projects and  
23 safe routes to schools program projects, as developed March 30, 2009,  
24 LEAP Transportation Document 2007-A, pedestrian and bicycle safety  
25 program projects and safe routes to schools program projects, as  
26 developed April 20, 2007, and LEAP Transportation Document 2006-B,  
27 pedestrian and bicycle safety program projects and safe routes to  
28 schools program projects, as developed March 8, 2006. Projects must be  
29 allocated funding based on order of priority. The department shall  
30 review all projects receiving grant awards under this program at least  
31 semiannually to determine whether the projects are making satisfactory  
32 progress. Any project that has been awarded funds, but does not report  
33 activity on the project within one year of the grant award must be  
34 reviewed by the department to determine whether the grant should be  
35 terminated. The department shall promptly close out grants when  
36 projects have been completed, and identify where unused grant funds  
37 remain because actual project costs were lower than estimated in the  
38 grant award.

1 (10) Except as provided otherwise in this section, the entire  
2 appropriations in this section are provided solely for the projects and  
3 activities as listed by (~~fund~~) project(~~(7)~~) and amount in LEAP  
4 Transportation Document ALL PROJECTS (~~(2009-2)~~) 2010-2 as developed  
5 (~~(April 24, 2009)~~) March 8, 2010, Program(~~(S)~~) - Local Program (Z).

6 (11) For the 2009-11 project appropriations, unless otherwise  
7 provided in this act, the director of financial management may  
8 authorize a transfer of appropriation authority between projects  
9 managed by the freight mobility strategic investment board in order for  
10 the board to manage project spending and efficiently deliver all  
11 projects in the respective program.

12 (12) \$913,386 of the motor vehicle account--state appropriation and  
13 (~~(\$2,858,216)~~) \$2,858,000 of the motor vehicle account--federal  
14 appropriation are provided solely for completion of the US 101  
15 northeast peninsula safety rest area and associated roadway  
16 improvements east of Port Angeles at the Deer Park scenic view point.  
17 The department must surplus any right-of-way previously purchased for  
18 this project near Sequim. Approval to proceed with construction is  
19 contingent on surplus of previously purchased right-of-way. \$865,000  
20 of the motor vehicle account--state appropriation is to be placed into  
21 unallotted status until such time as the right-of-way sale is  
22 completed.

23 (13) \$5,894,000 of the Puyallup tribal settlement account--state  
24 appropriation is provided solely for costs associated with the Murray  
25 Morgan/11th Street bridge project. The city of Tacoma may use the  
26 Puyallup tribal settlement account appropriation and other appropriated  
27 funds for bridge rehabilitation, bridge replacement, bridge demolition,  
28 and bridge mitigation. The department's participation, including prior  
29 expenditures, may not exceed \$40,270,000. The city of Tacoma has taken  
30 ownership of the bridge in its entirety, and the payment of these funds  
31 extinguishes any real or implied agreements regarding future bridge  
32 expenditures.

33 (14) Up to \$3,702,000 of the motor vehicle account--federal  
34 appropriation and \$75,000 of the motor vehicle account--state  
35 appropriation are provided solely to reimburse the cities of Kirkland  
36 and Redmond for pavement and bridge deck rehabilitation on state route  
37 number 908 (project 1LP611A). These funds may not be expended unless  
38 the cities sign an agreement stating that the cities agree to take

1 ownership of state route number 908 in its entirety and agree that the  
2 payment of these funds represents the entire state commitment to the  
3 cities for state route number 908 expenditures. The amount provided in  
4 this subsection is contingent on the enactment by June 30, 2010, of  
5 Senate Bill No. 6555.

6 (15) The department shall consider the condition of the Broadway  
7 bridge in the city of Everett when prioritizing bridge projects.

8 (16) In order to make the Hood Canal bridge safe for cyclists, the  
9 department must work with stakeholders to review bicycle safety needs  
10 on the bridge, including consideration of accident data and  
11 improvements already made to this project.

12 (17) \$250,000 of the multimodal transportation account--state  
13 appropriation is provided solely for the Shell Valley emergency access  
14 road and bicycle/pedestrian path.

