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**ENGROSSED SUBSTITUTE SENATE BILL 5689**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Liias, Saldaña, Nguyen, Nobles, and C. Wilson; by request of Office of Financial Management)

AN ACT Relating to transportation funding and appropriations; amending RCW 47.01.071, 46.01.385, 47.01.505, 70A.205.415, 81.104.160, and 82.44.200; amending 2021 c 333 ss 101, 103, 105, 106, 107, 109, 110, 111, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 313, 401, 402, 403, 404, 405, 406, 407, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 601, and 606 (uncodified); adding new sections to 2021 c 333 (uncodified); creating a new section; repealing 2021 c 333 ss 526, 527, 528, 529, 530, 531, 532, and 537 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

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

NEW SECTION. **Sec.**  Except as otherwise provided in this act, it is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2022-B as developed February 20, 2022, represents a commitment to provide move ahead WA-related appropriations to the agencies, programs, and activities, at the amounts identified therein, through fiscal year 2038.

**2021-2023 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES—OPERATING**

**Sec.**  2021 c 333 s 101 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$546,000~~))

$555,000

**Sec.**  2021 c 333 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation ((~~$1,441,0000~~))

$1,034,000

Puget Sound Ferry Operations Account—State

Appropriation $126,000

Multimodal Transportation Account—State

Appropriation $250,000

TOTAL APPROPRIATION ((~~$1,817,000~~))

$1,410,000

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

$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer, to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

(1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;

(2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;

(3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;

(4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;

(5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;

(6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and

(7) Cost-benefit analysis detailing the net impact of teleworking on facility and total costs for the scenarios in subsection (1) of this section.

**Sec.**  2021 c 333 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation ((~~$1,346,000~~))

$1,373,000

**Sec.**  2021 c 333 s 106 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account—State Appropriation ((~~$668,000~~))

$674,000

**Sec.**  2021 c 333 s 107 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Motor Vehicle Account—State Appropriation $150,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, ((~~2021~~)) 2022.

**Sec.**  2021 c 333 s 109 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation ((~~$5,777,000~~))

$6,269,000

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

(1) $2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first $150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of $16 per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2021, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**Sec.**  2021 c 333 s 110 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation ((~~$3,210,000~~))

$1,577,000

**Sec.**  2021 c 333 s 111 (uncodified) is amended to read as follows:

**FOR THE SENATE**

Motor Vehicle Account—State Appropriation ((~~$3,085,000~~))

$1,518,000

**Sec.**  2021 c 333 s 113 (uncodified) is amended to read as follows:

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

Puget Sound ((~~Ferry~~)) Capital Construction Account

((~~[Puget Sound Capital Construction~~

~~Account]~~))—State Appropriation $300,000

Multimodal Transportation Account—State

Appropriation $200,000

TOTAL APPROPRIATION $500,000

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

(1) $300,000 of the Puget Sound ((~~ferry~~)) capital construction account ((~~[Puget Sound capital construction account]~~))—state is provided solely for an independent review of the design-build contracting process for the hybrid-electric Olympic class vessels. The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid-electric vessel. The review must include recommendations to benefit the full program for the design and construction of five hybrid-electric vessels. The joint legislative audit and review committee must report to the legislature with the findings by October 1, 2022.

(2) $200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of long-term leases based on the periodic land value appraisals under the terms of the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

NEW SECTION. **Sec.**  A new section is added to 2021 c 333 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Multimodal Transportation Account—Federal

Appropriation $1,000,000

Move Ahead WA Flexible Account—State Appropriation $10,000

TOTAL APPROPRIATION $1,010,000

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

(1) $1,000,000 of the multimodal transportation account—federal appropriation is provided solely for staff support for the interagency electric vehicle coordinating council created in Senate Bill No. 5974, in order to help implement the national electric vehicle program funded in the federal infrastructure investment and jobs act (P.L. 117-58).

(2) $10,000 of the move ahead WA flexible account—state appropriation is provided solely for development of a process to select projects to advance the research, development, or manufacturing of sustainable aviation technologies. The purpose is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to, the development of:

(a) Batteries;

(b) Electric motors;

(c) Sustainable fuels;

(d) Hydrogen electrolyzers and storage; and

(e) Activities that support the supply chain of (a) through (d) of this subsection.

The department may solicit advice and industry expertise to identify projects, including consulting the department of transportation, and may contract for assistance, as necessary. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

**TRANSPORTATION AGENCIES—OPERATING**

**Sec.**  2021 c 333 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation ((~~$4,625,000~~))

$4,987,000

Highway Safety Account—Federal Appropriation ((~~$27,202,000~~))

$27,818,000

Highway Safety Account—Private/Local Appropriation $60,000

Cooper Jones Active Transportation Safety Account—

State Appropriation $400,000

School Zone Safety Account—State Appropriation $850,000

TOTAL APPROPRIATION ((~~$32,737,000~~))

$34,115,000

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

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, ((~~2022~~)) 2023.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2022.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2023, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(4) $400,000 of the Cooper Jones active transportation safety account—state appropriation is provided solely for grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the commission in consultation with the Cooper Jones active transportation safety council. However, the funds must be held in unallotted status until the commission submits a spending plan to the transportation committees of the legislature and the governor.

(5) $535,000 of the highway safety account—federal appropriation is provided solely for costs related to Substitute Senate Bill No. 5907 (roadside safety measures). If Substitute Senate Bill No. 5907 is not enacted by June 30, 2022, then the amount provided in this subsection lapses.

(6) $350,000 of the highway safety account—state appropriation is provided solely for the commission to study the illegal use of personal electronic devices by vehicle drivers in areas of the state with high collision rates. At least one of the locations studied must include an area where bicycle and pedestrian safety has been impacted by motor vehicle collisions. In conducting the study, the commission shall utilize methodology and technology to determine the percent of drivers illegally using personal electronic devices and the most common types of these violations.

**Sec.**  2021 c 333 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation ((~~$1,134,000~~))

$1,158,000

Motor Vehicle Account—State Appropriation ((~~$4,760,000~~))

$4,804,000

County Arterial Preservation Account—State

Appropriation ((~~$1,669,000~~))

$1,696,000

TOTAL APPROPRIATION ((~~$7,563,000~~))

$7,658,000

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

(1) $2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

(2) Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec.**  2021 c 333 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State

Appropriation ((~~$4,510,000~~))

$4,571,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec.**  2021 c 333 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation ((~~$2,679,000~~))

$3,004,000

Multimodal Transportation Account—State

Appropriation ((~~$420,000~~))

$1,320,000

Waste Tire Removal Account—State Appropriation $200,000

TOTAL APPROPRIATION ((~~$3,099,000~~))

$4,524,000

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

(1)(a) $250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) $50,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

(a) Issue bonds for bridge construction;

(b) Collect tolls; and

(c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) $220,000 of the multimodal transportation account—state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter 258, Laws of 2021 (broadband along state highways). If chapter 258, Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) $215,000 of the motor vehicle account—state appropriation is provided solely for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) $400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation. Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) $200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) $200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

(i) Assess the magnitude of potential impact;

(ii) Assess the potential difficulty level of implementation; and

(iii) Explain barriers to success and specific steps required to overcome them.

(b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:

(i) Specific cooperative private sector and government actions;

(ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;

(iii) Incentive-based government programs to spur private sector innovation and investment; and

(iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

(8) $400,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to contract with Western Washington University to conduct a study to determine how many nondrivers are in Washington state and the demographics of this population. Western Washington University is directed to conduct a survey, conduct research, develop a dataset, and conduct analysis on the nondriving population of Washington state. The analysis must include, but is not limited to: (a) Reasons for not driving; (b) demographics of who is not driving to include age, disability status, rural or urban residence, and other available demographic information; and (c) availability of transportation options for nondrivers and the impact those options have on their access to services, economic opportunity, recreation, education, and other aspects of community life. A report must be provided to the transportation committees of the legislature by February 1, 2023.

(9) $250,000 of multimodal transportation account—state appropriation is for a comprehensive evaluation of the Washington state patrol's fleet of Cessna aircraft. The evaluation must include, but is not limited to, the following: (a) An assessment of the current use and performance, including outcomes measures, associated with the aircraft; (b) the timing of any needed replacement of the aircraft; (c) the feasibility, cost, and benefits associated with replacing the aircraft with ones powered by alternative fuel; and (d) a review of innovative technologies, including unmanned aerial aircraft, to achieve the desired outcomes. The final report must be submitted by December 1, 2022.

(10)(a) $250,000 of the multimodal transportation account—state appropriation is for a joint transportation committee study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

(11) $200,000 of the waste tire removal account—state appropriation is for a comprehensive evaluation of the waste tire cleanup program. The evaluation must include, but is not limited to, the following: (a) An inventory of all major tire piles that exist by county and an identification of whether those tire piles are on public or private lands; (b) an assessment of the ability to recover tire cleanup and disposal costs from the responsible parties for each of those sites; and (c) an inventory of major tire piles that were previously placed in marine waters in an attempt to establish artificial reefs, including a review of the environmental and safety issues associated with those marine tire piles. Based on the information gathered, the final report must include recommendations for the highest and best use of approximately $3,000,000 in time-limited resources for tire pile cleanup activities and recommendations to improve the department of ecology's current waste tire cleanup program in the future.

(12)(a) $300,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the options and strategies to construct a third bridge over the Columbia river between southwest Washington and Oregon. The study must consider:

(i) Anticipated general purpose traffic demand, including general purpose traffic relief that may be afforded to existing highway routes by the creation of a third bridge;

(ii) Anticipated freight traffic demand, including freight traffic relief that may be afforded to existing highway routes by the creation of a third bridge;

(iii) A cost-benefit analysis of constructing a third bridge, which must include analysis on the estimated cost to construct a third bridge;

(iv) Potential locations for a third bridge across the Columbia river between southwest Washington and Oregon; and

(v) Preliminary design options for a third bridge.

(b) A final report must be submitted to the transportation committees of the legislature by June 30, 2023.

**Sec.**  2021 c 333 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation ((~~$2,438,000~~))

$2,809,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$127,000~~))

$377,000

State Route Number 520 Corridor Account—State

Appropriation $276,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $180,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $172,000

TOTAL APPROPRIATION ((~~$3,193,000~~))

$3,814,000

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

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service providers to support automated mileage reporting and periodic payment services.

((~~(3)~~)) (2) $127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $276,000 of the state route number 520 corridor account—state appropriation, $180,000 of the Tacoma Narrows toll bridge account—state appropriation, and $172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) $500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a pilot program in one or more regions of the state to support reforming electric vehicle incentives to prioritize getting the largest gasoline users to switch to electric vehicles first. The purpose of the pilot program is to significantly advance policymakers' understanding around the dynamics impacting the consumer decisions to transition from a fossil-fueled vehicle to an electric vehicle, and the long-term implications and effectiveness of continued incentivization of expanded adoption. The commission may determine how best to cost-effectively identify pilot program participants, which may include recruiting broadly from the general population, especially in areas with higher concentrations of low-MPG vehicles in suburban, exurban, and rural areas, and then screening those who volunteer to validate their gasoline superuser status with independent data sources. A preliminary report on the pilot program must be submitted to the transportation committees of the legislature and the governor by July 1, 2023. The legislature intends the pilot program will result in the collection of data to determine, at a minimum, the following:

(a) Which superusers of gasoline can switch to electric vehicles for all their driving needs;

(b) How much money can superusers save by switching to electric vehicles;

(c) How many gallons of gasoline are displaced by superusers switching to electric vehicles;

(d) What incentive(s) do superusers need to make the switch to electric vehicles;

(e) What are superuser attitudes and perceptions about electric vehicles, both before and after driving an electric vehicle for two months;

(f) What barriers, concerns, and cultural proclivities are held by superusers in relation to electric vehicles; and

(g) What messages are most effective for transitioning superusers to electric vehicles.

(4) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The direction in this subsection is deemed consistent with the general intent of the move ahead WA transportation funding proposal.

(5) $250,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the transportation commission to develop a design and plan for carrying out a low-income driver tolling relief pilot, based upon the findings and recommendations contained in the final low-income tolling study report issued by the commission in August 2021.

(a) Under the pilot program, qualifying drivers of the Interstate 405 and state route number 167 express toll lanes could be eligible for discounts or other relief related to their usage of express toll lanes. The transportation commission may secure private sector expertise to conduct all or a portion of this study. In conducting this study, the transportation commission shall partner with both the department of transportation and the department of social and health services. The study shall include, but not be limited to, the following activities:

(i) Developing an implementation plan and timeline for the pilot program, including identifying next steps following this study, for launching the pilot program that would be of limited duration, and establishing approaches to evaluating the pilot program's performance;

(ii) Convening an advisory committee comprising individuals representing the interests of low-income drivers of the express toll lanes, to guide the development of concepts and the implementation plan for the pilot program;

(iii) Developing an estimate of the costs related to implementing a pilot program and the expected revenue impacts of the pilot program on the express toll lanes during the proposed pilot program period.

(b) In addition, the study may include the following activities:

(i) Designing a concept of operations for a low-income toll discount pilot program that would offer up to three concepts for increasing access and offering toll discounts and/or exemptions to qualified low-income drivers using the express toll lanes;

(ii) Assessing applicability of discounts to other toll facilities.

(c) The transportation commission shall provide a report of findings and recommendations to the transportation committees of the legislature by no later than December 31, 2023.

**Sec.**  2021 c 333 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ((~~$831,000~~))

$841,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

**Sec.**  2021 c 333 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation ((~~$517,391,000~~))

$520,630,000

State Patrol Highway Account—Federal Appropriation ((~~$15,838,000~~))

$16,145,000

State Patrol Highway Account—Private/Local

Appropriation ((~~$4,267,000~~))

$4,320,000

Highway Safety Account—State Appropriation ((~~$1,214,000~~))

$1,287,000

Ignition Interlock Device Revolving Account—State

Appropriation ((~~$5,053,000~~))

$2,270,000

Multimodal Transportation Account—State

Appropriation ((~~$288,000~~))

$293,000

State Route Number 520 Corridor Account—State

Appropriation $433,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $77,000

I-405 and SR 167 Express Toll Lanes Account—State

Appropriation $1,348,000

TOTAL APPROPRIATION ((~~$545,909,000~~))

$546,803,000

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

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 ((~~of this act~~)), chapter 333, Laws of 2021.

(3) $4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium**,** the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) $493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 ((~~of this act~~)), chapter 333, Laws of 2021.

(6) ((~~$7,962,000~~)) $6,396,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) $510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) $1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $433,000 of the state route number 520 corridor account—state appropriation, and $77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) $289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) $35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) $713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) $945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations). ((~~If chapter 329, Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~))

(14) $46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics). ((~~If chapter 320, Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~))

(15) $46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers). ((~~If chapter 324, Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~))

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) $2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the ((~~2022~~)) 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) $1,000,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Substitute House Bill No. 2057), Laws of 2022 (diversity, equity, and inclusion in the state patrol). If chapter . . . (Substitute House Bill No. 2057), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) $793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the governor and the transportation committees of the legislature by November 1, 2022.

(20) $14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(21) $122,000 of the state patrol highway account—state appropriation, $1,000 of the highway safety account—state appropriation, and $4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (Senate Bill No. 5726), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (Senate Bill No. 5726), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

**Sec.**  2021 c 333 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation $34,000

Motorcycle Safety Education Account—State

Appropriation ((~~$4,894,000~~))

$4,968,000

Limited Fish and Wildlife Account—State

Appropriation ((~~$917,000~~))

$919,000

Highway Safety Account—State Appropriation ((~~$241,868,000~~))

$235,743,000

Highway Safety Account—Federal Appropriation $1,294,000

Motor Vehicle Account—State Appropriation ((~~$73,327,000~~))

$77,905,000

Motor Vehicle Account—Federal Appropriation ((~~$150,000~~))

$400,000

Motor Vehicle Account—Private/Local Appropriation ((~~$6,600,000~~))

$1,336,000

Ignition Interlock Device Revolving Account—State

Appropriation ((~~$6,071,000~~))

$6,101,000

Department of Licensing Services Account—State

Appropriation ((~~$8,157,000~~))

$7,828,000

License Plate Technology Account—State Appropriation

((~~$4,250,000~~))

$4,060,000

Abandoned Recreational Vehicle Account—State

Appropriation ((~~$3,066,000~~))

$3,070,000

Limousine Carriers Account—State Appropriation $110,000

Electric Vehicle Account—State Appropriation ((~~$405,000~~))

$414,000

DOL Technology Improvement & Data Management

Account~~—~~State Appropriation ((~~$748,000~~))

$813,000

Agency Financial Transaction Account—State

Appropriation ((~~$21,257,000~~))

$22,257,000

((~~Driver Licensing Technology Support Account—~~

~~State Appropriation~~ ~~$1,373,000~~))

Move Ahead WA Flexible Account—State Appropriation $1,691,000

TOTAL APPROPRIATION ((~~$374,521,000~~))

$368,943,000

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

(1) $1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least $21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3)(a) For the 2021-2023 biennium, the department shall charge $6,600,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) $100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) $12,000 of the motorcycle safety education account—state appropriation, $2,000 of the limited fish and wildlife account—state appropriation, $728,000 of the highway safety account—state appropriation, $238,000 of the motor vehicle account—state appropriation, $10,000 of the ignition interlock device revolving account—state appropriation, and $10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 ((~~of this act~~)), chapter 333, Laws of 2021.

(5) $28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) $500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) ((~~$523,000~~)) $593,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents). ((~~If chapter 158, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~))

(8) ((~~$1,373,000~~)) $929,000 of the ((~~driver licensing technology support~~)) highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions). ((~~If chapter 240, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~))

(9) $23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10 ((~~(Engrossed Substitute House Bill No. 1078)~~)), Laws of 2021 (restoring voter eligibility after felony conviction).

(10) $3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) $54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216 ((~~of this act~~)), chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a $5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216 ((~~of this act~~)), chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(12) $434,000 of the highway safety account—state appropriation is provided solely for the implementation of the Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(13) $5,264,000 of the motor vehicle account—state appropriation is provided solely for the department to reduce the charges to a regional transit authority for the administration and collection of a motor vehicle excise tax as authorized under RCW 82.44.135. To be eligible to receive this funding, the regional transit authority must have adopted a zero-fare policy by October 1, 2022, that, at a minimum, allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority. If the regional transit authority has not adopted a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022, the amount provided in this subsection lapses and the department shall charge the regional transit authority a minimum of $6,600,000 for the biennium for the administration and collection of a motor vehicle excise tax, which charges must be deducted before distributing any revenues to the regional transit authority.

(14) The department shall consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals to participate in a prerelease commercial driver training program.

(15) $100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) $965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(17) $550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(18) $1,000,000 of the move ahead WA flexible account—state appropriation is provided solely for estimated implementation costs associated with new revenues.

(19) $141,000 of the move ahead WA flexible account—state appropriation is provided solely for Substitute Senate Bill No. 5815 (homeless identicard). If Substitute Senate Bill No. 5815 is not enacted by June 30, 2022, then the amount provided in this subsection lapses.

(20) $251,000 of the highway safety account—state appropriation is provided solely for costs related to Substitute Senate Bill No. 5907 (roadside safety measures). If Substitute Senate Bill No. 5907 is not enacted by June 30, 2022, then the amount provided in this subsection lapses.

(21) $28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5750), Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter . . . (Substitute Senate Bill No. 5750), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) $268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) $113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5631), Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter . . . (Substitute Senate Bill No. 5631), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) $18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5741), Laws of 2022 (patches pal special license plates). If chapter . . . (Substitute Senate Bill No. 5741), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(25) $33,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5085), Laws of 2022 (electric motorcycles). If chapter . . . (Second Substitute Senate Bill No. 5085), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) $150,000 of the highway safety account—state appropriation is provided solely for the establishment of a dedicated coordinator position to improve the accessibility to the department's facilities and online services for disabled customers and staff. By January 1, 2023, the department shall submit an implementation plan for the accessibility improvements for the ensuing biennium to the legislative transportation committees and the office of financial management.

(27) $350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women.

(28) $4,594,000 of the highway safety account—state appropriation, $1,457,000 of the motor vehicle account—state appropriation, $160,000 of the department of licensing services account—state appropriation, and $83,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(29) The department shall contract with a third-party consultant to convene a work group to review the legal findings and holdings by the Washington Supreme Court in *City of Seattle v. Long* to make recommendations in amending provisions concerning the towing and impound of vehicles under chapter 46.55 RCW. The work group must include relevant stakeholders including, but not limited to, vehicle resident advocates, nonprofit legal services organizations, tow truck operators or associations, municipal court representatives, fire chiefs and marshals, and representatives from cities and counties. The work group must meet at least three times and evaluate the following: The need to identify additional parties authorized to receive notice of and redeem impounded vehicles used as residences; the most effective and appropriate methods to identify vehicles used as residences before and after impound; the need to modify impound notice periods and forms; the need to modify impound hearing and public auction procedures and timelines for vehicles used as residences; the need to modify retention policies and timelines concerning impounded vehicles used as residences; which factors and considerations are appropriate for courts to evaluate when determining if towing and storage fees are excessive; the appropriate persons or entities and process to reimburse tow truck operators when excessive towing and storage fees are reduced; any other necessary procedural modifications or protections required, including homestead act protections, concerning impounded vehicles used as residences; and any other technical amendments or policy considerations discussed by the work group. The third-party consultant must issue a final report, including any work group findings and recommended legislative changes, to the appropriate committees of the legislature and the governor by December 1, 2022.

**Sec.**  2021 c 333 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

State Route Number 520 Corridor Account—State

Appropriation ((~~$53,689,000~~))

$58,268,000

State Route Number 520 Civil Penalties Account—State

Appropriation ((~~$4,122,000~~))

$4,136,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$29,809,000~~))

$34,389,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$20,840,000~~))

$21,699,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$23,910,000~~))

$21,268,000

TOTAL APPROPRIATION ((~~$132,370,000~~))

$139,760,000

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

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ((~~$708,000~~)) $1,189,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ((~~$1,651,000~~)) $2,783,000 of the state route number 520 corridor account—state appropriation, ((~~$709,000~~)) $1,218,000 of the Tacoma Narrows toll bridge account—state appropriation, and ((~~$932,000~~)) $1,568,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium, and are subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 333, Laws of 2021.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(c) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) ((~~Out of funding appropriated in this section,~~)) $121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $288,000 of the state route number 520 corridor account—state appropriation, $128,000 of the Tacoma Narrows toll bridge account—state appropriation, and $163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department ((~~shall~~)) to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) $19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) ((~~$1,516,000~~)) $4,554,000 of the state route number 520 corridor account—state appropriation ((~~is~~)) and $580,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of $59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

**Sec.**  2021 c 333 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State

Appropriation ((~~$1,377,000~~))

$1,404,000

Motor Vehicle Account—State Appropriation ((~~$97,026,000~~))

$99,485,000

Puget Sound Ferry Operations Account—State

Appropriation ((~~$263,000~~))

$307,000

Multimodal Transportation Account—State

Appropriation ((~~$6,986,000~~))

$6,888,000

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~$1,393,000~~))

$1,416,000

TOTAL APPROPRIATION ((~~$107,045,000~~))

$109,500,000

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

(1) $4,273,000 of the multimodal transportation account—state appropriation and $4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 ((~~of this act~~)), chapter 333, Laws of 2021.

(2) $1,299,000 of the motor vehicle account—state appropriation and $64,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec.**  2021 c 333 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation ((~~$35,574,000~~))

$37,435,000

State Route Number 520 Corridor Account—State

Appropriation $34,000

TOTAL APPROPRIATION ((~~$35,608,000~~))

$37,469,000

NEW SECTION. **Sec.**  A new section is added to 2021 c 333 (uncodified) to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Motor Vehicle Account—State Appropriation $9,167,000

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

(1) $7,167,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium. To accomplish this, the department may transfer some or all of the motor vehicle account—state appropriation in this section to the department's other operating programs for the purpose of maximizing federal or other indirect cost recovery, and the funding available for the replacement of the obsolete equipment.

(2) $2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium. To accomplish this, the department may transfer some or all of the motor vehicle account—state appropriation in this section to the department's other operating programs for the purpose of maximizing federal or other indirect cost recovery, and the funding available for the replacement of the obsolete equipment.

**Sec.**  2021 c 333 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation ((~~$8,055,000~~))

$9,112,000

Aeronautics Account—Federal Appropriation $3,916,000

Aeronautics Account—Private/Local Appropriation $60,000

Move Ahead WA Flexible Account—State Appropriation $10,000

TOTAL APPROPRIATION ((~~$12,031,000~~))

$13,098,000

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

(1) $2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) $257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 ((~~of this act~~)), chapter 333, Laws of 2021.

(3) $280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) $10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the selected sustainable aviation projects for funding by the legislature.

(5) $1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

**Sec.**  2021 c 333 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation ((~~$59,138,000~~))

$57,320,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State

Appropriation $758,000

TOTAL APPROPRIATION ((~~$60,396,000~~))

$58,578,000

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) ((~~$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.~~

~~(4)~~)) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

((~~(5)~~)) (4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

((~~(6) $300,000~~)) (5) $535,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds). ((~~If chapter 217, Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~

~~(7) $500,000~~)) (6) $1,026,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force). ((~~If chapter 314, Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.~~))

(7) $1,297,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

**Sec.**  2021 c 333 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation ((~~$675,000~~))

$686,000

Electric Vehicle Account—State Appropriation $9,900,000

Multimodal Transportation Account—State

Appropriation $3,290,000

Multimodal Transportation Account—Federal

Appropriation $13,100,000

TOTAL APPROPRIATION ((~~$13,865,000~~))

$26,976,000

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

(1) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) $8,900,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) $2,400,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(4) $1,000,000 of the electric vehicle account—state appropriation and $500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(5) $140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter 300, Laws of 2021 (preparedness for a zero emissions transportation future).

(6) $250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

(7) $13,101,000 of the multimodal transportation account—federal appropriation is provided solely to implement the national electric vehicle program, established in the federal infrastructure investment and jobs act (P.L. 117-58), as directed by the interagency electric vehicle coordinating council created in Engrossed Substitute Senate Bill No. 5974. $353,500 of the amount provided in this subsection is for staff support for the council.

**Sec.**  2021 c 333 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation ((~~$496,925,000~~))

$487,698,000

Motor Vehicle Account—Federal Appropriation $7,000,000

Motor Vehicle Account—Local Appropriation $17,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$4,082,000~~))

$4,858,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$1,479,000~~))

$1,514,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$8,157,000~~))

$8,347,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$2,545,000~~))

$2,567,000

Move Ahead WA Account—State Appropriation $47,000,000

Waste Tire Removal Account—State Appropriation $4,000,000

TOTAL APPROPRIATION ((~~$520,188,000~~))

$563,001,000

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

(1) $7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) $5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) $686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) $8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) $5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) $3,000,000 of the motor vehicle account—state appropriation ((~~is~~)) and $4,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way and for implementation of Engrossed Second Substitute Senate Bill No. 5662 (right-of-way camping/housing). The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way. The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are ((~~participating as part of a state or local government agreement to provide~~)) providing enhanced safety ((~~related activities along state~~)) to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning ((~~October 1, 2021~~)) January 1, 2023, and semiannually thereafter, the office of intergovernmental coordination on public right-of-way homeless encampments, assisted by the Washington state patrol and the department of transportation, must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(c) If Engrossed Second Substitute Senate Bill No. 5662 (right-of-way camping/housing) is not enacted by June 30, 2022, then the waste tire removal account appropriation in this subsection (9) lapses.

(10) $6,538,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(11) $300,000 of the motor vehicle account—state appropriation is provided solely for costs related to Substitute Senate Bill No. 5907 (roadside safety measures). If Substitute Senate Bill No. 5907 is not enacted by June 30, 2022, then the amount provided in this subsection lapses.

(12) $5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.

(13) 17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena.

**Sec.**  2021 c 333 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation ((~~$74,406,000~~))

$71,931,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation ((~~$250,000~~))

$295,000

State Route Number 520 Corridor Account—State

Appropriation $225,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $40,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $1,112,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $20,000

Agency Financial Transaction

Account—State Appropriation $100,000

TOTAL APPROPRIATION ((~~$78,103,000~~))

$75,773,000

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

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208 ((~~of this act~~)), chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208 ((~~of this act~~)), chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) $1,391,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

**Sec.**  2021 c 333 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation ((~~$37,361,000~~))

$36,693,000

Motor Vehicle Account—Federal Appropriation $780,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Puget Sound Ferry Operations Account—State

Appropriation $266,000

Multimodal Transportation Account—State

Appropriation $5,129,000

State Route Number 520 Corridor Account—State

Appropriation $186,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $150,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $121,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $77,000

Move Ahead WA Flexible Account—State Appropriation $2,000,000

TOTAL APPROPRIATION ((~~$44,304,000~~))

$45,902,000

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

(1) $4,000,000 of the multimodal transportation account—state appropriation ((~~is~~)) and $2,000,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction and maritime workforce. ((~~through: (1)~~))

(a) $4,500,000 of the total appropriation in this subsection is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; ((~~(2)~~)) and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, $1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in (a)(ii) of this subsection ((~~(2) of this section~~)).

(b) $1,500,000 of the total appropriation in this subsection is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

(c) The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) $782,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) $774,000 of the motor vehicle account—state appropriation and $266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

**Sec.**  2021 c 333 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Motor Vehicle Account—State Appropriation ((~~$27,057,000~~))

$25,741,000

Motor Vehicle Account—Federal Appropriation $34,865,000

Motor Vehicle Account—Private/Local Appropriation $400,000

Multimodal Transportation Account—State

Appropriation ((~~$919,000~~))

$2,145,000

Multimodal Transportation Account—Federal

Appropriation $2,809,000

Multimodal Transportation Account—Private/Local

Appropriation $100,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$406,000~~))

$451,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $2,879,000

Move Ahead WA Flexible Account—State Appropriation $1,500,000

Move Ahead WA Flexible Account—Federal Appropriation $1,000,000

TOTAL APPROPRIATION ((~~$69,435,000~~))

$71,890,000

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

(1) $4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) $2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) ((~~$250,000~~)) $500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) ((~~$406,000~~)) $451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A ((~~final~~)) draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by June 30, 2022.

(5) $5,900,000 of the motor vehicle account—federal appropriation and $400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects((~~, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development~~)).

(6) $800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) $1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

(8) $894,000 of the motor vehicle account—state appropriation and $58,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) $1,500,000 of the move ahead WA flexible account—state appropriation and $1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study, and to advance a central Seattle Interstate 5 lid. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct $40,000,000 to complete the planning and environmental linkage study and to advance a central Seattle Interstate 5 lid over the course of the 16-year move ahead WA funding package.

(a) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design and environmental work.

(b) The department shall submit a final report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023.

(c) As an initial element of the study, the department must identify and prepare an implementation plan for near-term actions to improve HOV lane system-wide performance until a long-term solution is in place, including steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes. The implementation plan must include the planning, design, environmental review, equity considerations, community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on a recommended near-term implementation plan to the legislative transportation committees by December 31, 2022.

(d) The department of transportation, in collaboration with city of Seattle, must perform the next phase of work to advance a central Seattle Interstate 5 lid. The next phase of the project must include:

(i) A downtown Seattle transportation and traffic impact study, including evaluation of potential changes to the configurations of I-5 lanes and ramps;

(ii) Geotechnical explorations and assessment of site conditions; equitable community engagement; and

(iii) Refinement of scenarios and cost estimating to help support future department and city decisions on lid design and land use planning.

(10) $450,000 of the move ahead WA account—state appropriation is provided solely for the department to continue to develop a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(11)(a) $500,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining:

(i) Options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county; and

(ii) The feasibility, need, and potential governance and funding structures for passenger-only ferry service between the cities of Olympia and Seattle.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study shall include consideration of a direct fast passenger-only ferry service and a slower service with additional limited stops. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(12) $600,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning SR 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by January 1, 2025.

**Sec.**  2021 c 333 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation $1,000

Transportation Partnership Account—State

Appropriation ((~~$23,000~~))

$25,000

Motor Vehicle Account—State Appropriation ((~~$99,515,000~~))

$99,711,000

Puget Sound Ferry Operations Account—State

Appropriation ((~~$220,000~~))

$244,000

State Route Number 520 Corridor Account—State

Appropriation $26,000

Connecting Washington Account—State Appropriation ((~~$184,000~~))

$203,000

Multimodal Transportation Account—State

Appropriation ((~~$4,795,000~~))

$4,810,000

Tacoma Narrows Toll Bridge Account—State

Appropriation $19,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation $14,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $15,000

Move Ahead WA Flexible Account—State Appropriation $2,000,000

TOTAL APPROPRIATION ((~~$104,812,000~~))

$107,068,000

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

(5) $2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for enhanced funding to the office of minority and women's business enterprises to increase the number of certified women and minority-owned contractors in the transportation sector.

**Sec.**  2021 c 333 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation $784,000

Regional Mobility Grant Program Account—State

Appropriation ((~~$104,478,000~~))

$115,488,000

Rural Mobility Grant Program Account—State

Appropriation ((~~$33,168,000~~))

$33,283,000

Multimodal Transportation Account—State

Appropriation ((~~$131,150,000~~))

$133,928,000

Multimodal Transportation Account—Federal

Appropriation $3,574,000

Multimodal Transportation Account—Local

Appropriation $100,000

TOTAL APPROPRIATION ((~~$273,254,000~~))

$287,157,000

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

(1) $67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) $52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) ((~~$33,168,000~~)) $33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3) $2,000,000 of the multimodal transportation account—state appropriation is provided solely for a ((~~vanpool~~)) public transit rideshare grant program for: (a) Public transit agencies to add ((~~vanpools~~)) or replace ((~~vans~~)) rideshare vehicles; and (b) incentives ((~~for employers~~)) and outreach to increase ((~~employee vanpool~~)) rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(4) ((~~$26,800,000~~)) $37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Public Transportation Program (V).

(5)(a) $77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

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

(7) $6,500,000 of the multimodal transportation account—state appropriation and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) $30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) $800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8)(a) Except as provided otherwise in this subsection, ((~~$28,263,000~~)) $29,030,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, $900,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) ((~~$21,858,000~~)) $23,349,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) $555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) $150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

**Sec.**  2021 c 333 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State

Appropriation ((~~$416,614,000~~))

$430,964,000

Puget Sound Ferry Operations Account—Federal

Appropriation ((~~$124,000,000~~))

$156,073,000

Puget Sound Ferry Operations Account—Private/Local

Appropriation $121,000

TOTAL APPROPRIATION ((~~$540,735,000~~))

$587,158,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ((~~$17,000,000~~)) $32,905,000 of the Puget Sound ferry operations account—federal appropriation and $53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) $2,400,000 of the Puget Sound ferry operations account—state appropriation ((~~is~~)) and $2,000,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) $688,000 of the Puget Sound ferry operations account—state appropriation ((~~is~~)) and $697,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) ((~~$1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans; to provide Saturday service on the Fauntleroy-Vashon-Southworth route; and to resume late night service on other routes in the system.~~

~~(9) Within amounts provided in this section,~~)) $484,000 of the Puget Sound ferry operations account—federal is provided solely for the department ((~~shall~~)) to contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

((~~(10)~~)) (9) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

((~~(11)~~)) (10) $336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

((~~(12)~~)) (11) $735,000 of the Puget Sound ferry operations account—state appropriation ((~~is~~)) and $410,000 of the Puget Sound ferry operations account—federal appropriation are provided solely for familiarization for new assignments of engine crew and terminal staff.

((~~(13)~~)) (12) $160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

(13) $250,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14) $8,766,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for Washington state ferries to:

(a) Continuously recruit and hire deck, engine, and terminal staff;

(b) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(c) Enhance employee retention by standardizing on-call worker schedules;

(d) Increase training and development opportunities for employees; and

(e) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) $248,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for labor at the Vashon terminal.

(16) $194,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for operating costs at the Mukilteo terminal.

(17) $294,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for deck and engine internships.

**Sec.**  2021 c 333 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State

Appropriation ((~~$80,704,000~~))

$68,344,000

Multimodal Transportation Account—Private/Local

Appropriation $46,000

Multimodal Transportation Account—Federal

Appropriation $500,000

TOTAL APPROPRIATION ((~~$81,250,000~~))

$68,890,000

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

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, $500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the $500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

(3) $4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia and coordinate the activities of the policy committee to include:

(a) Develop an organizational framework that facilitates input in decision-making from all parties;

(b) Develop a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(c) Develop and lead a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation;

(d) Begin work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(e) Develop a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and pursue establishment of the coordinating entity.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and progress on establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application, as well as recommended next steps and funding needs for project advancement. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

(4) The department shall apply for all eligible federal funding
opportunities to further develop service on the Amtrak Cascades
corridor.

**Sec.**  2021 c 333 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation ((~~$11,954,000~~))

$12,593,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation $900,000

Multimodal Transportation Account—State

Appropriation $250,000

TOTAL APPROPRIATION ((~~$15,421,000~~))

$16,310,000

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

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) $1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(3)(a) ((~~By October 1, 2021, the department must report~~)) $200,000 of the motor vehicle account—state appropriation is provided solely for the department to complete and submit a report to the office of financial management by October 21, 2022, and the transportation committees with recommendations regarding:

(i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and

(ii) Cost-sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.

(b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec.**  2021 c 333 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ((~~$16,577,000~~))

$17,769,000

Freight Mobility Multimodal Account—State

Appropriation ((~~$15,195,000~~))

$14,004,000

Multimodal Transportation

Account—State Appropriation $5,000,000

TOTAL APPROPRIATION ((~~$31,772,000~~))

$36,773,000

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on ((~~the~~)) LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL ((~~PROJECT list~~)) PROJECTS as developed February 20, 2022;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed $250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(5) $5,000,000 of the multimodal transportation account—state appropriation is provided solely for the freight mobility strategic investment board to make railroad crossing grant program awards in the 2021-2023 biennium. The board must develop a prioritization process to make awards to cities and counties with projects that eliminate at grade highway-rail crossings.

**Sec.**  2021 c 333 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation ((~~$4,196,000~~))

$4,803,000

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

(1) $695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) $3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) $250,000 for emergency repairs;

(b) $350,000 for fuel tank decommissioning;

(c) $750,000 for generator and electrical replacement;

(d) $195,000 for the exterior envelope of the Yakima office;

(e) $466,000 for equipment shelters;

(f) $650,000 for the weatherization projects;

(g) $200,000 for roof replacements reappropriation; and

(h) $640,000 for water and fire suppression systems reappropriation and $607,000 for additional water and fire suppression systems.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

**Sec.**  2021 c 333 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation $55,028,000

Motor Vehicle Account—State Appropriation $1,456,000

County Arterial Preservation Account—State

Appropriation ((~~$37,379,000~~))

$44,653,000

TOTAL APPROPRIATION ((~~$93,863,000~~))

$101,137,000

**Sec.**  2021 c 333 s 305 (uncodified) is amended to read as follows:

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

Motor Vehicle Account—State Appropriation ((~~$10,852,000~~))

$16,076,000

Connecting Washington Account—State Appropriation ((~~$3,289,000~~))

$3,667,000

TOTAL APPROPRIATION ((~~$14,141,000~~))

$19,743,000

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

(1) $3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) $4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

**Sec.**  2021 c 333 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~$149,000~~))

$482,000

Transportation Partnership Account—State

Appropriation ((~~$119,053,000~~))

$232,566,000

Motor Vehicle Account—State Appropriation ((~~$89,717,000~~))

$103,525,000

Motor Vehicle Account—Federal Appropriation ((~~$388,903,000~~))

$394,758,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation $400,000,000

Motor Vehicle Account—Private/Local Appropriation ((~~$48,628,000~~))

$56,192,000

Connecting Washington Account—State Appropriation ((~~$2,881,033,000~~))

$2,062,283,000

Special Category C Account—State Appropriation ((~~$105,363,000~~))

$86,198,000

Multimodal Transportation Account—State

Appropriation ((~~$10,784,000~~))

$10,792,000

Puget Sound Gateway Facility Account—State

Appropriation $8,400,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$15,940,000~~))

$70,786,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$30,308,000~~))

$217,282,000

Move Ahead WA Account—State Appropriation $49,371,000

Move Ahead WA Account—Federal Appropriation $7,200,000

Move Ahead WA Account—Local Appropriation $13,500,000

TOTAL APPROPRIATION ((~~$4,089,878,000~~))

$3,713,355,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2021-1~~)) 2022-1 as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~of this act~~)), chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001), as long as the application of the funds is not inconsistent with subsection (26) of this section.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to ((~~$2,230,636,000~~)) $318,333,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ((~~$82,475,000~~)) $51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ((~~$28,411,000~~)) $124,632,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) ((~~$60,450,000~~)) $161,792,000 of the transportation partnership account—state appropriation, ((~~$2,258,000~~)) $3,882,000 of the motor vehicle account—private/local appropriation, $9,000,000 of the motor vehicle account—state appropriation, $1,000 of the transportation 2003 account (nickel account)—state appropriation, and ((~~$984,000~~)) $985,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

(8) ((~~$193,699,000~~)) $186,820,000 of the connecting Washington account—state appropriation ((~~is~~)) and $488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

(9)(a) ((~~$14,827,000~~)) $177,982,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) ((~~$492,349,000~~)) $329,681,000 of the connecting Washington account—state appropriation, $70,786,000 of the state route number 520 corridor account—state appropriation, $100,000 of the move ahead WA—state appropriation, and ((~~$355,000~~)) $1,021,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection (10), $100,000 of the move ahead WA—state appropriation is provided solely for noise mitigation activities. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $2,000,000 for noise mitigation in the vicinity of the SR 520 Seattle Corridor Improvements - West End project.

(11) ((~~$382,880,000~~)) $361,296,000 of the connecting Washington account—state appropriation, $4,800,000 of the multimodal transportation account—state appropriation, ((~~$17,869,000~~)) $13,725,000 of the motor vehicle account—private/local appropriation, $7,200,000 of the move ahead WA account—federal appropriation, $8,400,000 of the Puget Sound Gateway facility account—state appropriation, and ((~~$82,165,000~~)) $85,015,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall construct a full ((~~single-point urban~~)) interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full directional interchange at the junction of state route number 509 and 188th Street. ((~~If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges.~~))

(d) Of the amounts provided in this subsection, $2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, $2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(12)(a) ((~~$26,928,000~~)) $25,378,000 of the motor vehicle account—state appropriation and ((~~$1,671,000~~)) $413,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(13)(a) $400,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, ((~~$529,577,000~~)) $25,327,000 of the connecting Washington account—state appropriation, ((~~$194,959,000~~)) $178,186,000 of the motor vehicle account—federal appropriation, $5,618,000 of the motor vehicle account—local appropriation, $9,016,000 of the transportation partnership account—state appropriation, and ((~~$1,849,000~~)) $6,853,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. ((~~Of the amounts provided in this subsection, $400,000,000 of the connecting Washington account—state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (0BI4001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.~~))

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, $142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 ((~~of this act~~)), chapter 333, Laws of 2021.

(14) ((~~$14,669,000~~)) $14,367,000 of the connecting Washington account—state appropriation, $311,000 of the motor vehicle account—state appropriation, and ((~~$3,037,000~~)) $3,149,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the $20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

(15) ((~~$15,189,000~~)) $16,984,000 of the motor vehicle account—federal appropriation, ((~~$259,000~~)) $269,000 of the motor vehicle account—state appropriation, and ((~~$15,481,000~~)) $17,900,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) ((~~$18,914,000~~)) $18,915,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) $1,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204).

(18) ((~~$1,090,000~~)) $1,237,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) ((~~$12,139,000~~)) $2,197,000 of the motor vehicle account—state appropriation and ((~~$9,104,000~~)) $749,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) ((~~$1,378,000~~)) $1,455,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) ((~~$915,000~~)) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) ((~~$6,581,000~~)) $7,185,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(24) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

(25) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

(26) Except as otherwise provided in this section, the entire move ahead WA account—state appropriation and move ahead WA account—federal appropriation are provided solely for the state highway projects and activities as listed by project and amount in LEAP Transportation Document 2022 NL-1 as developed February 20, 2022.

(27)(a) $10,000,000 of the move ahead WA state—appropriation is provided solely for the stormwater retrofits and improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $500,000,000 for this project.

(b) The department shall ensure that $6,000,000 is provided to the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project from the $500,000,000 provided from stormwater retrofits and improvements over the 16-year move ahead WA investment program.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each biennium.

(28) $2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

(29) $12,635,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of $78,910,000 for this project, including an increase of $12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(30) $1,000,000 of the move ahead WA account—state appropriation is provided solely for the SR 522 Widening project (L4000031). The department must consider reserving portions of state route 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025. The legislature intends to provide full construction funding for this project in the future.

(31) $1,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $210,541,000 for planning, design, right-of-way acquisition, interim improvements, and initial construction. The legislature intends to provide full construction funding for this project in the future. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility, including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(32) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish Tribe must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish Tribe. Regularly scheduled tribal consultation meetings with the Suquamish Tribe must continue throughout the duration of any funding program and proposed project approval. The legislature intends to provide full construction funding for this project in the future.

(33) $450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along SR 900, including the use of $200,000 for right of way, and up to $100,000 to contract with the Skyway coalition to lead community planning engagement and active transportation activities.

(34) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $2,435,000,000 for fish passage barrier removal.

(35) $13,500,000 of the move ahead WA account—state appropriation and $13,500,000 of the move ahead WA account—local appropriation are provided solely for the I-5 Columbia River Bridge (L4000054). The legislature finds that the replacement of the I-5 Columbia River Bridge is a project of national significance and is critical for the movement of freight. One span is now 104 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging Interstate Bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia River Bridge with an investment of $1,200,000,000 over the 16-year move ahead WA investment program and that the respective LEAP Transportation Document(s) be adjusted accordingly. This commitment is not dependent on any single one of the revenue sources that are deposited into the move ahead WA account. The legislature further intends to maintain Washington state's commitment to the project at $1,200,000,000 regardless of the loss of any source of revenue being deposited into the move ahead WA account.

(36) $5,694,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project. It is the intent of the legislature that the total amount provided for this project on the lists in subsections (1) and (2) of this section be reduced in future biennia by $1,709,000.

(37) $5,000,000 of the move ahead WA account—state appropriation is provided solely for safety improvements pursuant to the reducing rural roadway departures program established in Engrossed Substitute Senate Bill No. 5974 (transportation resources). If Engrossed Substitute Senate Bill No. 5974 (transportation resources) is not enacted by June 30, 2022, then the appropriation in this subsection lapses.

**Sec.**  2021 c 333 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State Appropriation $1,520,000

Transportation 2003 Account (Nickel Account)—State

Appropriation ((~~$49,105,000~~))

$53,911,000

Transportation Partnership Account—State

Appropriation ((~~$15,183,000~~))

$21,441,000

Motor Vehicle Account—State Appropriation ((~~$85,444,000~~))

$111,174,000

Motor Vehicle Account—Federal Appropriation ((~~$489,602,000~~))

$545,560,000

Motor Vehicle Account—Private/Local Appropriation ((~~$10,792,000~~))

$13,735,000

Connecting Washington Account—State Appropriation ((~~$159,043,000~~))

$224,342,000

State Route Number 520 Corridor Account—State

Appropriation ((~~$1,891,000~~))

$2,143,000

Tacoma Narrows Toll Bridge Account—State

Appropriation ((~~$9,730,000~~))

$5,676,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation ((~~$314,000~~))

$391,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ((~~$26,039,000~~))

$12,830,000

Move Ahead WA Account—Federal Appropriation $140,000,000

TOTAL APPROPRIATION ((~~$848,663,000~~))

$1,132,723,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2021-1~~)) 2022-1 as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ((~~of this act~~)), chapter 333, Laws of 2021.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001), as long as the application of the funds is not inconsistent with subsection (10) of this section.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~$5,166,000~~)) $8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) $5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) $11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(9) $1,700,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

(10) Except as otherwise provided in this section, the entire move ahead WA account—federal appropriation is provided solely for the state highway preservation projects and activities as listed by project and amount in LEAP Transportation Document 2022 NL-1 as developed February 20, 2022.

(11) $140,000,000 of the move ahead WA account—federal appropriation is provided solely for highway preservation (L4000057). The department must use funding provided in this subsection, along with other funds at its discretion, for the following preservation projects:

(a) I5/SB Denny Way-Lakeview Viaduct;

(b) I5/SB&NB Concrete and Joint Replacement;

(c) SR 529/NB Snohomish River – Bridge Rehabilitation, and Painting;

(d) I5/SB Snohomish River Bridge Painting.

(12) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $80,000,000 for the Main Streets Preservation project (L2021113) for preservation work on state highways that are also main streets.

Main streets preservation funding is intended to be a minimum investment for state highways within city limits. As part of the department's preservation program, the department must preserve and maintain all state highways, regardless of speed limit. The department must provide an annual report to the legislature on current preservation investments. The report must include a continuous six-year plan on state highway preservation investments within city limits.

**Sec.**  2021 c 333 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation ((~~$8,273,000~~))

$9,618,000

Motor Vehicle Account—Federal Appropriation ((~~$5,289,000~~))

$11,215,000

Motor Vehicle Account—Private/Local Appropriation $500,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation $900,000

Move Ahead WA Account—State Appropriation $3,100,000

TOTAL APPROPRIATION ((~~$14,962,000~~))

$25,333,000

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

(1) $579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) ((~~$1,000,000~~)) $1,001,000 of the motor vehicle account—state appropriation ((~~is~~)) and $2,060,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

(3) $3,100,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements (L2021115).

**Sec.**  2021 c 333 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—State

Appropriation ((~~$128,759,000~~))

$172,802,000

Puget Sound Capital Construction Account—Federal

Appropriation ((~~$139,188,000~~))

$205,493,000

Puget Sound Capital Construction Account—

Private/Local Appropriation ((~~$312,000~~))

$2,181,000

Transportation Partnership Account—State

Appropriation ((~~$8,410,000~~))

$9,432,000

Connecting Washington Account—State Appropriation ((~~$75,640,000~~))

$99,141,000

Capital Vessel Replacement Account—State

Appropriation ((~~$152,453,000~~))

$45,468,000

Motor Vehicle Account—State Appropriation $1,000

Transportation 2003 Account (Nickel Account)—State

Appropriation $987,000

TOTAL APPROPRIATION ((~~$504,762,000~~))

$535,505,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) ((~~$5,000,000~~)) $12,785,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) ((~~$1,277,000~~)) $2,385,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) ((~~$24,750,000~~)) $28,134,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) ((~~$152,453,000~~)) $45,468,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(7) The capital vessel replacement account—state appropriation includes up to ((~~$152,453,000~~)) $45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) $4,200,000 of the connecting Washington account—state appropriation ((~~and $2,200,000 of the Puget Sound operating account [Puget Sound capital construction account]—federal appropriation are~~)) is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

(9) $3,500,000 of the Puget Sound capital construction account—state appropriation is provided solely for the department to initiate a vessel design-build process to replace the next class of hybrid electric propulsion vessels. Predesign studies may include a comparison of design build processes internationally as well as electrification studies of the associated route and terminals at Southworth, Vashon, and Fauntleroy (G2000104).

(10) $10,000,000 of Puget Sound capital construction account—state appropriation is provided solely for vessel and terminal preservation projects as part of the move ahead WA investment program (L2021072).

(11) $14,623,000 of the Puget Sound capital construction account—state appropriation is provided solely for the construction of new hybrid electric vessels as part of the move ahead WA investment program (L2021073).

**Sec.**  2021 c 333 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Essential Rail Assistance Account—State

Appropriation ((~~$550,000~~))

$508,000

Transportation Infrastructure Account—State

Appropriation ((~~$5,456,000~~))

$6,818,000

Multimodal Transportation Account—State

Appropriation ((~~$82,493,000~~))

$121,186,000

Multimodal Transportation Account—Federal

Appropriation ((~~$41,219,000~~))

$6,567,000

Multimodal Transportation Account—Private/Local

Appropriation $13,000

Motor Vehicle Account—State Appropriation $1,810,000

Move Ahead WA Flexible Account—State Appropriation $10,000,000

TOTAL APPROPRIATION ((~~$129,718,000~~))

$146,902,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Rail Program (Y).

(2) ((~~$5,089,000~~)) $5,851,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) ((~~$6,817,000~~)) $8,360,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) $367,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full $7,337,000 cost of this project is reimbursed.

(5)(a) ((~~$550,000~~)) $408,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ((~~$33,964,000~~)) $32,996,000 of the multimodal transportation account—state appropriation ((~~and $37,500,000 of the multimodal transportation account—federal appropriation are~~)) is provided solely for Passenger Rail Equipment Replacement (project 700010C.) The appropriations in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) ((~~$223,000 of the multimodal transportation account—state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.~~

~~(9)~~)) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to $6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed $6,696,000 of a grant award.

(9) Except as otherwise provided in this section, the entire move ahead WA flexible account—state appropriation in this section is provided solely for the rail projects and activities as listed by project and amount in LEAP Transportation Document 2022 NL-1 as developed February 20, 2022.

**Sec.**  2021 c 333 s 311 (uncodified) is amended to read as follows:

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

Highway Infrastructure Account—State Appropriation ((~~$793,000~~))

$1,744,000

Highway Infrastructure Account—Federal Appropriation

((~~$1,600,000~~))

$2,935,000

Transportation Partnership Account—State

Appropriation ((~~$750,000~~))

$1,000,000

Motor Vehicle Account—State Appropriation ((~~$11,064,000~~))

$23,738,000

Motor Vehicle Account—Federal Appropriation ((~~$55,751,000~~))

$79,306,000

Motor Vehicle Account—Private/Local Appropriation $6,600,000

Connecting Washington Account—State Appropriation ((~~$123,292,000~~))

$173,464,000

Multimodal Transportation Account—State

Appropriation ((~~$71,615,000~~))

$96,225,000

Move Ahead WA Account—State Appropriation $129,900,000

TOTAL APPROPRIATION ((~~$271,465,000~~))

$514,912,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ((~~$32,613,000~~)) (i) $46,163,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by October 31, 2022, in order to ensure construction of improvements begin no later than June 1, 2023.

(b) ((~~$19,344,000~~)) $26,086,000 of the motor vehicle account—federal appropriation and ((~~$17,397,000~~)) $21,656,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) ((~~$6,561,000~~)) $11,987,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for $7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) ((~~$12,500,000~~)) $17,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) ((~~$11,679,000~~)) $35,411,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9)(a) The department may transfer funds between projects on the LEAP transportation document referenced in subsection (1) of this section, but transfers must be submitted to the office of financial management and the transportation committees of the legislature for review and comment and must include an explanation of variances from prior approved lists. Transfers are subject to the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(iii) Transfers may not occur for projects not identified on the applicable project list;

(iv) Transfers may not be made while the legislature is in session;

(v) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature.

(b) Any project list revisions must be reviewed by the office of financial management and transportation committees of the legislature within 10 business days of submission and revised project funds may not be expended until approved by the office of financial management.

(10) Except as otherwise provided in this section, the entire move ahead WA account—state appropriation is provided solely for the local road projects and activities as listed by project and amount in LEAP Transportation Document 2022 NL-1 as developed February 20, 2022.

(11) It is the intent of the legislature that $25,000,000 will be provided as part of the move ahead WA investment package in a future biennia, as indicated on the list identified in subsection (10) of this section, for the Ballard and Magnolia bridge project (L4000123). As part of the project, the Seattle department of transportation must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. The Seattle department of transportation (SDOT) must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the $25,000,000, $12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(12) $400,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(13) $8,524,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(14) $500,000 of the motor vehicle account—state appropriation designated for the traffic avenue/SR 410 interchange project (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as developed February 20, 2022, Local Programs Program (Z) is redesignated and provided solely for the 166th/SR 410 Interchange - Sumner.

**Sec.**  2021 c 333 s 313 (uncodified) is amended to read as follows:

**QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects, except for ferry projects subject to the reporting requirements established in section 309 ((~~of this act~~)), chapter 333, Laws of 2021, that must include:

(1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

NEW SECTION. **Sec.**  A new section is added to 2021 c 333 (uncodified) to read as follows: **FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

(1) As part of the department of transportation's 2023-2025 biennial budget request, the department shall provide an overview of capital funds management challenges and recommendations for funds management strategies that would improve the likelihood of increasing performance associated with the following outcomes:

(a) Streamlined delivery of the department's capital program and local government capital projects;

(b) Increased likelihood that federal funds are committed and used prior to debt backed capital resources;

(c) Reduced overall time and cost of administrative efforts of the department and local governments;

(d) Ensured federal government contributions regarding its share toward overhead costs;

(e) Increased disadvantaged business enterprise program participation and/or funding;

(f) Maximized amount of federal redistributed and grant funding received by the state, including how to position the state for providing state matching funds for federal grant opportunities;

(g) Increased clarity on how federal funds are administered;

(h) Identification of opportunities to leverage current and future toll credits secured by the state; and

(i) Minimized risk of audit findings related to federal funds.

(2) The department may provide recommendations on the transportation appropriations act structure and project list amendments to most efficiently utilize state and federal capital funds.

(3) As part of the department's 2023-2025 biennial budget request, the department shall also report on:

(a) The federal grant programs it has applied for;

(b) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply; and

(c) The potential to use a federal fund exchange program to most efficiently use state and local federal funds.

**TRANSFERS AND DISTRIBUTIONS**

**Sec.**  2021 c 333 s 401 (uncodified) is amended to read as follows:

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

Transportation Partnership Account—State

Appropriation ((~~$904,000~~))

$794,000

Connecting Washington Account—State Appropriation ((~~$11,153,000~~))

$1,592,000

Special Category C Account—State Appropriation ((~~$412,000~~))

$257,000

Highway Bond Retirement Account—State Appropriation ((~~$1,483,793,000~~))

$1,408,619,000

Ferry Bond Retirement Account—State Appropriation $17,150,000

Transportation Improvement Board Bond Retirement

Account—State Appropriation ((~~$11,770,000~~))

$18,152,000

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation ((~~$29,323,000~~))

$26,278,000

Toll Facility Bond Retirement Account—State

Appropriation $76,376,000

TOTAL APPROPRIATION ((~~$1,630,881,000~~))

$1,549,218,000

The appropriations in this section are subject to the following conditions and limitations: $6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

**Sec.**  2021 c 333 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State

Appropriation ((~~$181,000~~))

$150,000

Connecting Washington Account—State Appropriation ((~~$2,231,000~~))

$318,000

Special Category C Account—State Appropriation ((~~$82,000~~))

$51,000

Transportation Improvement Account—State

Appropriation $20,000

TOTAL APPROPRIATION ((~~$2,494,000~~))

$539,000

**Sec.**  2021 c 333 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax statutory distributions to

cities and counties ((~~$467,390,000~~))

$474,003,000

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties $26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties $23,438,000

**Sec.**  2021 c 333 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and statutory

transfers ((~~$1,974,599,000~~))

$2,000,419,000

**Sec.**  2021 c 333 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor

vehicle fuel tax refunds and transfers ((~~$235,675,000~~))

$240,330,000

**Sec.**  2021 c 333 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation:

For transfer to the State Patrol Highway

Account—State $47,000,000

(2)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Capital Vessel

Replacement Account—State ((~~$152,453,000~~))

$45,468,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(3)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State $30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(4)(a) Motor Vehicle Account—State Appropriation:

For transfer to Alaskan Way Viaduct Replacement Project

Account—State $6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State $7,666,000

(6) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State $5,511,000

(7) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust Account—State $9,331,000

(8) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State $9,688,000

(9) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State $3,000,000

(10)(a) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

Motor Vehicle Account—State

$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(11) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to the

State Route Number 520 Corridor Account—State $1,532,000

(12) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $35,000,000

(13)(a) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation

Partnership Account—State ((~~$10,305,000~~))

$1,542,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation Account—State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State $14,670,000

(15) Multimodal Transportation Account—State

Appropriation: For transfer to the Connecting

Washington Account—State $200,000,000

(16) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight Mobility

Multimodal Account—State $4,011,000

(17) Multimodal Transportation Account—State

Appropriation: For transfer to the Ignition Interlock

Device Revolving Account—State $600,000

(18) Multimodal Transportation Account—State

Appropriation: For transfer to the Pilotage

Account—State ((~~$1,500,000~~))

$2,000,000

(19) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State ((~~$60,000,000~~))

$816,700,000

(20) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility

Grant Program Account—State $27,679,000

(21) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural Mobility

Grant Program Account—State $15,223,000

(22)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the

Transportation Partnership Account—State $22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(23) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State $950,000

(24) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $60,000,000

(25)(a) General Fund Account—State

Appropriation: For transfer to the State Patrol

Highway Account—State $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2) ((~~of this act~~)), chapter 333, Laws of 2021.

(26) Motor Vehicle Account—State

Appropriation: For transfer to the Move Ahead WA

Account—State $3,689,000

(27) Motor Vehicle Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State $30,000,000

(28) Electric Vehicle Account—State

Appropriation: For transfer to the Move Ahead WA

Flexible Account—State $16,064,000

(29) Multimodal Transportation Account—State

Appropriation: For transfer to the I-405 and SR 167

Express Toll Lanes Account—State $268,433,000

(30) Multimodal Transportation Account—State

Appropriation: For transfer to the Move Ahead WA

Account—State $874,081,000

(31) Multimodal Transportation Account—State

Appropriation: For transfer to the State Route

Number 520 Corridor Account—State $70,786,000

(32) Move Ahead WA Flexible Account—State

Appropriation: For transfer to the Move Ahead

WA Account—State $9,000,000

(33) Motor Vehicle Account—State

Appropriation: For transfer to the Connecting Washington

Account—State $80,000,000

(34) Move Ahead WA Account—State

Appropriation: For transfer to the Connecting Washington

Account—State $600,000,000

**Sec.**  2021 c 333 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal

Appropriation $199,129,000

Toll Facility Bond Retirement Account—State

Appropriation $25,372,000

TOTAL APPROPRIATION $224,501,000

**COMPENSATION**

NEW SECTION. **Sec.**  A new section is added to 2021 c 333 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 through 519 of this act represent the results of the collective bargaining process from reopening the 2021-2023 contracts for the limited purpose of bargaining over compensation, and are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in part V of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**Sec.**  2021 c 333 s 503 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU**

(1) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

(2) An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 504 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA**

(1) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6**

(1) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 506 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS**

(1) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 507 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES**

(1) An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9((~~%~~)) percent general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

(2) An agreement has been reached between the governor and the Puget Sound metal trades council pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 508 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 509 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 510 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA—PORT ENGINEERS**

(1) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

(2) An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 511 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MATES**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates, and does not include the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 512 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MASTERS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

(2) An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 513 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P WATCH CENTER SUPERVISORS**

(1) An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

(2) An agreement has been reached between the governor and the masters, mates, and pilots – watch center supervisors pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 514 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU**

(1) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 515 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WFSE**

(1) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec.**  2021 c 333 s 516 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees who were employed continuously starting on or before July 1, 2021, through June 30, 2022.

**Sec.**  2021 c 333 s 517 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WPEA**

(1) An agreement has been reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

(2) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 518 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

(1) An agreement has been reached for the 2019-2021 biennium between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in position that do not require the position to be backfilled. The agreement includes and funding is provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

(2) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 3.25 percent for fiscal year 2023 and a lump sum payment for employees hired before July 1, 2022.

**Sec.**  2021 c 333 s 519 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

**Sec.**  2021 c 333 s 520 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

(1) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for fiscal year 2023. The agreement includes and funding is provided for a general wage increase of 10 percent for fiscal year 2023.

**Sec.**  2021 c 333 s 521 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed ((~~$1091~~)) $1,130 per eligible employee.

The board shall collect a $25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than $50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

**Sec.**  2021 c 333 s 522 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed ((~~$1091~~)) $1,130 per eligible employee.

**Sec.**  2021 c 333 s 523 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed ((~~$1091~~)) $1,130 per eligible employee.

NEW SECTION. **Sec.**  A new section is added to 2021 c 333 (uncodified) to read as follows: **GENERAL WAGE INCREASES**

(1) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or RCW 41.56.475.

(2) Funding is provided for a 3.25 percent salary increase effective July 1, 2022, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a 3.25 percent salary increase effective July 1, 2022 for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries of elected officials.

NEW SECTION. **Sec.**  A new section is added to 2021 c 333 (uncodified) to read as follows:**COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems as provided in this section.

(1) An increase of 0.14 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system. An increase of 0.27 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Senate Bill No. 5676 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If Senate Bill No. 5676 is not enacted by June 30, 2022, this subsection lapses.

(2) An increase of 0.13 percent is funded for state employer contributions to the Washington state patrol retirement system. These increases are provided for the purpose of expanding no-cost interruptive military service credit to individuals that were issued an expeditionary medal, as provided in House Bill No. 1804 and Senate Bill No. 5726 (military service credit). If neither House Bill No. 1804 nor Senate Bill No. 5726 is enacted by June 30, 2022, this subsection lapses.

(3) An increase of 0.10 percent is funded for state employer contributions to the public safety employees' retirement system. These increases are provided for the cost to provide an enhanced disability benefit to members of this system who experience a qualifying catastrophic disability on the job, as provided in Senate Bill No. 5748 (PSERS disability benefits). If Senate Bill No. 5748 is not enacted by June 30, 2022, this subsection lapses.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)2021 c 333 s 526 (uncodified);

(2)2021 c 333 s 527 (uncodified);

(3)2021 c 333 s 528 (uncodified);

(4)2021 c 333 s 529 (uncodified);

(5)2021 c 333 s 530 (uncodified);

(6)2021 c 333 s 531 (uncodified);

(7)2021 c 333 s 532 (uncodified); and

(8)2021 c 333 s 537 (uncodified).

**IMPLEMENTING PROVISIONS**

**Sec.**  2021 c 333 s 601 (uncodified) is amended to read as follows:

**MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((~~2021-1~~)) 2022-1 as developed ((~~April 23, 2021~~)) February 20, 2022, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

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

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

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

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (l) of this subsection, transfers may only be made in fiscal year 2023;

(i) The total amount of transfers under this section may not exceed $50,000,000;

(j) