

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

8 (2) To achieve the legislative objectives provided in section 1(2)
9 of this act with respect to highway projects, it is the intent of the
10 legislature that the appropriation in this section be used for:
11 Transportation 2003 account (nickel account) projects and
12 transportation partnership account (TPA) projects that would have
13 otherwise been delayed due to decreased revenues, so as to advance
14 project completion dates similar to those envisioned in the enacted
15 2008 legislative list of projects; projects that preserve or
16 rehabilitate Washington state highways and roads; and projects that
17 modify roadway alignments and conditions to create safer roads for the
18 traveling public.

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

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

26 (c) The department shall place the first priority for allocating
27 funds on those projects listed as "First Tier" projects on ARRA
28 Washington State Project LEAP document 2009, as developed on February
29 24, 2009. The department shall place the second priority on projects
30 listed as "Second Tier" projects on the document; and

31 (d) Within each tier of projects on ARRA Washington State Project
32 LEAP document 2009, as developed on February 24, 2009, the department
33 shall place the highest priority for allocating funds on the
34 transportation 2003 account (nickel account) projects and
35 transportation partnership account (TPA) projects listed to advance
36 their completion. The department shall prioritize funding for other
37 projects within the tier according to how soon the contract for the
38 project could be awarded.

1 (4) By June 30, 2009, the department of transportation shall report
2 to the legislative standing committees on transportation and the office
3 of financial management on the status of federal stimulus funds
4 including, but not limited to, identifying the projects shown in ARRA
5 Washington State Project LEAP document 2009, as developed on February
6 24, 2009, for which federal stimulus funding has already been
7 obligated, the amount of federal recovery funds estimated to be
8 obligated to the projects, and the completion status of each project.
9 Subsequent status reports are due to the legislative standing
10 committees on transportation and the office of financial management on
11 August 31, 2009, and December 1, 2009.

12 **GENERAL GOVERNMENT AGENCIES--OPERATING**

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

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

16 Motor Vehicle Account--State Appropriation ((~~\$422,000~~))
17 \$416,000

18 The appropriation in this section is subject to the following
19 conditions and limitations: The entire appropriation is provided
20 solely for staffing costs to be dedicated to state transportation
21 activities. Staff hired to support transportation activities must have
22 practical experience with complex construction projects.

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

25 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

26 Grade Crossing Protective Account--State
27 Appropriation ((~~\$705,000~~))
28 \$703,000

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

31 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

32 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
33 \$3,382,000

1 Puget Sound Ferry Operations Account--State
 2 Appropriation \$100,000
 3 TOTAL APPROPRIATION ((~~\$3,489,000~~))
 4 \$3,482,000

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

7 (1) \$1,699,000 of the motor vehicle account--state appropriation is
 8 provided solely for the office of regulatory assistance integrated
 9 permitting project.

10 (2) \$1,004,000 of the motor vehicle account--state appropriation is
 11 provided solely for the continued maintenance and support of the
 12 transportation executive information system. Of the amount provided in
 13 this subsection, \$502,000 is for two existing FTEs at the department of
 14 transportation to maintain and support the system.

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 \$442,000

21 **Sec. 105.** 2009 c 470 s 106 (uncodified) is amended to read as
 22 follows:

23 **FOR THE DEPARTMENT OF AGRICULTURE**
 24 Motor Vehicle Account--State Appropriation ((~~\$1,507,000~~))
 25 \$1,524,000

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

28 (1) \$351,000 of the motor vehicle account--state appropriation is
 29 provided solely for costs associated with the motor fuel quality
 30 program.

31 (2) \$1,004,000 of the motor vehicle account--state appropriation is
 32 provided solely to test the quality of biofuel. The department must
 33 test fuel quality at the biofuel manufacturer, distributor, and
 34 retailer.

35 (3) \$24,400 of the motor vehicle account--state appropriation is
 36 provided solely for the department to implement Engrossed Substitute

1 House Bill No. 2504 (renewable fuel standards). If Engrossed
2 Substitute House Bill No. 2504 is not enacted by June 30, 2010, the
3 amount provided in this subsection lapses.

4 **Sec. 106.** 2009 c 470 s 107 (uncodified) is amended to read as
5 follows:

6 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**
7 Motor Vehicle Account--State Appropriation (~~(\$502,000)~~)
8 \$494,000

9 **Sec. 107.** 2009 c 470 s 108 (uncodified) is amended to read as
10 follows:

11 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

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

17 (a) Costs assigned to capital accounts to determine whether they
18 are capital costs that meet the statutory requirements for preservation
19 and improvement activities and whether they are within the scope of
20 legislative appropriations;

21 (b) Implementation of the life-cycle cost model required under RCW
22 47.60.345 to determine if it was developed as required and is
23 maintained and updated when asset inspections are made; and

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

29 (2) The joint legislative audit and review committee shall use
30 existing staff and resources to conduct a review of scoping and cost
31 estimates for transportation highway improvement and preservation
32 projects funded in whole, or in part, by transportation partnership
33 account--state and transportation 2003 account (nickel account)--state
34 funds, excluding mega-projects. The review will examine whether the
35 scoping and cost estimates guidelines used by the department of
36 transportation are consistent with general construction industry

1 practices and other appropriate standards. The review will include an
2 analysis of a sample of scope and cost estimates for future projects.
3 A report on the committee's findings and recommendations must be
4 submitted to the house of representatives and senate transportation
5 committees by December 2009.

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

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

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

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

17 (d) Identification of whether there are customer service,
18 administrative, and revenue collection benefits resulting from credit
19 card usage; and

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

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

24 (4) The joint legislative audit and review committee shall use
25 existing staff and resources to conduct a review of options regarding
26 department of transportation storm water permit responsibilities. The
27 review must include the following options: Conducting all work within
28 the department of transportation; contracting out for services; and
29 centralizing efforts for all state agencies.

30 **TRANSPORTATION AGENCIES--OPERATING**

31 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as
32 follows:

33 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

34 Highway Safety Account--State Appropriation	((\$2,542,000))
35	<u>\$2,536,000</u>

1	Highway Safety Account--Federal Appropriation	((\$16,540,000))
2		<u>\$34,654,000</u>
3	School Zone Safety Account--State Appropriation	\$3,340,000
4	Highway Safety Account--Local Appropriation	\$50,000
5	TOTAL APPROPRIATION	((\$22,472,000))
6		<u>\$40,580,000</u>

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

9 (1) (~~(\$2,670,000)~~) \$2,826,000 of the highway safety account--
10 federal appropriation is provided solely for a target zero trooper
11 pilot program, which the commission shall develop and implement in
12 collaboration with the Washington state patrol. The pilot program must
13 demonstrate the effectiveness of intense, high visibility, driving
14 under the influence enforcement in Washington. The commission shall
15 apply to the national highway traffic safety administration for federal
16 highway safety grants to cover the cost of the pilot program. If the
17 pilot program is approved for funding by the national highway traffic
18 safety administration, and sufficient federal grants are received, the
19 commission shall provide grants to the Washington state patrol for the
20 purchase of twenty-one fully equipped patrol vehicles in fiscal year
21 2010, and up to twenty-four months of salaries and benefits for
22 eighteen troopers and three sergeants beginning in fiscal year (~~(2011)~~)
23 2010. The legislature anticipates that an additional (~~(\$1,830,000)~~)
24 \$1,673,900 will be appropriated from the highway safety account--
25 federal in the 2011-13 fiscal biennium to conclude this pilot program.

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

32 (a) The commission shall comply with RCW 46.63.170 in administering
33 the projects.

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

37 (c) By January 1, 2011, the commission shall provide a report to

1 the legislature regarding the use, public acceptance, outcomes, and
2 other relevant issues regarding automated traffic safety cameras
3 demonstrated by the projects.

4 (3) \$18,000,000 of the highway safety account--federal
5 appropriation is for unanticipated federal funds that may be received
6 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
7 commission shall provide a report on the use of the funds to the
8 transportation committees of the legislature and the office of
9 financial management.

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

12 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

13 Rural Arterial Trust Account--State Appropriation	((\$920,000))
	<u>\$903,000</u>
15 Motor Vehicle Account--State Appropriation	((\$2,129,000))
	<u>\$2,097,000</u>
17 County Arterial Preservation Account--State	
18 Appropriation	((\$1,423,000))
	<u>\$1,405,000</u>
20 TOTAL APPROPRIATION	((\$4,472,000))
	<u>\$4,405,000</u>

22 **Sec. 203.** 2009 c 470 s 203 (uncodified) is amended to read as
23 follows:

24 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

25 Urban Arterial Trust Account--State Appropriation	((\$1,824,000))
	<u>\$1,803,000</u>
27 Transportation Improvement Account--State	
28 Appropriation	((\$1,827,000))
	<u>\$1,806,000</u>
30 TOTAL APPROPRIATION	((\$3,651,000))
	<u>\$3,609,000</u>

32 **Sec. 204.** 2009 c 470 s 204 (uncodified) is amended to read as
33 follows:

34 **FOR THE JOINT TRANSPORTATION COMMITTEE**

35 Motor Vehicle Account--State Appropriation	((\$1,901,000))
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1		<u>\$1,894,000</u>
2	<u>Multimodal Transportation Account--State Appropriation</u>	<u>\$350,000</u>
3	<u>TOTAL APPROPRIATION</u>	<u>\$2,244,000</u>

4 The appropriations in this section (~~is~~) are subject to the
5 following conditions and limitations:

6 (1) \$236,000 of the motor vehicle account--state appropriation is
7 a reappropriation from the 2007-09 fiscal biennium for a comprehensive
8 analysis of mid-term and long-term transportation funding mechanisms
9 and methods. Elements of the study will include existing data and
10 trends, policy objectives, performance and evaluation criteria,
11 incremental transition strategies, and possibly, scaled testing.
12 Baseline data and methods assessment must be concluded by December 31,
13 2009. Performance criteria must be developed by June 30, 2010, and
14 recommended planning level alternative funding strategies must be
15 completed by December 31, 2010.

16 (2) \$200,000 of the motor vehicle account--state appropriation is
17 for the joint transportation committee to convene an independent expert
18 review panel to review the assumptions for toll operations costs used
19 by the department to model financial plans for tolled facilities. The
20 joint transportation committee shall work with staff from the senate
21 and the house of representatives transportation committees to identify
22 the scope of the review and to assure that the work performed meets the
23 needs of the house of representatives and the senate. The joint
24 transportation committee shall provide a report to the house of
25 representatives and senate transportation committees by September 1,
26 2009.

27 (3) \$300,000 of the motor vehicle account--state appropriation is
28 for an independent analysis of methodologies to value the reversible
29 lanes on Interstate 90 to be used for high capacity transit pursuant to
30 sound transit proposition 1 approved by voters in November 2008. The
31 independent analysis shall be conducted by sound transit and the
32 department of transportation, using consultant resources deemed
33 appropriate by the secretary of the department, the chief executive
34 officer of sound transit, and the cochairs of the joint transportation
35 committee. It shall be conducted in consultation with the federal
36 transit and federal highway administrations and account for applicable
37 federal laws, regulations, and practices. It shall also account for
38 the 1976 Interstate 90 memorandum of agreement and subsequent 2004

1 amendment and the 1978 federal secretary of transportation's
2 environmental decision on Interstate 90. The department and sound
3 transit must provide periodic reports to the joint transportation
4 committee, the sound transit board of directors, and the governor, and
5 report final recommendations by November 1, 2009.

6 (4) In accordance with the joint legislative audit and review
7 committee recommendation in the refunded fuel tax for nonhighway use
8 study, the joint transportation committee shall perform a review of the
9 fuel tax refunds for nonhighway or off-road use of gasoline and diesel
10 fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070. The
11 review is to determine the optimal method to refund the actual amount
12 of fuel tax collected from nonhighway or off-road users and provide an
13 implementation plan to meet the policy objective of equity with a
14 future transportation funding package. The results and recommendations
15 of the joint transportation committee review must be presented to the
16 house of representatives and senate transportation committees by
17 December 31, 2010.

18 (5)(a) \$350,000 of the multimodal transportation account--state
19 appropriation is provided solely for the joint transportation committee
20 to conduct a study to establish a statewide blueprint for public
21 transportation that will serve to guide state investments in public
22 transportation. At a minimum, the study should include an assessment
23 of unmet operating and capital needs of public transportation agencies,
24 the state role in funding those unmet needs, and the priorities for
25 state investments. The report should include efficiency and
26 accountability measures that inform future state investment in public
27 transportation to maximize mobility, social, economic, and
28 environmental benefits provided to the state.

29 (b) The statewide blueprint for public transportation should serve
30 to guide state investments to support public transportation and address
31 unmet needs to improve service, access to public transportation, and
32 connectivity between public transportation providers across
33 jurisdictional boundaries. The blueprint must be consistent with the
34 state's transportation system policy goals provided in RCW 47.04.280
35 and the statewide transportation plan provided in RCW 47.01.071(4).

36 (c) To provide input to the study, the joint transportation
37 committee shall convene a public transit advisory panel. The cochairs

1 of the committee shall appoint and convene the advisory panel to be
2 comprised of members as provided in this subsection:

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

4 (ii) One member from each of the two largest caucuses of the house
5 of representatives;

6 (iii) One representative of the department of transportation's
7 public transportation division;

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

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

12 (vi) Two representatives from regional transportation planning
13 organizations, one representing eastern Washington and one representing
14 western Washington;

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

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

19 (ix) Two representatives of organizations that address primarily
20 environmental issues;

21 (x) One member of a collective bargaining organization that
22 primarily represents the interests of transit agency employees; and

23 (xi) Other individuals deemed appropriate.

24 Nonlegislative members of the advisory panel must seek
25 reimbursement for travel and other membership expenses through their
26 respective agencies or organizations.

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

30 (6) \$50,000 of the total appropriation is for the joint
31 transportation committee to convene a work group to evaluate the costs
32 associated with the Washington state ferries reservation system
33 pursuant to the 2009 predesign study. The work group must consist of
34 at least one member of the house of representatives, one member of the
35 senate, and one transportation commissioner, as well as experts in the
36 field of information technology. Members of the work group must have
37 experience and knowledge regarding information technology, reservation
38 systems, and related communication systems software, technology, and

1 implementation. The work group shall report recommendations on costs
2 of the reservation and communication systems outlined in the 2009
3 reservation predesign study. The report must also include a review and
4 investigation of outsourcing the call center functions planned for the
5 ferry reservation system. The report is due to the legislative
6 transportation committees by September 1, 2010.

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

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

17 **FOR THE TRANSPORTATION COMMISSION**

18 Motor Vehicle Account--State Appropriation	((\$2,237,000))
19	<u>\$2,222,000</u>
20 Multimodal Transportation Account--State Appropriation	\$112,000
21 TOTAL APPROPRIATION	((\$2,349,000))
22	<u>\$2,334,000</u>

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

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

34 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
35 the transportation commission shall periodically review and, if
36 necessary, modify a schedule of toll charges applicable to the state

1 route number 167 high occupancy toll lane pilot project, as required
2 under RCW 47.56.403. For purposes of this subsection, "modify"
3 includes increases or decreases to the schedule.

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

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

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

20 (6) If the commission considers implementing a ferry fuel
21 surcharge, it must first submit an analysis and business plan to the
22 office of financial management and either the joint transportation
23 committee or the transportation committees of the legislature. The
24 commission may implement a ferry fuel surcharge after further direction
25 from the 2011 legislature. When implementing a ferry fuel surcharge,
26 the commission must regard ferry fuel surcharges as fare policy changes
27 and thus, ferry fuel surcharges should be included in all public
28 procedures and processes currently used for fare pricing per RCW
29 47.60.290.

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

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

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

4 Motor Vehicle Account--State Appropriation ((~~\$695,000~~))
5 \$692,000

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

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

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

14 State Patrol Highway Account--State
15 Appropriation ((~~\$228,024,000~~))
16 \$224,357,000

17 State Patrol Highway Account--Federal
18 Appropriation ((~~\$10,602,000~~))
19 \$10,723,000

20 State Patrol Highway Account--Private/Local
21 Appropriation ((~~\$859,000~~))
22 \$867,000

23 TOTAL APPROPRIATION ((~~\$239,485,000~~))
24 \$235,947,000

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

27 (1) Washington state patrol officers engaged in off-duty uniformed
28 employment providing traffic control services to the department of
29 transportation or other state agencies may use state patrol vehicles
30 for the purpose of that employment, subject to guidelines adopted by
31 the chief of the Washington state patrol. The Washington state patrol
32 shall be reimbursed for the use of the vehicle at the prevailing state
33 employee rate for mileage and hours of usage, subject to guidelines
34 developed by the chief of the Washington state patrol, and Cessna
35 pilots funded from the state patrol highway account who are certified
36 to fly the King Airs may pilot those aircraft for general fund purposes
37 with the general fund reimbursing the state patrol highway account an

1 hourly rate to cover the costs incurred during the flights since the
2 aviation section will no longer be part of the Washington state patrol
3 cost allocation system as of July 1, 2009.

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

10 (3) During the 2009-11 fiscal biennium, the Washington state patrol
11 shall continue to perform traffic accident investigations on Thurston
12 county roads, and shall work with the county to transition the traffic
13 accident investigations on Thurston county roads to the county by July
14 1, 2011.

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

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

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

26 ~~(7))~~ The Washington state patrol shall assign cadets and necessary
27 ~~((personnel and))~~ computer equipment to implement and operate the pilot
28 program described under section 218(2) of this act using the portion of
29 the automated traffic safety camera fines deposited into the state
30 patrol highway account, but not to exceed \$370,000. If the fines
31 deposited into the state patrol highway account from automated traffic
32 safety camera infractions do not reach \$370,000, the department of
33 transportation shall remit funds necessary to the Washington state
34 patrol to ensure the completion of the pilot program. The Washington
35 state patrol shall not assign troopers to operate or deploy the pilot
36 program equipment used in the roadway construction zones.

37 (7) \$121,000 of the state patrol highway account--federal
38 appropriation is for unanticipated federal funds that may be received

1 during the 2009-11 fiscal biennium. Upon receipt of the funds, the
2 Washington state patrol shall provide a report on the use of the funds
3 to the transportation committees of the legislature and the office of
4 financial management.

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

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

13 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**
14 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
15 \$1,648,000

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

18 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**
19 State Patrol Highway Account--State Appropriation . . ((~~\$105,680,000~~))
20 \$108,021,000
21 State Patrol Highway Account--Private/Local
22 Appropriation ((~~\$2,008,000~~))
23 \$2,510,000
24 TOTAL APPROPRIATION ((~~\$107,688,000~~))
25 \$110,531,000

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

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

1 (2) (~~(\$8,673,000)~~) \$10,636,000 of the total appropriation is
2 provided solely for automobile fuel in the 2009-11 fiscal biennium.

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

5 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is
6 provided solely for vehicle repair and maintenance costs of vehicles
7 used for highway purposes.

8 (5) \$384,000 of the total appropriation is provided solely for the
9 purchase of mission vehicles used for highway purposes in the
10 commercial vehicle and traffic investigation sections of the Washington
11 state patrol.

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

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

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

24 **FOR THE DEPARTMENT OF LICENSING**

25	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
26	Motorcycle Safety Education Account--State	
27	Appropriation	((\$4,373,000))
28		<u>\$4,361,000</u>
29	Wildlife Account--State Appropriation	((\$837,000))
30		<u>\$823,000</u>
31	Highway Safety Account--State Appropriation	((\$145,085,000))
32		<u>\$144,301,000</u>
33	Highway Safety Account--Federal Appropriation	((\$8,000))
34		<u>\$946,000</u>
35	Motor Vehicle Account--State Appropriation	((\$78,805,000))
36		<u>\$78,486,000</u>
37	Motor Vehicle Account--Private/Local Appropriation . . .	((\$1,372,000))

1		<u>\$1,559,000</u>
2	Motor Vehicle Account--Federal Appropriation	\$242,000
3	Department of Licensing Services Account--State	
4	Appropriation	((\$3,867,000))
5		<u>\$4,706,000</u>
6	Washington State Patrol Highway Account--State	
7	Appropriation	\$738,000
8	Ignition Interlock Device Revolving Account--State	
9	Appropriation	((\$2,490,000))
10		<u>\$1,315,000</u>
11	TOTAL APPROPRIATION	((\$237,849,000))
12		<u>\$237,509,000</u>

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

15 (1)(a) By November 1, 2009, the department of licensing, working
16 with the department of revenue, shall analyze and plan for the transfer
17 by July 1, 2010, of the administration of fuel taxes imposed under
18 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law
19 from the department of licensing to the department of revenue. By
20 November 1, 2009, the departments shall report findings and
21 recommendations to the governor and the transportation and fiscal
22 committees of the legislature.

23 (b) The analysis and planning directed under this subsection must
24 include, but is not limited to, the following:

25 (i) Outreach to and solicitation of comment from parties affected
26 by the fuel taxes, including taxpayers, industry associations, state
27 and federal agencies, and Indian tribes, and from the transportation
28 and fiscal committees of the legislature;

29 (ii) Identification and analysis of relevant factors including, but
30 not limited to:

- 31 (A) Taxpayer reporting and payment processes;
- 32 (B) The international fuel tax agreement;
- 33 (C) Proportional registration under the provisions of the
- 34 international registration plan and chapter 46.87 RCW;
- 35 (D) Computer systems;
- 36 (E) Best management practices and efficiencies;
- 37 (F) Costs; and
- 38 (G) Personnel matters(†

1 ~~(iii) Development of recommended actions to accomplish the~~
2 ~~transfer; and~~

3 ~~(iv) An implementation plan and schedule.~~

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

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

14 (a) When closing offices, the department may redistribute staff
15 from consolidated offices to neighboring offices and local community
16 supercenters.

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

20 (i) Extended daily and weekend hours in regional supercenter
21 offices;

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

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

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

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

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

1 (3) \$11,688,000 of the highway safety account--state appropriation
2 is provided solely for costs associated with: Issuing enhanced
3 drivers' licenses and identicards at the enhanced licensing services
4 offices; extended hours at those licensing services offices; cross-
5 border tourism education; and other education campaigns. This is the
6 maximum amount the department may expend for this purpose.

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

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

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

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

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

31 (9) Consistent with the authority delegated to the director of
32 licensing under RCW 46.01.100, the department may adopt a new
33 organizational structure that includes the following programs: (a)
34 Driver and vehicle services, which must encompass services relating to
35 driver licensing customers, vehicle industry and fuel tax licensees,
36 and vehicle and vessel licensing and registration; and (b) driver
37 policy and programs, which must encompass policy development for all
38 driver-related programs, including driver examining, driver records,

1 commercial driver's license testing and auditing, driver training
2 schools, motorcycle safety, technical services, hearings, driver
3 special investigations, drivers' data management, central issuance
4 contract management, and state and federal initiatives.

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

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

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

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

23 (11) \$25,000 of the motor vehicle account--state appropriation is
24 provided solely for the department to provide an overview to at least
25 five hundred limousine chauffeurs of the laws and rules governing
26 limousine carriers and the provision of limousine carrier service once
27 the modifications to these laws and rules made by Engrossed Substitute
28 House Bill No. 1775 take effect. This is the maximum amount the
29 department may expend for this purpose. If Engrossed Substitute House
30 Bill No. 1775 is not enacted by June 30, 2010, the amount provided in
31 this subsection lapses.

32 (12) \$187,000 of the motor vehicle account--private/local
33 appropriation and \$250,000 of the motor vehicle account--state
34 appropriation are provided solely for the implementation of Substitute
35 House Bill No. 2855 (transit agency financing) or other legislation
36 that authorizes transit agencies to impose a vehicle fee. The state
37 appropriation of \$250,000 is provided solely for the department to
38 purchase an address lookup system computer software upgrade for use in

1 collecting vehicle fees on behalf of public transportation systems as
2 provided under Substitute House Bill No. 2855 or other legislation that
3 authorizes transit agencies to impose a vehicle fee. The department
4 shall not purchase an address lookup system until at least one public
5 transportation system has decided to either impose or seek voter
6 approval of a vehicle fee pursuant to Substitute House Bill No. 2855 or
7 other legislation that authorizes transit agencies to impose a vehicle
8 fee. If Substitute House Bill No. 2855 or other legislation that
9 authorizes transit agencies to impose a vehicle fee is not enacted by
10 June 30, 2010, the amount provided in this subsection lapses.

11 (13) \$10,000 of the highway safety account--state appropriation is
12 provided solely for the implementation of Substitute House Bill No.
13 2433 (drivers' licenses and identicards). The department shall seek
14 reimbursement of ten thousand dollars from the selective service system
15 for expenditures associated with this subsection. If Substitute House
16 Bill No. 2433 is not enacted by June 30, 2010, the amount provided in
17 this subsection lapses.

18 (14) \$81,000 of the motor vehicle account--state appropriation is
19 provided solely for the implementation of Substitute House Bill No.
20 2488 (vehicle and vessel quick title). If Substitute House Bill No.
21 2488 is not enacted by June 30, 2010, the amount provided in this
22 subsection lapses.

23 (15) \$112,000 of the highway safety account--state appropriation is
24 provided solely for the implementation of Substitute House Bill No.
25 2939 (driver abstract indicating not at fault). If Substitute House
26 Bill No. 2939 is not enacted by June 30, 2010, the amount provided in
27 this subsection lapses.

28 (16) \$938,000 of the highway safety account--federal appropriation
29 and \$100,000 of the highway safety account--state appropriation are for
30 unanticipated federal funds that may be received during the 2009-11
31 fiscal biennium. Upon receipt of the funds, the department shall
32 provide a report on the use of the funds to the transportation
33 committees of the legislature and the office of financial management.

34 (17) \$869,000 of the department of licensing services account--
35 state appropriation is provided solely for purchasing equipment for the
36 field licensing service offices and subagent offices.

1 ~~practicable, the maintenance and dispensing of transponders by the~~
2 ~~vendor. The remaining \$57,913,000)) \$4,000,000 must be retained in~~
3 ~~unallotted status, and may only be released by the office of financial~~
4 ~~management after consultation with the joint transportation committee~~
5 ~~((following the committee's examination of toll operations costs~~
6 ~~referenced in section 204(2) of this act. The amount provided in this~~
7 ~~subsection is contingent on the enactment of (a) Engrossed Substitute~~
8 ~~House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.~~
9 ~~2326 or other legislation authorizing bonds for the state route number~~
10 ~~520 corridor projects. If the conditions of this subsection are not~~
11 ~~satisfied, the amount provided in this subsection shall lapse)).~~

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

14 **FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM**
15 **C**

16 Transportation Partnership Account--State

17	Appropriation	\$2,675,000
18	Motor Vehicle Account--State Appropriation	((\$67,811,000))
19		<u>\$68,660,000</u>
20	Motor Vehicle Account--Federal Appropriation	\$240,000
21	Multimodal Transportation Account--State	
22	Appropriation	\$363,000
23	Transportation 2003 Account (Nickel Account)--State	
24	Appropriation	\$2,676,000
25	TOTAL APPROPRIATION	((\$73,765,000))
26		<u>\$74,614,000</u>

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

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

36 (2) \$1,216,000 of the transportation partnership account--state
37 appropriation and \$1,216,000 of the transportation 2003 account (nickel

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

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

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

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

23 Motor Vehicle Account--State Appropriation	((\$25,501,000))
24	<u>\$26,426,000</u>

25 The appropriation in this section is subject to the following
26 conditions and limitations: \$1,003,000 of the motor vehicle account--
27 state appropriation is provided solely for the department's compliance
28 with its national pollution discharge elimination system permit.

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

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

32 Aeronautics Account--State Appropriation	((\$6,009,000))
33	<u>\$5,980,000</u>
34 Aeronautics Account--Federal Appropriation	\$2,150,000
35 TOTAL APPROPRIATION	((\$8,159,000))
36	<u>\$8,130,000</u>

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

3 (1) \$50,000 of the aeronautics account--state appropriation is a
4 reappropriation provided solely to pay any outstanding obligations of
5 the aviation planning council, which expires July 1, 2009.

6 (2) \$150,000 of the aeronautics account--state appropriation is a
7 reappropriation provided solely to complete runway preservation
8 projects.

9 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
12 **SUPPORT--PROGRAM H**

13	Motor Vehicle Account--State Appropriation	((\$48,032,000))
14		<u>\$47,836,000</u>
15	Motor Vehicle Account--Federal Appropriation	\$500,000
16	Multimodal Transportation Account--State	
17	Appropriation	\$250,000
18	((Water Pollution Account--State Appropriation	\$2,000,000))
19	TOTAL APPROPRIATION	((\$50,782,000))
20		<u>\$48,586,000</u>

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

23 (1) The department shall develop a plan for all current and future
24 surplus property parcels based on the recommendations from the surplus
25 property legislative work group that were presented to the senate
26 transportation committee on February 26, 2009. The plan must include,
27 at a minimum, strategies for maximizing the number of parcels sold, a
28 schedule that optimizes proceeds, a recommended cash discount, a plan
29 to report to the joint transportation committee, a recommendation for
30 regional incentives, and a recommendation for equivalent value
31 exchanges. This plan must accompany the department's 2010 supplemental
32 budget request.

33 ((+3)) (2) The legislature recognizes that the Dryden pit site
34 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
35 real property under the jurisdiction of the department of
36 transportation, and that the public would benefit significantly from
37 the complete enjoyment of the natural scenic beauty and recreational

1 opportunities available at the site. Therefore, pursuant to RCW
2 47.12.080, the legislature declares that transferring the property to
3 the department of fish and wildlife is consistent with the public
4 interest in order to preserve the area for the use of the public. The
5 department of transportation shall, as soon as is practicable, transfer
6 and convey the Dryden pit site to the department of fish and wildlife
7 for adequate consideration in the amount of no less than \$600,000, the
8 proceeds of which must be deposited in the motor vehicle fund. By July
9 1, 2009, the department shall submit a status report regarding the
10 transaction to the chairs of the legislative transportation committees.

11 ~~((+5) \$750,000))~~ (3) \$1,286,000 of the motor vehicle account--state
12 appropriation is provided solely for the department's compliance with
13 its national pollution discharge elimination system permit.

14 ~~((+6))~~ (4) The department shall provide updated information on six
15 project milestones for all active projects, funded in part or in whole
16 with 2005 transportation partnership account funds or 2003 nickel
17 account funds, on a quarterly basis in the transportation executive
18 information system (TEIS). The department shall also provide updated
19 information on six project milestones for projects, funded with
20 preexisting funds and that are agreed to by the legislature, office of
21 financial management, and the department, on a quarterly basis in TEIS.

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

24 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
25 **K**

26	Motor Vehicle Account--State Appropriation	((\$615,000))
27		<u>\$602,000</u>
28	Multimodal Transportation Account--State Appropriation	\$200,000
29	TOTAL APPROPRIATION	((\$815,000))
30		<u>\$802,000</u>

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

33 (1) \$200,000 of the multimodal transportation account--state
34 appropriation is provided solely for the department to develop and
35 implement public private partnerships at high priority terminals as
36 identified in the January 12, 2009, final report on joint development

1 opportunities at Washington state ferries terminals. The department
2 shall first consider a mutually beneficial agreement at the Edmonds
3 terminal.

4 (2) \$50,000 of the motor vehicle account--state appropriation is
5 provided solely for the department to investigate the potential to
6 generate revenue from web site sponsorships and similar ventures and,
7 if feasible, pursue partnership opportunities.

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

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

11 Motor Vehicle Account--State Appropriation	((\$347,637,000))
	<u>\$349,091,000</u>
13 Motor Vehicle Account--Federal Appropriation	((\$2,000,000))
	<u>\$22,000,000</u>
15 Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
16 ((Water Pollution Account--State Appropriation	\$12,500,000))
17 TOTAL APPROPRIATION	((\$367,934,000))
	<u>\$376,888,000</u>

18

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

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

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

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

35 (4) ((~~\$2,000,000~~)) \$22,000,000 of the motor vehicle account--
36 federal appropriation is for unanticipated federal funds that may be
37 received during the 2009-11 fiscal biennium. Upon receipt of the

1 funds, the department shall provide a report on the use of the funds to
2 the transportation committees of the legislature and the office of
3 financial management.

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

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

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

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

18 (7) \$650,000 of the motor vehicle account--state appropriation is
19 provided solely for increased asphalt costs. (~~If Senate Bill No. 5976
20 is not enacted by June 30, 2009, the amount provided in this subsection
21 shall lapse.~~)

22 (8) \$16,800,000 of the motor vehicle account--state appropriation
23 is provided solely for the high priority maintenance backlog.
24 Addressing the maintenance backlog must result in increased levels of
25 service.

26 (~~(10) \$750,000~~) (9) \$1,890,000 of the motor vehicle account--
27 state appropriation is provided solely for the department's compliance
28 with its national pollution discharge elimination system permit.

29 (10) The department shall work with human trafficking victim
30 advocates to develop informational posters for placement in rest areas.
31 The department shall adopt policies for the placement of these posters
32 in rest areas, and these policies must address, at a minimum, placement
33 of the posters in bathroom stalls. The posters may be in a variety of
34 languages and include toll-free telephone numbers that a person may
35 call for assistance, including the number for the national human
36 trafficking resource center at (888) 373-7888.

37 (11) \$317,000 of the motor vehicle account--state appropriation is
38 provided solely for maintaining a new active traffic management system

1 on Interstate 5, Interstate 90, and SR 520. The department shall track
2 the costs associated with these systems on a corridor basis and report
3 to the legislative transportation committees on the cost and benefits
4 of the system.

5 (12) \$286,000 of the motor vehicle account--state appropriation is
6 provided solely for storm water assessment fees charged by local
7 governments.

8 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
11 **OPERATING**

12 Motor Vehicle Account--State Appropriation	((\$51,526,000))
13	<u>\$51,151,000</u>
14 Motor Vehicle Account--Federal Appropriation	\$2,050,000
15 Motor Vehicle Account--Private/Local Appropriation	\$127,000
16 TOTAL APPROPRIATION	((\$53,703,000))
17	<u>\$53,328,000</u>

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

20 (1) \$2,400,000 of the motor vehicle account--state appropriation is
21 provided solely for low-cost enhancements. The department shall give
22 priority to low-cost enhancement projects that improve safety or
23 provide congestion relief. The department shall prioritize low-cost
24 enhancement projects on a statewide rather than regional basis. By
25 September 1st of each even-numbered year, the department shall provide
26 a report to the legislature listing all low-cost enhancement projects
27 prioritized on a statewide rather than regional basis completed in the
28 prior year.

29 (2) The department, in consultation with the Washington state
30 patrol, may continue a pilot program for the patrol to issue
31 infractions based on information from automated traffic safety cameras
32 in roadway construction zones on state highways. For the purpose of
33 this pilot program, during the 2009-11 fiscal biennium, a roadway
34 construction zone includes areas where public employees or private
35 contractors are not present but where a driving condition exists that
36 would make it unsafe to drive at higher speeds, such as, when the

1 department is redirecting or realigning lanes on any public roadway
2 pursuant to ongoing construction. The department shall use the
3 following guidelines to administer the program:

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

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

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

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

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

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

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

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

17 (4) \$173,000 of the motor vehicle account--state appropriation is
18 provided solely for the department to continue a pilot tow truck
19 incentive program and to expand the program to other areas of the
20 state. The department may provide incentive payments to towing
21 companies that meet clearance goals on accidents that involve heavy
22 trucks. The department shall report to the office of financial
23 management and the transportation committees of the legislature on the
24 effectiveness of the clearance goals and submit recommendations to
25 improve the pilot program with the department's 2010 supplemental
26 omnibus transportation appropriations act submittal.

27 (5) \$92,000 of the motor vehicle account--state appropriation is
28 provided solely for operating a new active traffic management system on
29 Interstate 5, Interstate 90, and SR 520. The department shall track
30 the costs associated with these systems on a corridor basis and report
31 to the legislative transportation committees on the cost and benefits
32 of the system.

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

35 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
36 **SUPPORT--PROGRAM S**

37 Motor Vehicle Account--State Appropriation ((\$29,153,000))

1		<u>\$28,720,000</u>
2	Motor Vehicle Account--Federal Appropriation	\$30,000
3	Multimodal Transportation Account--State	
4	Appropriation	\$973,000
5	State Route Number 520 Corridor Account--State	
6	Appropriation	\$264,000
7	TOTAL APPROPRIATION	((\$30,420,000))
8		<u>\$29,987,000</u>

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

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

25	FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,	
26	AND RESEARCH--PROGRAM T	
27	Motor Vehicle Account--State Appropriation	((\$24,724,000))
28		<u>\$26,083,000</u>
29	Motor Vehicle Account--Federal Appropriation	((\$19,116,000))
30		<u>\$22,116,000</u>
31	Multimodal Transportation Account--State	
32	Appropriation	((\$696,000))
33		<u>\$1,096,000</u>
34	Multimodal Transportation Account--Federal	
35	Appropriation	\$2,809,000
36	Multimodal Transportation Account--Private/Local	
37	Appropriation	\$100,000

1 TOTAL APPROPRIATION ((\$47,445,000))
2 \$52,204,000

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

5 (1) \$150,000 of the motor vehicle account--federal appropriation is
6 provided solely for the costs to develop an electronic map-based
7 computer application that will enable law enforcement officers and
8 others to more easily locate collisions and other incidents in the
9 field.

10 (2) \$400,000 of the ((motor vehicle account)) multimodal
11 transportation account--state appropriation is provided solely for a
12 diesel multiple unit feasibility and initial planning study. The study
13 must evaluate potential service on the Stampede Pass line from Maple
14 Valley to Auburn via Covington. The study must evaluate the potential
15 demand for service, the business model and capital needs for launching
16 and running the line, and the need for improvements in switching,
17 signaling, and tracking. A report on the study must be submitted to
18 the legislature by June 30, 2010.

19 (3) \$243,000 of the motor vehicle account--state appropriation and
20 \$81,000 of the motor vehicle account--federal appropriation are
21 provided solely for the development of a freight database to help guide
22 freight investment decisions and track project effectiveness. The
23 database must be based on truck movement tracked through geographic
24 information system technology. TransNow shall contribute additional
25 federal funds that are not appropriated in this act. The department
26 shall work with the freight mobility strategic investment board to
27 implement this database.

28 (4) \$2,000,000 of the motor vehicle account--state appropriation is
29 provided solely for scoping projects for further design and developing
30 cost estimates to ensure that a well-vetted project list is available
31 for future program funding discussions.

32 (a) It is the intent of the legislature that the funding provided
33 in this subsection support the development of transportation solutions
34 that benefit all state residents. It is further the intent of the
35 legislature that the buying power of future revenue packages is
36 maximized.

37 (b) The funds provided in this subsection must be allocated to the
38 following areas of priority within the state highway system:

1 (i) Mobility, for the purposes of:

2 (A) Building on prior investments in the nickel and transportation
3 partnership act programs;

4 (B) Addressing the impacts of diversion from tolled facilities;

5 (C) Relieving bottlenecks and other locations that operate below
6 seventy percent of posted speeds; and

7 (D) Devising cost-effective demand management and efficient
8 operation strategies;

9 (ii) Safety, for the purposes of:

10 (A) Maintaining a safe travel environment for the state citizenry
11 and businesses;

12 (B) Identifying low-cost solutions to the highest priority safety
13 needs throughout the state;

14 (C) Preventing crossovers, making intersections safer, reducing the
15 risks of running off the road, and reducing head-on collisions; and

16 (iii) Preservation, for the purposes of:

17 (A) Accomplishing the lowest life-cycle cost strategies as required
18 by law; and

19 (B) Ensuring that the primary structural elements of bridges are
20 sound.

21 (c) For the purposes of this subsection (4), "state highway system"
22 includes the state ferry system.

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

28 (5) \$300,000 of the motor vehicle account--state appropriation is
29 provided solely for a corridor study of state route number 516 from the
30 eastern border of Maple Valley to state route number 167 to determine
31 whether improvements are needed and the costs of any needed
32 improvements.

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

35 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
36 **V**

37 Regional Mobility Grant Program Account--State

1	Appropriation	((\$54,677,000))
2		<u>\$68,952,000</u>
3	Multimodal Transportation Account--State	
4	Appropriation	((\$65,795,000))
5		<u>\$65,702,000</u>
6	Multimodal Transportation Account--Federal	
7	Appropriation	\$2,582,000
8	Multimodal Transportation Account--Private/Local	
9	Appropriation	\$1,027,000
10	TOTAL APPROPRIATION	((\$124,081,000))
11		<u>\$138,263,000</u>

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

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

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

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

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

37 (a) \$8,500,000 of the multimodal transportation account--state
38 appropriation is provided solely for grants for those transit systems

1 serving small cities and rural areas as identified in the "Summary of
2 Public Transportation - 2007" published by the department of
3 transportation. Noncompetitive grants must be distributed to the
4 transit systems serving small cities and rural areas in a manner
5 similar to past disparity equalization programs.

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

10 (3) \$7,000,000 of the multimodal transportation account--state
11 appropriation is provided solely for a vanpool grant program for: (a)
12 Public transit agencies to add vanpools or replace vans; and (b)
13 incentives for employers to increase employee vanpool use. The grant
14 program for public transit agencies will cover capital costs only;
15 operating costs for public transit agencies are not eligible for
16 funding under this grant program. Additional employees may not be
17 hired from the funds provided in this section for the vanpool grant
18 program, and supplanting of transit funds currently funding vanpools is
19 not allowed. The department shall encourage grant applicants and
20 recipients to leverage funds other than state funds. At least
21 \$1,600,000 of this amount must be used for vanpool grants in congested
22 corridors.

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

37 (5) \$3,318,000 of the multimodal transportation account--state
38 appropriation and \$21,248,000 of the regional mobility grant program

1 account--state appropriation are reappropriated and provided solely for
2 the regional mobility grant projects identified on the LEAP
3 Transportation Document 2007-B, as developed April 20, 2007, or the
4 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
5 department shall continue to review all projects receiving grant awards
6 under this program at least semiannually to determine whether the
7 projects are making satisfactory progress. The department shall
8 promptly close out grants when projects have been completed, and any
9 remaining funds available to the office of transit mobility must be
10 used only to fund projects on the LEAP Transportation Document 2006-D,
11 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
12 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
13 as developed April 24, 2009. It is the intent of the legislature to
14 appropriate funds through the regional mobility grant program only for
15 projects that will be completed on schedule.

16 (6) \$33,429,000 of the regional mobility grant program account--
17 state appropriation is provided solely for the regional mobility grant
18 projects identified in LEAP Transportation Document 2009-B, as
19 developed April 24, 2009. The department shall review all projects
20 receiving grant awards under this program at least semiannually to
21 determine whether the projects are making satisfactory progress. Any
22 project that has been awarded funds, but does not report activity on
23 the project within one year of the grant award, must be reviewed by the
24 department to determine whether the grant should be terminated. The
25 department shall promptly close out grants when projects have been
26 completed, and any remaining funds available to the office of transit
27 mobility must be used only to fund projects identified in LEAP
28 Transportation Document 2009-B, as developed April 24, 2009. The
29 department shall provide annual status reports on December 15, 2009,
30 and December 15, 2010, to the office of financial management and the
31 transportation committees of the legislature regarding the projects
32 receiving the grants. It is the intent of the legislature to
33 appropriate funds through the regional mobility grant program only for
34 projects that will be completed on schedule.

35 (7) \$14,275,000 of the regional mobility grant program account--
36 state appropriation must be obligated no later than December 31, 2010,
37 and is provided solely for the following recommended contingency

1 regional mobility grant projects identified in the 2009-11 omnibus
2 transportation appropriations act, LEAP Transportation Document 2009-B,
3 as developed April 24, 2009, as follows:

4 (a) \$3,678,232 is provided solely for the southeast King county
5 connectors project;

6 (b) \$4,000,000 is provided solely for the Rainier/Jackson transit
7 priority corridor improvements;

8 (c) \$2,100,000 is provided solely for the state route number 522
9 west city limits to Northeast 180th stage 2A (91st Ave NE to west of
10 96th Ave NE) project; and

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

13 (8) \$300,000 of the multimodal transportation account--state
14 appropriation is provided solely for a transportation demand management
15 program, developed by the Whatcom council of governments, to further
16 reduce drive-alone trips and maximize the use of sustainable
17 transportation choices. The community-based program must focus on all
18 trips, not only commute trips, by providing education, assistance, and
19 incentives to four target audiences: (a) Large work sites; (b)
20 employees of businesses in downtown areas; (c) school children; and (d)
21 residents of Bellingham.

22 ~~((+8))~~ (9) \$130,000 of the multimodal transportation account--
23 state appropriation is provided solely to the department to distribute
24 to support Engrossed Substitute House Bill No. 2072 (special needs
25 transportation).

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

30 (b) \$50,000 of the amount provided in this subsection is provided
31 solely to support the pilot project to be developed or implemented by
32 the local coordinating coalition comprised of a single county,
33 described in sections 9, 10, and 11, chapter . . . (Engrossed
34 Substitute House Bill No. 2072), Laws of 2009. The department shall
35 assist the local coordinating coalition to seek funding sufficient to
36 fully fund the pilot project from a variety of sources including, but
37 not limited to, the regional transit authority serving the county, the
38 regional transportation planning organization serving the county, and

1 other appropriate state and federal agencies and grants. Development
2 or implementation of the pilot project is contingent on securing
3 funding sufficient to fully fund the pilot project.

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

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

13 ~~((+10))~~ (11) An affected urban growth area that has not previously
14 implemented a commute trip reduction program is exempt from the
15 requirements in RCW 70.94.527 if a solution to address the state
16 highway deficiency that exceeds the person hours of delay threshold has
17 been funded and is in progress during the 2009-11 fiscal biennium.

18 ~~((+11))~~ (12) \$2,309,000 of the multimodal transportation account--
19 state appropriation is provided solely for the tri-county connection
20 service for Island, Skagit, and Whatcom transit agencies.

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

23 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**
 24 Puget Sound Ferry Operations Account--State

25	Appropriation	((\$400,592,000))
26		<u>\$425,232,000</u>

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

29 (1) ~~((\$53,110,560))~~ \$79,918,140 of the Puget Sound ferry operations
30 account--state appropriation is provided solely for auto ferry vessel
31 operating fuel in the 2009-11 fiscal biennium. ~~((This appropriation is
32 contingent upon the enactment of section 716 of this act.))~~

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

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

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

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

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

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

31 (8) \$3,000,000 of the Puget Sound ferry operations account--state
32 appropriation is provided solely for commercial insurance for ferry
33 assets. The office of financial management, after consultation with
34 the transportation committees of the legislature, must present a
35 business plan for the Washington state ferry system's insurance
36 coverage to the 2010 legislature. The business plan must include a
37 cost-benefit analysis of Washington state ferries' current commercial

1 insurance purchased for ferry assets and a review of self-insurance for
2 noncatastrophic events.

3 (9) \$1,100,000 of the Puget Sound ferry operations account--state
4 appropriation is provided solely for a marketing program. The
5 department shall present a marketing program proposal to the
6 transportation committees of the legislature during the 2010
7 legislative session before implementing this program. Of this amount,
8 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
9 Coupeville for mitigation expenses related to only one vessel operating
10 on the Port Townsend/Keystone ferry route. The moneys provided to the
11 city of Port Townsend and town of Coupeville are not contingent upon
12 the required marketing proposal.

13 (10) \$350,000 of the Puget Sound ferry operations account--state
14 appropriation is provided solely for two extra trips per day during the
15 summer of 2009 season, beyond the current schedule, on the Port
16 Townsend/Keystone route.

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

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

29 (13) As a priority task, the department is directed to propose a
30 comprehensive incident and accident investigation policy and
31 appropriate procedures, and to provide the proposal to the legislature
32 by November 1, 2009, using existing resources and staff expertise. In
33 addition to consulting with ferry system unions and the United States
34 coast guard, the Washington state ferries is encouraged to solicit
35 independent outside expertise on incident and accident investigation
36 best practices as they may be found in other organizations with a
37 similar concern for marine safety. It is the intent of the legislature
38 to enact the policies into law and to publish that law and procedures

1 as a manual for Washington state ferries' accident/incident
2 investigations. Until that time, the Washington state ferry system
3 must exercise particular diligence to assure that any incident or
4 accident investigations are conducted within the spirit of the
5 guidelines of this act. The proposed policy must contain, at a
6 minimum:

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

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

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

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

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

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

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

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

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

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

35 (f) The process for keeping the public informed of the
36 investigation and its outcomes, in compliance with any affected
37 employee's or employees' respective collective bargaining agreement and

1 state laws and rules regarding public disclosure under chapter 42.56
2 RCW.

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

5 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
6 Multimodal Transportation Account--State
7 Appropriation ((~~\$34,933,000~~))
8 \$37,392,000

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

11 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation
12 account--state appropriation is provided solely for the Amtrak service
13 contract and Talgo maintenance contract associated with providing and
14 maintaining the state-supported passenger rail service. The department
15 is directed to continue to pursue efforts to reduce costs and increase
16 ridership and to review fares or fare schedules. Within thirty days of
17 each annual ridership/revenue reconciliation under the Amtrak service
18 contract, the department shall report annual credits to the office of
19 financial management and the legislative transportation committees.
20 Annual credits for increased revenue due to higher ridership or fare
21 schedule adjustments, or both, must be used to offset corresponding
22 amounts of the multimodal transportation account--state appropriation,
23 which must be placed in reserve. Upon completion of the rail platform
24 project in the city of Stanwood, the department shall provide daily
25 Amtrak Cascades service to the city.

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

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

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

31 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
32 **OPERATING**
33 Motor Vehicle Account--State Appropriation ((~~\$8,739,000~~))
34 \$8,682,000
35 Motor Vehicle Account--Federal Appropriation \$2,567,000
36 TOTAL APPROPRIATION ((~~\$11,306,000~~))

TRANSPORTATION AGENCIES--CAPITAL

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

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Table with 2 columns: Description and Amount. Rows include Rural Arterial Trust Account, Motor Vehicle Account, County Arterial Preservation Account, and TOTAL APPROPRIATION.

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

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

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board.

(3) \$16,500,000 of the rural arterial trust account--state appropriation is provided solely for additional grants for county road projects as approved by the county road administration board.

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

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Table with 2 columns: Description and Amount. Row includes Small City Pavement and Sidewalk Account.

1	Urban Arterial Trust Account--State Appropriation	\$122,400,000
2	Transportation Improvement Account--State	
3	Appropriation	((\$85,643,000))
4		<u>\$81,643,000</u>
5	TOTAL APPROPRIATION	((\$213,822,000))
6		<u>\$207,970,000</u>

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

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

12 (2) The urban arterial trust account--state appropriation includes
13 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW
14 47.26.420.

15 **Sec. 303.** 2009 c 470 s 304 (uncodified) is amended to read as
16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
18 submittal for the 2011-13 fiscal biennium, the department shall provide
19 an annual update to the report provided to the legislature and the
20 office of financial management in 2008 that:

21 (1) Compares the original project cost estimates approved in the
22 2003 and 2005 project lists to the completed cost of the project, or
23 the most recent legislatively approved budget and total project costs
24 for projects not yet completed;

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

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

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

32 (5) Identifies contingency amounts allocated to projects.

33 **Sec. 304.** 2009 c 470 s 306 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**
36 Multimodal Transportation Account--State

1	Appropriation	((\$1,000))
2		<u>\$98,000</u>
3	Transportation Partnership Account--State	
4	Appropriation	((\$1,723,834,000))
5		<u>\$1,664,141,000</u>
6	Motor Vehicle Account--State Appropriation	((\$80,735,000))
7		<u>\$84,934,000</u>
8	Motor Vehicle Account--Federal Appropriation	((\$410,341,000))
9		<u>\$570,007,000</u>
10	Motor Vehicle Account--Private/Local	
11	Appropriation	((\$65,494,000))
12		<u>\$70,713,000</u>
13	Special Category C Account--State Appropriation	((\$24,549,000))
14		<u>\$25,221,000</u>
15	Transportation 2003 Account (Nickel Account)--State	
16	Appropriation	((\$703,708,000))
17		<u>\$713,205,000</u>
18	Freight Mobility Multimodal Account--State	
19	Appropriation	((\$4,422,000))
20		<u>\$4,574,000</u>
21	Tacoma Narrows Toll Bridge Account--State	
22	Appropriation	((\$788,000))
23		<u>\$789,000</u>
24	State Route Number 520 Corridor Account--State	
25	Appropriation	((\$106,000,000))
26		<u>\$231,763,000</u>
27	TOTAL APPROPRIATION	((\$3,119,872,000))
28		<u>\$3,365,445,000</u>

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

31 (1) Except as provided otherwise in this section, the entire
32 transportation 2003 account (nickel account) appropriation and the
33 entire transportation partnership account appropriation are provided
34 solely for the projects and activities as listed by fund, project, and
35 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed
36 ((~~April 24, 2009~~)) February 23, 2010, Program - Highway Improvement
37 Program (I). However, limited transfers of specific line-item project

1 appropriations may occur between projects for those amounts listed
2 subject to the conditions and limitations in sections 603 and 501 of
3 this act.

4 ~~(2) ((As a result of economic changes since the initial development
5 of the improvement program budget for the 2009-11 fiscal biennium, the
6 department has received bids on construction contracts over the last
7 several months that are favorable with respect to current estimates of
8 project costs. National economic forecasts indicate that inflationary
9 pressures are likely to remain lower than previously expected for the
10 next several years. As a result, the nominal project cost totals shown
11 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
12 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
13 the likely amount necessary to deliver the projects listed within those
14 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000
15 in the 2011-13 fiscal biennium. The appropriations provided in this
16 section for the projects in those biennia are therefore \$63,500,000
17 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
18 fiscal biennium than the aggregate total of project costs listed. It
19 is the intent of the legislature that the department shall deliver the
20 projects listed in LEAP Transportation Document 2009-1 within the time,
21 scope, and budgets identified in that document, provided that the
22 prices of commodities used in transportation projects do not differ
23 significantly from those assumed for the 2009-11 and 2011-13 fiscal
24 biennia in the March 2009 forecast of the economic and revenue forecast
25 council.~~

26 ~~(3) \$162,900,000))~~ \$163,385,000 of the transportation partnership
27 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the
28 state route number 520 corridor account--state appropriation are
29 provided solely for the state route number 520 bridge replacement and
30 HOV project. The department shall submit an application for the
31 eastside transit and HOV project to the supplemental discretionary
32 grant program for regionally significant projects as provided in the
33 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route
34 number 520 improvements shall be designed and constructed to
35 accommodate a future full interchange at 124th Avenue Northeast.
36 Concurrent with the eastside transit and HOV project, the department
37 shall conduct engineering design of a full interchange at 124th Avenue
38 Northeast. The amount provided in this subsection from the state route~~

1 ~~number 520 corridor account state appropriation is contingent on the~~
2 ~~enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)~~
3 ~~either Engrossed Substitute House Bill No. 2326 or other legislation~~
4 ~~authorizing bonds for the state route number 520 corridor projects. If~~
5 ~~the conditions of this subsection are not satisfied, the state route~~
6 ~~number 520 corridor account state appropriation shall lapse.~~

7 ~~(4))~~ (3) As required under section 305(6), chapter 518, Laws of
8 2007, the department shall report by January 2010 to the transportation
9 committees of the legislature on the findings of the King county noise
10 reduction solutions pilot project.

11 ~~((5))~~ (4) Funding allocated for mitigation costs is provided
12 solely for the purpose of project impact mitigation, and shall not be
13 used to develop or otherwise participate in the environmental
14 assessment process.

15 ~~((6))~~ (5) The department shall apply for surface transportation
16 program (STP) enhancement funds to be expended in lieu of or in
17 addition to state funds for eligible costs of projects in Programs I
18 and P including, but not limited to, the SR 518, SR 520, Columbia river
19 crossing, and Alaskan Way viaduct projects.

20 ~~((7))~~ (6) The department shall, on a quarterly basis beginning
21 July 1, 2009, provide to the office of financial management and the
22 legislature reports providing the status on each active project funded
23 in part or whole by the transportation 2003 account (nickel account) or
24 the transportation partnership account. Funding provided at a
25 programmatic level for transportation partnership account and
26 transportation 2003 account (nickel account) projects relating to
27 bridge rail, guard rail, fish passage barrier removal, and roadside
28 safety projects should be reported on a programmatic basis. Projects
29 within this programmatic level funding should be completed on a
30 priority basis and scoped to be completed within the current
31 programmatic budget. ~~((The department shall work with the office of~~
32 ~~financial management and the transportation committees of the~~
33 ~~legislature to agree on report formatting and elements. Elements must~~
34 ~~include, but not be limited to, project scope, schedule, and costs.~~
35 ~~For))~~ Report formatting and elements must be consistent with the
36 October 2009 quarterly project report. On a representative sample of
37 new construction contracts valued at fifteen million dollars or more,
38 the department must also use an earned value method of project

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

4 ~~(+8))~~ (7) The transportation 2003 account (nickel account)--state
5 appropriation includes up to (~~(\$628,000,000)~~) \$652,314,000 in proceeds
6 from the sale of bonds authorized by RCW 47.10.861.

7 ~~((+9))~~ (8) The transportation partnership account--state
8 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,345,621,000 in
9 proceeds from the sale of bonds authorized in RCW 47.10.873.

10 ~~((+10))~~ (9) The special category C account--state appropriation
11 includes up to (~~(\$22,127,000)~~) \$25,122,000 in proceeds from the sale of
12 bonds authorized in RCW 47.10.812.

13 ~~((+11))~~ (10) The motor vehicle account--state appropriation
14 includes up to (~~(\$31,500,000)~~) \$39,000,000 in proceeds from the sale of
15 bonds authorized in RCW 47.10.843.

16 ~~((+12))~~ (11) The department must prepare a tolling study for the
17 Columbia river crossing project. While conducting the study, the
18 department must coordinate with the Oregon department of transportation
19 to perform the following activities:

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

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

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

28 (d) Confer with the project sponsor's council, as well as local and
29 regional governing bodies adjacent to the Interstate 5 Columbia river
30 crossing corridor and the Interstate 205 corridor regarding the
31 implementation of tolls, the impacts that the implementation of tolls
32 might have on the operation of the corridors, the diversion of traffic
33 to local streets, and potential mitigation measures;

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

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

1 (g) Conduct public work sessions and open houses to provide
2 information to citizens, including users of the bridge and business and
3 freight interests, regarding implementation of tolls on the Interstate
4 5 and to solicit citizen views on the following items:

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

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

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

11 (h) Provide a report to the governor and the legislature by January
12 2010.

13 ~~((+13+))~~ (12)(a) By January 2010, the department must prepare a
14 traffic and revenue study for Interstate 405 in King county and
15 Snohomish county that includes funding for improvements and high
16 occupancy toll lanes, as defined in RCW 47.56.401, for traffic
17 management. The department must develop a plan to operate up to two
18 high occupancy toll lanes in each direction on Interstate 405.

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

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

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

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

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

34 ~~((+14) \$9,199,985))~~ (13) \$6,488,000 of the motor vehicle account--
35 state appropriation ~~((is))~~ and \$5,000 of the motor vehicle account--
36 federal appropriation are provided solely for project 100224I, ~~((as~~
37 ~~identified in the LEAP transportation document in subsection (1) of~~
38 ~~this section+))~~ US 2 high priority safety project. Expenditure of

1 these funds is for safety projects on state route number 2 between
2 Monroe and Gold Bar, which may include median rumble strips, traffic
3 cameras, and electronic message signs.

4 ~~((+15))~~ (14) Expenditures for the state route number 99 Alaskan
5 Way viaduct replacement project must be made in conformance with
6 Engrossed Substitute Senate Bill No. 5768.

7 ~~((+16))~~ (15) The department shall conduct a public outreach
8 process to identify and respond to community concerns regarding the
9 Belfair bypass. The process must include representatives from Mason
10 county, the legislature, area businesses, and community members. The
11 department shall use this process to consider and develop design
12 alternatives that alter the project's scope so that the community's
13 needs are met within the project budget. The department shall provide
14 a report on the process and outcomes to the legislature by June 30,
15 2010.

16 ~~((+17))~~ (16) The legislature is committed to the timely completion
17 of R8A which supports the construction of sound transit's east link.
18 Following the completion of the independent analysis of the
19 methodologies to value the reversible lanes on Interstate 90 which may
20 be used for high capacity transit as directed in section 204 of this
21 act, the department shall complete the process of negotiations with
22 sound transit. Such agreement shall be completed no later than
23 December 1, 2009.

24 ~~((+18))~~ (17) \$250,000 of the motor vehicle account--state
25 appropriation is provided solely for the design and construction of a
26 right turn lane to improve visibility and traffic flow on state route
27 number 195 and Cheney-Spokane Road (project L1000001).

28 ~~((+19)---\$846,700))~~ (18) \$730,000 of the motor vehicle account--
29 federal appropriation and ~~((+\$17,280))~~ \$16,000 of the motor vehicle
30 account--state appropriation are provided solely for the Westview
31 school noise wall (project WESTV).

32 ~~((+20)---\$1,360))~~ (19) \$2,000 of the motor vehicle account--state
33 appropriation and ~~((+\$35,786))~~ \$131,000 of the motor vehicle account--
34 federal appropriation are provided solely for interchange design and
35 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

36 ~~((+21)---\$20,011,125))~~ (20) \$21,566,000 of the transportation
37 partnership account--state appropriation, ~~((+\$2,550))~~ \$26,000 of the
38 motor vehicle account--state appropriation, ~~((+\$30,003,473))~~ \$30,000,000

1 of the motor vehicle account--private/local appropriation, and
2 (~~(\$1,482,066)~~) \$4,334,000 of the motor vehicle account--federal
3 appropriation are provided solely for project 400506A, the I-5/Columbia
4 river crossing/Vancouver project. The funding described in this
5 subsection includes a (~~(\$30,003,473)~~) \$30,000,000 contribution from the
6 state of Oregon.

7 ~~((+22))~~ (21) It is important that the public and policymakers have
8 accurate and timely access to information related to the Alaskan Way
9 viaduct replacement project as it proceeds to, and during, the
10 construction of all aspects of the project including, but not limited
11 to, information regarding costs, schedules, contracts, project status,
12 and neighborhood impacts. Therefore, it is the intent of the
13 legislature that the state, city, and county departments of
14 transportation establish a single source of accountability for
15 integration, coordination, tracking, and information of all requisite
16 components of the replacement project, which must include, at a
17 minimum:

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

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

22 ~~((+23))~~ (22) The state route number 520 corridor account--state
23 appropriation includes up to (~~(\$106,000,000)~~) \$231,763,000 in proceeds
24 from the sale of bonds authorized in Engrossed Substitute House Bill
25 No. 2326 or in legislation authorizing bonds for the state route number
26 520 corridor projects. ~~((If Engrossed Substitute House Bill No. 2326,
27 or legislation authorizing bonds for the state route number 520
28 corridor projects, is not enacted by June 30, 2009, the amount provided
29 in this subsection shall lapse.~~

30 ~~(+24))~~ (23) The department shall evaluate a potential deep bore
31 culvert for the state route number 305/Bjorgen creek fish barrier
32 project identified as project 330514A in LEAP Transportation Document
33 ALL PROJECTS ~~((2009-2))~~ 2010-2, as developed ~~((April 24, 2009))~~
34 February 23, 2010. The department shall evaluate whether a deep bore
35 culvert will be a less costly alternative than a traditional culvert
36 since a traditional culvert would require extensive road detours during
37 construction.

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

9 ~~((+26)---\$10,600,000))~~ (25) \$8,890,000 of the transportation
10 partnership account--state appropriation is provided solely for project
11 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
12 2 and 3 project, as indicated in the LEAP transportation document
13 referenced in subsection (1) of this section. ~~((Funds shall be used
14 solely for preliminary engineering on stages 2 and 3 of this project.~~

15 ~~(+27))~~ (26) The department shall continue to work with the local
16 partners in developing transportation solutions necessary for the
17 economic growth in the Red Mountain American Viticulture Area of Benton
18 county.

19 ~~((+28))~~ (27) For highway construction projects where the
20 department considers agricultural lands of long-term commercial
21 significance, as defined in RCW 36.70A.030, in reviewing and selecting
22 sites to meet environmental mitigation requirements under the national
23 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
24 environmental policy act (chapter 43.21C RCW), the department shall, to
25 the greatest extent possible, consider using public land first. If
26 public lands are not available that meet the required environmental
27 mitigation needs, the department may use other sites while making every
28 effort to avoid any net loss of agricultural lands that have a
29 designation of long-term commercial significance.

30 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation
31 and motor vehicle account--federal appropriation, the department may
32 transfer funds between programs I and P, except for funds that are
33 otherwise restricted in this act.

34 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000
35 of the transportation partnership account--state appropriation is
36 provided solely for the department to prepare a comprehensive tolling
37 study of the state route number 167 corridor to determine the
38 feasibility of administering tolls within the corridor, identified as

1 project number 316718A in the LEAP transportation document described in
2 subsection (1) of this section. The department shall report to the
3 joint transportation committee by September 30, 2010. The department
4 shall regularly report to the Washington transportation commission
5 regarding the progress of the study for the purpose of guiding the
6 commission's potential toll setting on the facility. The elements of
7 the study must include, at a minimum:

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

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

11 (c) Economic considerations for future system investments.

12 ~~((31))~~ (30) Within the amounts provided in this section, \$200,000
13 of the transportation partnership account--state appropriation is
14 provided solely for the department to prepare a comprehensive tolling
15 study of the state route number 509 corridor to determine the
16 feasibility of administering tolls within the corridor, identified as
17 project number 850901F in the LEAP transportation document described in
18 subsection (1) of this section. The department shall report to the
19 joint transportation committee by September 30, 2010. The department
20 shall regularly report to the Washington transportation commission
21 regarding the progress of the study for the purpose of guiding the
22 commission's potential toll setting on the facility. The elements of
23 the study must include, at a minimum:

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

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

27 (c) Economic considerations for future system investments.

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

1 ~~(33)~~) (31) \$400,000 of the motor vehicle account--state
2 appropriation is provided solely for the department to conduct a state
3 route number 2 route development plan (project L2000016) that will
4 identify essential improvements needed between the port of
5 Everett/Naval station and approaching the state route number 9
6 interchange near the city of Snohomish.

7 ~~((34))~~ (32) If the SR 26 - Intersection and Illumination
8 Improvements are not completed by June 30, 2009, the department shall
9 ensure that the improvements are completed as soon as practicable after
10 June 30, 2009, and shall submit monthly progress reports on the
11 improvements beginning July 1, 2009.

12 ~~((35))~~ (33) \$200,000 of the transportation partnership account--
13 state appropriation, identified on project number 400506A in the LEAP
14 transportation document described in subsection (1) of this section, is
15 provided solely for the department to work with the department of
16 archaeology and historic preservation to ensure that the cultural
17 resources investigation is properly conducted on the Columbia river
18 crossing project. This project must be conducted with active
19 archaeological management and result in one report that spans the
20 single cultural area in Oregon and Washington. Additionally, the
21 department shall establish a scientific peer review of independent
22 archaeologists that are knowledgeable about the region and its cultural
23 resources.

24 ~~((36))~~ (34) The department shall work with the department of
25 archaeology and historic preservation to ensure that the cultural
26 resources investigation is properly conducted on all mega-highway
27 projects and large ferry terminal projects. These projects must be
28 conducted with active archaeological management. Additionally, the
29 department shall establish a scientific peer review of independent
30 archaeologists that are knowledgeable about the region and its cultural
31 resources.

32 ~~((37))~~ (35) Within the amounts provided in this section,
33 \$1,500,000 of the motor vehicle account--state appropriation is
34 provided solely for necessary work along the south side of SR 532,
35 identified as project number 053255C in the LEAP transportation
36 document described in subsection (1) of this section.

37 ~~((38))~~ (36) \$10,000,000 of the transportation partnership
38 account--state appropriation is provided solely for the Spokane street

1 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
2 Replacement project as indicated in the LEAP transportation document
3 referenced in subsection (1) of this section.

4 ~~((+39+))~~ (37) The department shall conduct a public outreach
5 process to identify and respond to community concerns regarding the
6 portion of John's Creek Road that connects state route number 3 and
7 state route number 101. The process must include representatives from
8 Mason county, the legislature, area businesses, and community members.
9 The department shall use this process to consider, develop, and design
10 a project scope so that the community's needs are met for the lowest
11 cost. The department shall provide a report on the process and
12 outcomes to the legislature by June 30, 2010.

13 ~~((+40+))~~ (38) The department shall apply for the competitive
14 portion of federal transit administration funds for eligible transit-
15 related costs of the state route number 520 bridge replacement and HOV
16 project and the Columbia river crossing project. The federal funds
17 described in this subsection must not include those federal transit
18 administration funds distributed by formula. The department shall
19 provide a report regarding this effort to the legislature by January 1,
20 2010.

21 (39) \$5,500,000 of the motor vehicle account--federal appropriation
22 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown
23 project, identified as project L1000034.

24 (40) \$2,244,000 of the motor vehicle account--federal appropriation
25 and \$122,000 of the motor vehicle account--state appropriation are
26 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
27 Build New Highway project, identified as project 501210T.

28 (41) \$790,000 of the motor vehicle account--federal appropriation
29 is provided solely for the Express Lanes System Concept Study project,
30 identified as project 800020A.

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

1 (43) If traffic impacts resulting from new development in the
2 vicinity of 40th Avenue West and state route number 526 require
3 mitigation, the department may not proceed with improvements at state
4 route number 526 and 84th Street SW until intersection improvements are
5 made at 40th Avenue West and state route number 526.

6 (44) \$226,000 of the motor vehicle account--federal appropriation
7 and \$9,000 of the motor vehicle account--state appropriation are
8 provided solely for the SR 16/Rosedale Street NW to 96th Street NW -
9 Frontage Road project (301639C). These funds must not be expended
10 before an agreement stating that the county will take ownership of the
11 road has been signed. The frontage road must be built for driving
12 speeds of no more than thirty-five miles per hour.

13 (45) The department shall work with the Washington state
14 transportation commission, the Oregon state department of
15 transportation, and the Oregon state transportation commission to
16 analyze and review potential options for a bistate, toll setting
17 framework. As part of the analysis, the department shall undertake the
18 following actions: Review statutory provisions and the governance
19 structures of toll facilities in the United States that are located
20 within two or more states; review relevant federal law regarding
21 transportation facilities that are located within two or more states;
22 consult with the state treasurers in Washington and Oregon regarding
23 the appropriate structure for the issuance of debt for toll facilities
24 that are located within two states; report findings and recommendations
25 to the Columbia river project sponsor's council by October 1, 2010; and
26 provide a final report to the governor and the legislature by December
27 20, 2011.

28 (46) \$67,000,000 of the transportation partnership account--state
29 appropriation is provided solely for the implementation of express lane
30 tolling on Interstate 405 as described in Substitute House Bill No.
31 2941.

32 (47)(a) \$150,000 of the motor vehicle account--state appropriation
33 is provided solely for the department to prepare a comprehensive
34 tolling study of the Interstate 5 express lanes to determine the
35 feasibility of administering tolls within the corridor. The department
36 shall regularly report to the Washington transportation commission
37 regarding the progress of the study. The elements of the study must
38 include, at a minimum:

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

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

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

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

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

9 (48) The multimodal transportation account--state appropriation
10 includes up to \$98,000 in proceeds from the sale of bonds authorized in
11 RCW 47.10.867.

12 (49) \$750,000 of the motor vehicle account--state appropriation is
13 provided solely for improvements from Allan Road to state route number
14 12.

15 (50) \$500,000 of the motor vehicle account--state appropriation is
16 provided solely for a traffic signal at the intersection of state route
17 number 7 and state route number 702.

18 (51) \$750,000 of the motor vehicle account--state appropriation is
19 provided solely for environmental work on the Belfair Bypass (project
20 300344C).

21 (52) \$500,000 of the motor vehicle account--federal appropriation
22 is provided solely for the International Mobility and Trade Corridor
23 project in Whatcom county.

24 (53) The legislature finds that state route number 522 corridor
25 provides an important link between Interstates 5 and 405 and will be
26 impacted by diversion from tolling elsewhere in the region. As such,
27 the legislature intends to complete the corridor as a priority in the
28 next revenue package. The state will work with the affected cities and
29 the federal government to secure the necessary resources to address the
30 needs of this critical corridor.

31 **Sec. 305.** 2009 c 470 s 307 (uncodified) is amended to read as
32 follows:

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

34 Transportation Partnership Account--State

35 Appropriation ((\$103,077,000))
36 \$77,329,000

37 Motor Vehicle Account--State Appropriation ((\$88,142,000))

1		<u>\$96,884,000</u>
2	Motor Vehicle Account--Federal Appropriation	((\$524,954,000))
3		<u>\$556,905,000</u>
4	Motor Vehicle Account--Private/Local Appropriation	((\$6,417,000))
5		<u>\$18,768,000</u>
6	Transportation 2003 Account (Nickel Account)--State	
7	Appropriation	((\$7,237,000))
8		<u>\$6,328,000</u>
9	Puyallup Tribal Settlement Account--State	
10	Appropriation	\$6,500,000
11	TOTAL APPROPRIATION	((\$736,327,000))
12		<u>\$762,714,000</u>

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

15 (1) Except as provided otherwise in this section, the entire
16 transportation 2003 account (nickel account) appropriation and the
17 entire transportation partnership account appropriation are provided
18 solely for the projects and activities as listed by fund, project, and
19 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed
20 ((~~April 24, 2009~~)) February 23, 2010, Program - Highway Preservation
21 Program (P). However, limited transfers of specific line-item project
22 appropriations may occur between projects for those amounts listed
23 subject to the conditions and limitations in sections 603 and 501 of
24 this act.

25 (2) ((~~\$544,639~~)) \$542,000 of the motor vehicle account--federal
26 appropriation and ((~~\$455,361~~)) \$453,000 of the motor vehicle account--
27 state appropriation are provided solely for project 602110F, ((~~as~~
28 ~~identified in the LEAP transportation document in subsection (1) of~~
29 ~~this section~~)) SR 21/Keller ferry boat - Preservation. Funds are
30 provided solely for preservation work on the existing vessel, the
31 Martha S.

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

35 (4) \$6,500,000 of the Puyallup tribal settlement account--state
36 appropriation is provided solely for ((~~mitigation~~)) costs associated
37 with the Murray Morgan/11th Street bridge ((~~demolition. The department~~
38 ~~may negotiate with the city of Tacoma for the purpose of transferring~~

1 ~~ownership of the Murray Morgan/11th Street bridge to the city. If the~~
2 ~~city agrees to accept ownership of the bridge, the department))~~
3 project. The city of Tacoma may use the Puyallup tribal settlement
4 account appropriation and other appropriated funds for bridge
5 rehabilitation, bridge replacement, bridge demolition, and related
6 mitigation. The department's participation, including prior
7 expenditures, may not exceed \$39,953,000. ~~((Funds may not be expended~~
8 ~~unless))~~ The city of Tacoma ~~((agrees to take))~~ has taken ownership of
9 the bridge in its entirety, and ~~((provides that))~~ the payment of these
10 funds extinguishes any real or implied agreements regarding future
11 bridge expenditures.

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

17 (6) The department shall, on a quarterly basis beginning July 1,
18 2009, provide to the office of financial management and the legislature
19 reports providing the status on each active project funded in part or
20 whole by the transportation 2003 account (nickel account) or the
21 transportation partnership account. Funding provided at a programmatic
22 level for transportation partnership account projects relating to
23 seismic bridges should be reported on a programmatic basis. Projects
24 within this programmatic level funding should be completed on a
25 priority basis and scoped to be completed within the current
26 programmatic budget. The department shall work with the office of
27 financial management and the transportation committees of the
28 legislature to agree on report formatting and elements. Elements must
29 include, but not be limited to, project scope, schedule, and costs.
30 For new construction contracts valued at fifteen million dollars or
31 more, the department must also use an earned value method of project
32 monitoring. The department shall also provide the information required
33 under this subsection on a quarterly basis via the transportation
34 executive information systems (TEIS).

35 (7) The department of transportation shall continue to implement
36 the lowest life cycle cost planning approach to pavement management
37 throughout the state to encourage the most effective and efficient use

1 of pavement preservation funds. Emphasis should be placed on
2 increasing the number of roads addressed on time and reducing the
3 number of roads past due.

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

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

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

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

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

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

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

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

28 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
29 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
30 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
31 transportation partnership account--state appropriation are provided
32 solely for the SR 104/Hood Canal bridge - replace east half project,
33 identified as project 310407B in the LEAP transportation document
34 described in subsection (1) of this section.

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

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

4 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--
5 federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account--
6 state appropriation are provided solely for the environmental impact
7 statement and preliminary planning for the replacement of the state
8 route number 9 Snohomish river bridge (project L2000018).

9 (13) \$12,503,000 of the motor vehicle account--federal
10 appropriation and \$497,000 of the motor vehicle account--state
11 appropriation are provided solely for the SR 410/Nile Valley Landslide
12 - Establish Interim Detour project (541002R).

13 (14) \$4,239,000 of the motor vehicle account--federal appropriation
14 and \$661,000 of the motor vehicle account--state appropriation are
15 provided solely for the SR 410/Nile Valley Landslide - Reconstruct
16 Route project (541002T).

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

25 (16) In addition to the amount provided in the LEAP transportation
26 document ALL PROJECTS 2010-2 for project US 97A/North of Wenatchee -
27 Wildlife Fence (209790B), \$200,000 of the motor vehicle account--
28 federal appropriation is provided solely for this project, and an
29 offsetting reduction is anticipated in the 2011-13 biennium.

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

35 **Sec. 306.** 2009 c 470 s 308 (uncodified) is amended to read as
36 follows:

1 (~~(\$8,492,000)~~) \$200,000 of the Puget Sound capital construction
2 account--local appropriation, (~~(\$67,234,000)~~) \$66,879,000 of the
3 transportation partnership account--state appropriation, \$51,734,000 of
4 the transportation 2003 account (nickel account)--state appropriation,
5 and (~~(\$170,000)~~) \$149,000 of the multimodal transportation account--
6 state appropriation are provided solely for ferry capital projects,
7 project support, and administration as listed in LEAP Transportation
8 Document ALL PROJECTS (~~(2009-2)~~) 2010-2 as developed (~~(April 24, 2009)~~)
9 February 23, 2010, Program - Ferries Construction Program (W). Of the
10 total appropriation, a maximum of \$10,627,000 may be used for
11 administrative support, a maximum of \$8,184,000 may be used for
12 terminal project support, and a maximum of \$4,497,000 may be used for
13 vessel project support.

14 (2) \$51,734,000 of the transportation 2003 account (nickel
15 account)--state appropriation (~~and~~), \$63,100,000 of the
16 transportation partnership account--state appropriation, and
17 \$10,164,000 of the Puget Sound capital construction account--state
18 appropriation are provided solely for the acquisition of three new
19 Island Home class ferry vessels subject to the conditions of RCW
20 47.56.780. The department shall pursue a contract for the second and
21 third Island Home class ferry vessels with an option to purchase a
22 fourth Island Home class ferry vessel. However, if sufficient
23 resources are available to build one 144-auto vessel prior to
24 exercising the option to build the fourth Island Home class ferry
25 vessel, procurement of the fourth Island Home class ferry vessel will
26 be postponed and the department shall pursue procurement of a 144-auto
27 vessel.

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

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

34 (c) Cost savings from the following initiatives will be included in
35 the funding of these vessels: The department's review and update of
36 the vessel life-cycle cost model as required under this section; and
37 the implementation of technology efficiencies as required under section
38 602 of this act.

1 (3) (~~(\$2,450,000)~~) \$8,450,000 of the Puget Sound capital
2 construction account--state appropriation (~~(is)~~) and \$2,450,000 of the
3 transportation partnership account--state appropriation are provided
4 solely (~~(for contingencies associated with closing out the existing~~
5 ~~contract))~~) for the (~~(technical)~~) detailed construction design of the
6 144-auto vessel and the storage and maintenance of vessel owner-
7 furnished equipment already procured, including construction
8 engineering as needed. The department shall use as much of the already
9 procured equipment as is practicable on the Island Home class ferry
10 vessel if it is likely to be obsolete before it is used in procured
11 144-auto vessels.

12 (4) \$6,300,000 of the Puget Sound capital construction account--
13 state appropriation is provided solely for emergency capital costs.

14 (5) The Anacortes terminal may be replaced if additional federal
15 funds are sought and received by the department. If federal funds
16 received are not sufficient to replace the terminal, only usable,
17 discrete phases of the project, up to the amount of federal funds
18 received, may be constructed with the funds.

19 (6) \$3,965,000 of the Puget Sound capital construction account--
20 state appropriation is provided solely for the following vessel
21 projects: Waste heat recovery pilot project for the Issaquah; jumbo
22 Mark 1 class steering gear ventilation pilot project; and ((a new
23 ~~propulsion system for the MV Yakima))~~ improvements to the Yakima and
24 Kaleetan propulsion controls to allow for two engine operation. Before
25 beginning these projects, the Washington state ferries must ensure the
26 vessels' out-of-service time does not negatively impact service to the
27 system.

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

31 (8) The department shall provide to the office of financial
32 management and the legislature quarterly reports providing the status
33 on each project listed in this section and in the project lists
34 submitted pursuant to this act and on any additional projects for which
35 the department has expended funds during the 2009-11 fiscal biennium.
36 Elements must include, but not be limited to, project scope, schedule,
37 and costs. The department shall also provide the information required
38 under this subsection via the transportation executive information

1 systems (TEIS). The quarterly report regarding the status of projects
2 identified on the list referenced in subsection (1) of this section
3 must be developed according to an earned value method of project
4 monitoring.

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

12 (10) (~~(\$3,763,000)~~) \$5,570,000 of the total appropriation is
13 provided solely for the Washington state ferries to develop a
14 reservation system. The department shall complete a predesign study
15 and present the study to the joint transportation committee by November
16 1, 2009. This analysis must include an evaluation of the compatibility
17 of the Washington state ferries' electronic fare system, proposed
18 reservation system, and the implementation of smart card. Of the
19 amount provided in this subsection, \$5,270,000 must be retained in
20 unallotted status, and may only be released by the office of financial
21 management after consultation with the joint transportation committee
22 following the committee's review of the evaluation of reservation
23 system costs referenced in section 204(6) of this act. The department
24 may not implement a statewide reservation system until the department
25 is authorized to do so in the 2010 supplemental omnibus transportation
26 appropriations act.

27 (11) \$1,200,000 of the total appropriation is provided solely for
28 improving the toll booth configuration at the Port Townsend and
29 Keystone ferry terminals.

30 (12) (~~(\$3,249,915)~~) \$2,636,000 of the total appropriation is
31 provided solely for continued permitting and archaeological work in
32 order to determine the feasibility of relocating the Mukilteo ferry
33 terminal. In order to ensure that the cultural resources investigation
34 is properly conducted in a coordinated fashion, the department shall
35 work with the department of archaeology and historic preservation and
36 shall conduct work with active archaeological management. The
37 department shall seek additional federal funding for this project.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (14) \$247,000 of the Puget Sound capital construction account--
38 state appropriation is provided solely for the Washington state ferries

1 to review and update its vessel life-cycle cost model and report the
2 results to the house of representatives and senate transportation
3 committees of the legislature by ((December)) March 1, 2009. This
4 review will evaluate the impact of the planned out-of-service periods
5 scheduled for each vessel on the ability of the overall system to
6 deliver uninterrupted service and will assess the risk of service
7 disruption from unscheduled maintenance or longer than planned
8 maintenance periods.

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

16 (16) The Puget Sound capital construction account--state
17 appropriation includes up to \$118,000,000 in proceeds from the sale of
18 bonds authorized in RCW 47.10.843.

19 (17) The multimodal transportation account--state appropriation
20 includes up to \$149,000 in proceeds from the sale of bonds authorized
21 in RCW 47.10.867.

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

25 **Sec. 308.** 2009 c 470 s 310 (uncodified) is amended to read as
26 follows:

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

28 Essential Rail Assistance Account--State	
29 Appropriation	(((\$675,000))
30	<u>\$389,000</u>
31 Transportation Infrastructure Account--State	
32 Appropriation	(((\$13,100,000))
33	<u>\$13,184,000</u>
34 Multimodal Transportation Account--State	
35 Appropriation	(((\$68,530,000))
36	<u>\$99,002,000</u>
37 Multimodal Transportation Account--Federal	

1	Appropriation	((\$16,054,000))
2		<u>\$619,527,000</u>
3	Multimodal Transportation Account--Private/Local	
4	Appropriation	\$81,000
5	TOTAL APPROPRIATION	((\$98,440,000))
6		<u>\$732,183,000</u>

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

9 (1)(a) Except as provided otherwise in this section, the entire
10 appropriations in this section are provided solely for the projects and
11 activities as listed by fund, project, and amount in LEAP
12 Transportation Document ALL PROJECTS ((~~2009-2~~)) 2010-2 as developed
13 ((~~April 24, 2009~~)) February 23, 2010, Program - Rail Capital Program
14 (Y). However, limited transfers of specific line-item project
15 appropriations may occur between projects for those amounts listed
16 subject to the conditions and limitations in sections 603 and 501 of
17 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 (~~(iii) ((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~~)) \$389,000 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 \$423,000; 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 of
20 the multimodal transportation account--state appropriation is for a
21 statewide - emergent freight rail assistance project grant for the
22 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)~~) \$49,753,000 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 transportation infrastructure 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.

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

8 **Sec. 309.** 2009 c 470 s 311 (uncodified) is amended to read as
9 follows:

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

12	Highway Infrastructure Account--State Appropriation	\$207,000
13	Highway Infrastructure Account--Federal	
14	Appropriation	\$1,602,000
15	Freight Mobility Investment Account--State	
16	Appropriation	((\$13,548,000))
17		<u>\$13,848,000</u>
18	Transportation Partnership Account--State	
19	Appropriation	\$8,863,000
20	Motor Vehicle Account--State Appropriation	((\$12,954,000))
21		<u>\$14,118,000</u>
22	Motor Vehicle Account--Federal Appropriation	((\$39,572,000))
23		<u>\$43,835,000</u>
24	Freight Mobility Multimodal Account--State	
25	Appropriation	((\$14,920,000))
26		<u>\$15,620,000</u>
27	Freight Mobility Multimodal Account--Local	
28	Appropriation	((\$3,135,000))
29		<u>\$3,258,000</u>
30	Multimodal Transportation Account--Federal	
31	Appropriation	((\$2,098,000))
32		<u>\$2,118,000</u>
33	Multimodal Transportation Account--State	
34	Appropriation	((\$28,262,000))
35		<u>\$28,605,000</u>
36	Transportation 2003 Account (Nickel Account)--State	
37	Appropriation	((\$709,000))

1		<u>\$2,709,000</u>
2	Passenger Ferry Account--State Appropriation	\$2,879,000
3	<u>Puyallup Tribal Settlement Account--State</u>	
4	<u>Appropriation</u>	<u>\$5,830,000</u>
5	TOTAL APPROPRIATION	((\$128,749,000))
6		<u>\$143,492,000</u>

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

9 (1) The department shall, on a quarterly basis, provide status
10 reports to the legislature on the delivery of projects as outlined in
11 the project lists incorporated in this section. For projects funded by
12 new revenue in the 2003 and 2005 transportation packages, reporting
13 elements shall include, but not be limited to, project scope, schedule,
14 and costs. Other projects may be reported on a programmatic basis.
15 The department shall also provide the information required under this
16 subsection on a quarterly basis via the transportation executive
17 information system (TEIS).

18 (2) \$2,729,000 of the passenger ferry account--state appropriation
19 is provided solely for near and long-term costs of capital improvements
20 in a business plan approved by the governor for passenger ferry
21 service.

22 (3) \$150,000 of the passenger ferry account--state appropriation is
23 provided solely for the Port of Kingston for a one-time operating
24 subsidy needed to retain a federal grant.

25 (4) \$3,000,000 of the motor vehicle account--federal appropriation
26 is provided solely for the Coal Creek parkway project (L1000025).

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

30 (6) The department shall apply for surface transportation program
31 (STP) enhancement funds to be expended in lieu of or in addition to
32 state funds for eligible costs of projects in local programs, program
33 Z capital.

34 (7) Federal funds may be transferred from program Z to programs I
35 and P and state funds shall be transferred from programs I and P to
36 program Z to replace those federal funds in a dollar-for-dollar match.
37 Fund transfers authorized under this subsection shall not affect
38 project prioritization status. Appropriations shall initially be

1 allotted as appropriated in this act. The department may not transfer
2 funds as authorized under this subsection without approval of the
3 office of financial management. The department shall submit a report
4 on those projects receiving fund transfers to the office of financial
5 management and the transportation committees of the legislature by
6 December 1, 2009, and December 1, 2010.

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

13 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation
14 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor
15 vehicle account--federal appropriation, and \$4,000,000 of the
16 transportation partnership account--state appropriation are provided
17 solely for the pedestrian and bicycle safety program projects and safe
18 routes to schools program projects identified in LEAP Transportation
19 Document 2009-A, pedestrian and bicycle safety program projects and
20 safe routes to schools program projects, as developed March 30, 2009,
21 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
22 program projects and safe routes to schools program projects, as
23 developed April 20, 2007, and LEAP Transportation Document 2006-B,
24 pedestrian and bicycle safety program projects and safe routes to
25 schools program projects, as developed March 8, 2006. Projects must be
26 allocated funding based on order of priority. The department shall
27 review all projects receiving grant awards under this program at least
28 semiannually to determine whether the projects are making satisfactory
29 progress. Any project that has been awarded funds, but does not report
30 activity on the project within one year of the grant award must be
31 reviewed by the department to determine whether the grant should be
32 terminated. The department shall promptly close out grants when
33 projects have been completed, and identify where unused grant funds
34 remain because actual project costs were lower than estimated in the
35 grant award.

36 (10) Except as provided otherwise in this section, the entire
37 appropriations in this section are provided solely for the projects and

1 activities as listed by fund, project, and amount in LEAP
2 Transportation Document ALL PROJECTS ((2009-2)) 2010-2 as developed
3 ((~~April 24, 2009~~)) February 23, 2010, Programs - Local Program (Z).

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

10 (12) \$913,386 of the motor vehicle account--state appropriation and
11 ((~~\$2,858,216~~)) \$2,858,000 of the motor vehicle account--federal
12 appropriation are provided solely for completion of the US 101
13 northeast peninsula safety rest area and associated roadway
14 improvements east of Port Angeles at the Deer Park scenic view point.
15 The department must surplus any right-of-way previously purchased for
16 this project near Sequim. Approval to proceed with construction is
17 contingent on surplus of previously purchased right-of-way. \$865,000
18 of the motor vehicle account--state appropriation is to be placed into
19 unallotted status until such time as the right-of-way sale is
20 completed.

21 (13) \$5,830,000 of the Puyallup tribal settlement account--state
22 appropriation is provided solely for costs associated with the Murray
23 Morgan/11th Street bridge project. The city of Tacoma may use the
24 Puyallup tribal settlement account appropriation and other appropriated
25 funds for bridge rehabilitation, bridge replacement, bridge demolition,
26 and bridge mitigation. The department's participation, including prior
27 expenditures, may not exceed \$39,953,000. The city of Tacoma has taken
28 ownership of the bridge in its entirety, and the payment of these funds
29 extinguishes any real or implied agreements regarding future bridge
30 expenditures.

31 (14) \$3,702,000 of the motor vehicle account--federal appropriation
32 and \$75,000 of the motor vehicle account--state appropriation are
33 provided solely to reimburse the cities of Kirkland and Redmond for
34 pavement and bridge deck rehabilitation on state route number 908
35 (project 1LP611A). These funds may not be expended unless the cities
36 sign an agreement stating that the cities agree to take ownership of
37 state route number 908 in its entirety and agree that the payment of
38 these funds represents the entire state commitment to the cities for

1 state route number 908 expenditures. The amount provided in this
2 subsection is contingent on the enactment by June 30, 2010, of either
3 Senate Bill No. 6555 or House Bill No. 2918.

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

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

10 (17) \$250,000 of the motor vehicle account--state appropriation is
11 provided solely for the Shell Valley emergency access road and
12 bicycle/pedestrian path.

13 (18) \$500,000 of the motor vehicle account--state appropriation is
14 provided solely for improvements to the 150th and Murray Road
15 intersection in the city of Lakewood.

16 (19) \$250,000 of the motor vehicle account--state appropriation is
17 provided solely for flood reduction solutions on the lower McAleer and
18 Lyon creek basins.

19 **TRANSFERS AND DISTRIBUTIONS**

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

22 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
23 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**
24 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**
25 **REVENUE**

26 Highway Bond Retirement Account Appropriation	(\$742,400,000)
	<u>\$733,648,000</u>
28 Ferry Bond Retirement Account Appropriation	\$33,771,000
29 <u>State Route Number 520 Corridor Account--State</u>	
30 <u>Appropriation</u>	<u>\$600,000</u>
31 Transportation Improvement Board Bond Retirement	
32 Account--State Appropriation	(\$22,541,000)
33	<u>\$22,962,000</u>
34 Nondebt-Limit Reimbursable Account Appropriation	(\$18,400,000)
35	<u>\$18,513,000</u>

1	Transportation Partnership Account--State	
2	Appropriation	((\$8,318,000))
3		<u>\$2,275,000</u>
4	Motor Vehicle Account--State Appropriation	((\$901,000))
5		<u>\$354,000</u>
6	Transportation 2003 Account (Nickel Account)--State	
7	Appropriation	((\$4,116,000))
8		<u>\$1,051,000</u>
9	Special Category C Account--State Appropriation	((\$148,000))
10		<u>\$38,000</u>
11	Urban Arterial Trust Account--State Appropriation	\$85,000
12	Transportation Improvement Account--State Appropriation	\$41,000
13	Multimodal Transportation Account--State	
14	Appropriation	((\$283,000))
15		<u>\$104,000</u>
16	TOTAL APPROPRIATION	((\$831,004,000))
17		<u>\$813,442,000</u>

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

20 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
21 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
22 **FISCAL AGENT CHARGES**

23	<u>State Route Number 520 Corridor Account--State</u>	
24	<u>Appropriation</u>	<u>\$40,000</u>
25	Transportation Partnership Account--State	
26	Appropriation	((\$523,000))
27		<u>\$393,000</u>
28	Motor Vehicle Account--State Appropriation	((\$57,000))
29		<u>\$62,000</u>
30	Transportation 2003 Account (Nickel Account)--State	
31	Appropriation	((\$259,000))
32		<u>\$181,000</u>
33	Special Category C Account--State Appropriation	((\$10,000))
34		<u>\$7,000</u>
35	Urban Arterial Trust Account--State Appropriation	\$5,000
36	Transportation Improvement Account--State Appropriation	\$3,000
37	Multimodal Transportation Account--State	

1 Appropriation \$18,000
2 TOTAL APPROPRIATION ((~~\$875,000~~))
3 \$709,000

4 **Sec. 403.** 2009 c 470 s 404 (uncodified) is amended to read as
5 follows:

6 **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**
7 Motor Vehicle Account Appropriation for
8 motor vehicle fuel tax distributions to cities
9 and counties ((~~\$488,843,000~~))
10 \$478,753,000

11 **Sec. 404.** 2009 c 470 s 405 (uncodified) is amended to read as
12 follows:

13 **FOR THE STATE TREASURER--TRANSFERS**
14 Motor Vehicle Account--State
15 Appropriation: For motor vehicle fuel tax
16 refunds and statutory transfers ((~~\$1,310,279,000~~))
17 \$1,247,260,000

18 **Sec. 405.** 2009 c 470 s 406 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF LICENSING--TRANSFERS**
21 Motor Vehicle Account--State
22 Appropriation: For motor vehicle fuel tax
23 refunds and transfers ((~~\$129,178,000~~))
24 \$120,688,000

25 **Sec. 406.** 2009 c 470 s 407 (uncodified) is amended to read as
26 follows:

27 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**
28 (1) Tacoma Narrows Toll Bridge Account--State
29 Appropriation: For transfer to the Motor Vehicle
30 Account--State \$5,288,000
31 (2) Motor Vehicle Account--State Appropriation:
32 For transfer to the Puget Sound Ferry Operations
33 Account--State ((~~\$17,000,000~~))
34 \$52,500,000

1 **IMPLEMENTING PROVISIONS**

2 **Sec. 501.** 2009 c 470 s 603 (uncodified) is amended to read as
3 follows:

4 **FUND TRANSFERS.** (1) The transportation 2003 projects or
5 improvements and the 2005 transportation partnership projects or
6 improvements are listed in LEAP Transportation Document ((2009-1))
7 2010-1 as developed ((April 24, 2009)) February 23, 2010, which
8 consists of a list of specific projects by fund source and amount over
9 a sixteen year period. Current fiscal biennium funding for each
10 project is a line item appropriation, while the outer year funding
11 allocations represent a sixteen year plan. The department is expected
12 to use the flexibility provided in this section to assist in the
13 delivery and completion of all transportation partnership account and
14 transportation 2003 (nickel) account projects on the LEAP lists
15 referenced in this act. For the 2009-11 project appropriations, unless
16 otherwise provided in this act, the director of financial management
17 may authorize a transfer of appropriation authority between projects
18 funded with transportation 2003 account (nickel account)
19 appropriations, transportation partnership account appropriations, or
20 multimodal transportation account appropriations, in order to manage
21 project spending and efficiently deliver all projects in the respective
22 program under the following conditions and limitations:

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

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

28 (c) Each transfer between projects may only occur if the director
29 of financial management finds that any resulting change will not hinder
30 the completion of the projects as approved by the legislature. Until
31 the legislature reconvenes to consider the 2010 supplemental budget,
32 any unexpended 2007-09 appropriation balance as approved by the office
33 of financial management, in consultation with the legislative staff of
34 the house of representatives and senate transportation committees, may
35 be considered when transferring funds between projects;

36 (d) Transfers from a project may be made if the funds appropriated
37 to the project are in excess of the amount needed to complete the
38 project;

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

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

6 (g) Transfers between projects may be made by the department of
7 transportation until the transfer amount by project exceeds two hundred
8 fifty thousand dollars, or ten percent of the project, whichever is
9 less. These transfers must be reported quarterly to the director of
10 financial management and the chairs of the house of representatives and
11 senate transportation committees.

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

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

18 (4) The office of financial management shall document approved
19 transfers and/or schedule changes in the transportation executive
20 information system (TEIS), compare changes to the legislative baseline
21 funding and schedules identified by project identification number
22 identified in the LEAP lists adopted in this act, and transmit revised
23 project lists to chairs of the transportation committees of the
24 legislature on a quarterly basis.

25 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

26 **Sec. 601.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
27 read as follows:

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

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

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

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

10 **Sec. 602.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
11 read as follows:

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

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

18 (2) All moneys received by the department from internal and
19 external sources for the purposes of conducting advanced environmental
20 mitigation; and

21 (3) Interest gained from the management of the advanced
22 environmental mitigation revolving account.

23 (4) During the 2009-2011 fiscal biennium, the legislature may
24 transfer from the advanced environmental mitigation revolving account
25 to the multimodal transportation account such amounts as reflect the
26 excess fund balance of the advanced environmental mitigation revolving
27 account.

28 **Sec. 603.** RCW 70.95.532 and 2009 c 261 s 4 are each amended to
29 read as follows:

30 (1) All receipts from tire fees imposed under RCW 70.95.510, except
31 as provided in subsection (2) of this section, must be deposited in the
32 waste tire removal account created under RCW 70.95.521. Moneys in the
33 account may be spent only after appropriation. Expenditures from the
34 account may be used for the cleanup of unauthorized waste tire piles
35 and measures that prevent future accumulation of unauthorized waste
36 tire piles.

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

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

10 **MISCELLANEOUS**

11 NEW SECTION. **Sec. 701.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 702.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately.

(End of bill)

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