15 (18) \$500,000 of the motor vehicle account--state appropriation is  
16 provided solely for improvements to the 150th and Murray Road  
17 intersection in the city of Lakewood.

18 (19) \$250,000 of the motor vehicle account--state appropriation is  
19 provided solely for flood reduction solutions on state route number 522  
20 caused by the lower McAleer and Lyon creek basins.

21 (20) \$200,000 of the motor vehicle account--state appropriation is  
22 provided solely for improvements to the intersection of 39th Ave SE and  
23 state route number 96 in Snohomish county.

24 **TRANSFERS AND DISTRIBUTIONS**

25 **Sec. 401.** 2009 c 470 s 401 (uncodified) is amended to read as  
26 follows:

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

31 Highway Bond Retirement Account Appropriation . . . . . (~~(\$742,400,000)~~)  
32 \$733,667,000  
33 Ferry Bond Retirement Account Appropriation . . . . . \$33,771,000  
34 State Route Number 520 Corridor Account--State  
35 Appropriation . . . . . \$600,000

|    |   |                      |
|----|---|----------------------|
| 1  | Transportation Improvement Board Bond Retirement                  |                      |
| 2  | Account--State Appropriation . . . . .                            | (((\$22,541,000))    |
| 3  |   | <u>\$22,962,000</u>  |
| 4  | Nondebt-Limit Reimbursable Account Appropriation . . . . .        | (((\$18,400,000))    |
| 5  |   | <u>\$18,451,000</u>  |
| 6  | Transportation Partnership Account--State                         |                      |
| 7  | Appropriation . . . . .   | (((\$8,318,000))     |
| 8  |   | <u>\$4,722,000</u>   |
| 9  | Motor Vehicle Account--State Appropriation . . . . .              | (((\$901,000))       |
| 10 |   | <u>\$732,000</u>     |
| 11 | Transportation 2003 Account (Nickel Account)--State               |                      |
| 12 | Appropriation . . . . .   | (((\$4,116,000))     |
| 13 |   | <u>\$2,182,000</u>   |
| 14 | Special Category C Account--State Appropriation . . . . .         | (((\$148,000))       |
| 15 |   | <u>\$94,000</u>      |
| 16 | Urban Arterial Trust Account--State Appropriation . . . . .       | \$85,000             |
| 17 | Transportation Improvement Account--State Appropriation . . . . . | \$41,000             |
| 18 | Multimodal Transportation Account--State                          |                      |
| 19 | Appropriation . . . . .   | (((\$283,000))       |
| 20 |   | <u>\$204,000</u>     |
| 21 | TOTAL APPROPRIATION . . . . .                                     | (((\$831,004,000))   |
| 22 |   | <u>\$817,511,000</u> |

23       **Sec. 402.** 2009 c 470 s 402 (uncodified) is amended to read as  
24 follows:

25 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
26 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**  
27 **FISCAL AGENT CHARGES**

|    |   |                  |
|----|---|------------------|
| 28 | <u>State Route Number 520 Corridor Account--State</u> |                  |
| 29 | <u>Appropriation . . . . .</u>                        | <u>\$40,000</u>  |
| 30 | Transportation Partnership Account--State             |                  |
| 31 | Appropriation . . . . .                               | (((\$523,000))   |
| 32 |   | <u>\$787,000</u> |
| 33 | Motor Vehicle Account--State Appropriation . . . . .  | (((\$57,000))    |
| 34 |   | <u>\$122,000</u> |
| 35 | Transportation 2003 Account (Nickel Account)--State   |                  |
| 36 | Appropriation . . . . .                               | (((\$259,000))   |
| 37 |   | <u>\$364,000</u> |



1 Special Category C Account--State Appropriation . . . . . ((~~\$10,000~~))  
 2 \$15,000  
 3 Urban Arterial Trust Account--State Appropriation . . . . . \$5,000  
 4 Transportation Improvement Account--State Appropriation . . . . . \$3,000  
 5 Multimodal Transportation Account--State  
 6 Appropriation . . . . . ((~~\$18,000~~))  
 7 \$34,000  
 8 TOTAL APPROPRIATION . . . . . ((~~\$875,000~~))  
 9 \$1,370,000

10 **Sec. 403.** 2009 c 470 s 403 (uncodified) is amended to read as  
 11 follows:

12 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
 13 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

14 Motor Vehicle Account--State Appropriation:  
 15 For transfer to the Puget Sound Capital Construction  
 16 Account . . . . . ((~~\$118,000,000~~))  
 17 \$114,000,000

18 The department of transportation is authorized to sell up to  
 19 ((~~\$118,000,000~~)) \$114,000,000 in bonds authorized by RCW 47.10.843 for  
 20 vessel and terminal acquisition, major and minor improvements, and long  
 21 lead-time materials acquisition for the Washington state ferries.

22 **Sec. 404.** 2009 c 470 s 404 (uncodified) is amended to read as  
 23 follows:

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

25 Motor Vehicle Account Appropriation for  
 26 motor vehicle fuel tax distributions to cities  
 27 and counties . . . . . ((~~\$488,843,000~~))  
 28 \$478,753,000

29 **Sec. 405.** 2009 c 470 s 405 (uncodified) is amended to read as  
 30 follows:

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

32 Motor Vehicle Account--State  
 33 Appropriation: For motor vehicle fuel tax  
 34 refunds and statutory transfers . . . . . ((~~\$1,310,279,000~~))  
 35 \$1,247,260,000

1       **Sec. 406.** 2009 c 470 s 406 (uncodified) is amended to read as  
2 follows:

3 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

4       Motor Vehicle Account--State  
5 Appropriation: For motor vehicle fuel tax  
6 refunds and transfers . . . . . ((\$129,178,000))  
7 \$120,688,000

8       **Sec. 407.** 2009 c 470 s 407 (uncodified) is amended to read as  
9 follows:

10 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

11       (1) Tacoma Narrows Toll Bridge Account--State  
12 Appropriation: For transfer to the Motor Vehicle  
13 Account--State . . . . . \$5,288,000

14       (2) Motor Vehicle Account--State Appropriation:  
15 For transfer to the Puget Sound Ferry Operations  
16 Account--State . . . . . ((\$17,000,000))  
17 \$54,000,000

18       (3) Recreational Vehicle Account--State  
19 Appropriation: For transfer to the Motor Vehicle  
20 Account--State . . . . . \$2,000,000

21       (4) License Plate Technology Account--State  
22 Appropriation: For transfer to the Highway Safety  
23 Account--State . . . . . \$2,750,000

24       (5) Multimodal Transportation Account--State  
25 Appropriation: For transfer to the Puget Sound  
26 Ferry Operations Account--State . . . . . \$9,000,000

27       (6) Highway Safety Account--State Appropriation:  
28 For transfer to the Multimodal Transportation  
29 Account--State . . . . . \$18,750,000

30       (7) Department of Licensing Services Account--State  
31 Appropriation: For transfer to the Motor Vehicle  
32 Account--State . . . . . ((\$2,000,000))  
33 \$1,300,000

34       (8) Advanced Right-of-Way Account: For transfer  
35 to the Motor Vehicle Account--State . . . . . \$14,000,000

36       (9) (~~Motor Vehicle Account--State Appropriation:~~  
37 ~~For transfer to the Transportation Partnership~~



~~1 High Occupancy Toll Lanes Operations Account--State . . . . . (\$20,000)  
 2 Rural Arterial Trust Account--State . . . . . (\$20,000)  
 3 Wildlife Account--State . . . . . (\$16,000)  
 4 Highway Safety Account--State . . . . . (\$1,869,000)  
 5 Highway Safety Account--Federal . . . . . (\$56,000)  
 6 Motor Vehicle Account--State . . . . . (\$11,348,000)  
 7 Puget Sound Ferry Operations Account--State . . . . . (\$5,019,000)  
 8 Urban Arterial Trust Account--State . . . . . (\$26,000)  
 9 Transportation Improvement Account--State . . . . . (\$26,000)  
 10 County Arterial Preservation Account--State . . . . . (\$22,000)  
 11 Department of Licensing Services Account--State . . . . . (\$36,000)  
 12 Multimodal Transportation Account--State . . . . . (\$220,000)  
 13 Tacoma Narrows Toll Bridge Account--State . . . . . (\$28,000)  
 14 Puget Sound Capital Construction Account--State . . . . . (\$459,000)  
 15 Motor Vehicle Account--Federal . . . . . (\$8,791,000)~~

~~16 Appropriations are adjusted to reflect changes to appropriations to  
 17 reflect savings resulting from pension funding. The office of  
 18 financial management shall update agency appropriations schedules to  
 19 reflect the changes to funding levels in this section as identified by  
 20 agency and fund in LEAP transportation document Z9R-2009. From the  
 21 applicable accounts, the office of financial management shall adjust  
 22 allotments to the respective agencies by an amount that conforms with  
 23 funding adjustments enacted in the 2009-11 omnibus operating  
 24 appropriations act. Any allotment reductions under this section shall  
 25 be placed in reserve status and remain unexpended.)) Appropriations in  
 26 this act include agency appropriations to reflect increased employer  
 27 contribution rates in the public employees' retirement system as a  
 28 result of the provisions in chapter 430, Laws of 2009 (calculating  
 29 compensation for public retirement purpose).~~

30 NEW SECTION. **Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**  
 31 **REVISED EMPLOYER HEALTH BENEFIT RATES**

32 Aeronautics Account--State . . . . . \$3,000  
 33 State Patrol Highway Account--State . . . . . \$618,000  
 34 Motorcycle Safety Education Account--State . . . . . \$2,000  
 35 High Occupancy Toll Lanes Operations Account--State . . . . . \$2,000  
 36 Rural Arterial Trust Account--State . . . . . \$2,000  
 37 Wildlife Account--State . . . . . \$2,000

|    |   |             |
|----|---|-------------|
| 1  | Highway Safety Account--State . . . . .                   | \$261,000   |
| 2  | Highway Safety Account--Federal . . . . .                 | \$6,000     |
| 3  | Motor Vehicle Account--State . . . . .                    | \$1,076,000 |
| 4  | Puget Sound Ferry Operations Account--State . . . . .     | \$527,000   |
| 5  | Urban Arterial Trust Account--State . . . . .             | \$2,000     |
| 6  | Transportation Improvement Account--State . . . . .       | \$2,000     |
| 7  | County Arterial Preservation Account--State . . . . .     | \$2,000     |
| 8  | Department of Licensing Services Account--State . . . . . | \$3,000     |
| 9  | Multimodal Transportation Account--State . . . . .        | \$13,000    |
| 10 | Tacoma Narrows Toll Bridge Account--State . . . . .       | \$3,000     |

11 Appropriations are adjusted to reflect changes to appropriations to  
12 reflect changes in the employer cost of providing health benefit  
13 coverage. The office of financial management shall update agency  
14 appropriations schedules to reflect the changes in funding levels in  
15 this section as identified by agency and fund in LEAP transportation  
16 document GLB-2010. From the applicable accounts, the office of  
17 financial management shall adjust allotments to the respective agencies  
18 by an amount that conforms with funding adjustments enacted in the 2010  
19 supplemental omnibus operating appropriations act. Any allotment  
20 reductions under this section must be placed in reserve status and  
21 remain unexpended.

22 **Sec. 503.** 2009 c 470 s 503 (uncodified) is amended to read as  
23 follows:

24 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state agencies  
25 in this act are sufficient for nonrepresented and represented state  
26 employee health benefits for state agencies, and are subject to the  
27 following conditions and limitations:

28 (1)(a) Unless otherwise provided in the 2010 supplemental omnibus  
29 operating appropriations act, the monthly employer funding rate for  
30 insurance benefit premiums, public employees' benefits board  
31 administration, and the uniform medical plan, shall not exceed \$745 per  
32 eligible employee for fiscal year 2010. For fiscal year 2011, the  
33 monthly employer funding rate shall not exceed ((~~\$768~~)) \$795 per  
34 eligible employee.

35 (b) In order to achieve the level of funding provided for health  
36 benefits, the public employees' benefits board shall require any or all  
37 of the following: Employee premium copayments; increases in point-of-

1 service cost sharing; the implementation of managed competition; or  
2 make other changes to benefits consistent with RCW 41.05.065. During  
3 the 2009-11 fiscal biennium, the board may only authorize benefit plans  
4 and premium contributions for an employee and the employee's dependents  
5 that are the same, regardless of an employee's status as represented or  
6 nonrepresented under the personnel system reform act of 2002.

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

14 (d) The conditions in this section apply to benefits for  
15 nonrepresented employees, employees represented by the super coalition,  
16 and represented employees outside of the super coalition, including  
17 employees represented under chapter 47.64 RCW.

18 (2) Unless otherwise provided in the 2010 supplemental omnibus  
19 operating appropriations act, the health care authority, subject to the  
20 approval of the public employees' benefits board, shall provide  
21 subsidies for health benefit premiums to eligible retired or disabled  
22 public employees and school district employees who are eligible for  
23 medicare, pursuant to RCW 41.05.085. From January 1, 2010, through  
24 December 31, 2010, the subsidy shall be \$182.89. Beginning January 1,  
25 2011, the subsidy shall be \$182.89 per month.

26 **IMPLEMENTING PROVISIONS**

27 **Sec. 601.** 2009 c 470 s 304 (uncodified) is amended to read as  
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget  
30 submittal (~~for the 2011-13 fiscal biennium~~), the department shall  
31 provide an annual update to the report provided to the legislature and  
32 the office of financial management in 2008 that:

33 (1) Compares the original project cost estimates approved in the  
34 2003 and 2005 project lists to the completed cost of the project, or

1 the most recent legislatively approved budget and total project costs  
2 for projects not yet completed;

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

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

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

10 (5) Identifies contingency amounts allocated to projects.

11 NEW SECTION. **Sec. 602.** Any redistributed federal funds received  
12 by the department of transportation must, to the greatest extent  
13 possible, be first applied to offset planned expenditures of state  
14 funds, and second, to offset planned expenditures of federal funds, on  
15 projects as identified in the LEAP transportation documents described  
16 in this act. If the redistributed federal funds cannot be used in this  
17 manner, the department of transportation must consult with the joint  
18 transportation committee prior to obligating any redistributed federal  
19 funds.

20 **Sec. 603.** 2009 c 470 s 603 (uncodified) is amended to read as  
21 follows:

22 **FUND TRANSFERS.** (1) The transportation 2003 projects or  
23 improvements and the 2005 transportation partnership projects or  
24 improvements are listed in LEAP Transportation Document ((2009-1))  
25 2010-1 as developed ((April 24, 2009)) March 8, 2010, which consists of  
26 a list of specific projects by fund source and amount over a sixteen  
27 year period. Current fiscal biennium funding for each project is a  
28 line item appropriation, while the outer year funding allocations  
29 represent a sixteen year plan. The department is expected to use the  
30 flexibility provided in this section to assist in the delivery and  
31 completion of all transportation partnership account and transportation  
32 2003 (nickel) account projects on the LEAP lists referenced in this  
33 act. For the 2009-11 project appropriations, unless otherwise provided  
34 in this act, the director of financial management may authorize a  
35 transfer of appropriation authority between projects funded with  
36 transportation 2003 account (nickel account) appropriations((7)) or

1 transportation partnership account appropriations, (~~or multimodal~~  
2 ~~transportation account appropriations,~~) in order to manage project  
3 spending and efficiently deliver all projects in the respective program  
4 under the following conditions and limitations:

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

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

10 (c) Each transfer between projects may only occur if the director  
11 of financial management finds that any resulting change will not hinder  
12 the completion of the projects as approved by the legislature. Until  
13 the legislature reconvenes to consider the 2010 supplemental budget,  
14 any unexpended 2007-09 appropriation balance as approved by the office  
15 of financial management, in consultation with the legislative staff of  
16 the house of representatives and senate transportation committees, may  
17 be considered when transferring funds between projects;

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

21 (e) Transfers may not occur to projects not identified on the  
22 applicable project list, except for those projects that were expected  
23 to be completed in the 2007-09 fiscal biennium; (~~and~~)

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

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

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

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



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

8 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

9 **Sec. 701.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to  
10 read as follows:

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

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

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

27 (4) For the 2009-2011 fiscal biennium, (~~the Washington state~~  
28 ~~ferries is required to use a minimum of five percent biodiesel as~~  
29 ~~compared to total volume of all diesel purchases made by the Washington~~  
30 ~~state ferries for the operation of the Washington state ferries diesel-~~  
31 ~~powered vessels)) all fuel purchased by the Washington state ferries at  
32 Harbor Island for the operation of the Washington state ferries diesel  
33 powered vessels must be a minimum of five percent biodiesel blend so  
34 long as the per gallon price of diesel containing a five percent  
35 biodiesel blend level does not exceed the per gallon price of diesel by~~

1 more than five percent. If the per gallon price of diesel containing  
2 a five percent biodiesel blend level exceeds the per gallon price of  
3 diesel by more than five percent, the requirements of this section do  
4 not apply to vessel fuel purchases by the Washington state ferries.

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

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

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

12 **Sec. 702.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to  
13 read as follows:

14 (1) The regional mobility grant program account is hereby created  
15 in the state treasury. Moneys in the account may be spent only after  
16 appropriation. Expenditures from the account may be used only for the  
17 grants provided under RCW 47.66.030.

18 (2) Beginning with September 2007, by the last day of September,  
19 December, March, and June of each year, the state treasurer shall  
20 transfer from the multimodal transportation account to the regional  
21 mobility grant program account five million dollars.

22 (3) Beginning with September 2015, by the last day of September,  
23 December, March, and June of each year, the state treasurer shall  
24 transfer from the multimodal transportation account to the regional  
25 mobility grant program account six million two hundred fifty thousand  
26 dollars.

27 (4) During the 2009-2011 fiscal biennium, the legislature may  
28 transfer from the regional mobility grant program account to the  
29 multimodal transportation account such amounts as reflect the excess  
30 fund balance of the regional mobility grant program account.

31 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to  
32 read as follows:

33 The advanced environmental mitigation revolving account is created  
34 in the custody of the treasurer, into which the department shall  
35 deposit directly and may expend without appropriation:

1 (1) An initial appropriation included in the department of  
2 transportation's 1997-99 budget, and deposits from other identified  
3 sources;

4 (2) All moneys received by the department from internal and  
5 external sources for the purposes of conducting advanced environmental  
6 mitigation; and

7 (3) Interest gained from the management of the advanced  
8 environmental mitigation revolving account.

9 (4) During the 2009-2011 fiscal biennium, the legislature may  
10 transfer from the advanced environmental mitigation revolving account  
11 to the motor vehicle account such amounts as reflect the excess fund  
12 balance of the advanced environmental mitigation revolving account.

13 **Sec. 704.** RCW 70.95.532 and 2009 c 261 s 4 are each amended to  
14 read as follows:

15 (1) All receipts from tire fees imposed under RCW 70.95.510, except  
16 as provided in subsection (2) of this section, must be deposited in the  
17 waste tire removal account created under RCW 70.95.521. Moneys in the  
18 account may be spent only after appropriation. Expenditures from the  
19 account may be used for the cleanup of unauthorized waste tire piles  
20 and measures that prevent future accumulation of unauthorized waste  
21 tire piles.

22 (2) On September 1st of odd-numbered years, the state treasurer  
23 must transfer any cash balance in excess of one million dollars from  
24 the waste tire removal account created under RCW 70.95.521 to the motor  
25 vehicle account for the purpose of road wear related maintenance on  
26 state and local public highways.

27 (3) During the 2009-2011 fiscal biennium, the legislature may  
28 transfer any cash balance in excess of one million dollars from the  
29 waste tire removal account to the motor vehicle account for the purpose  
30 of road wear-related maintenance on state and local public highways.

31 NEW SECTION. **Sec. 705.** 2009 c 470 s 502 is repealed.

32 **MISCELLANEOUS**

1        NEW SECTION.    **Sec. 801.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 802.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 immediately.

(End of bill)

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1           Correct the title.

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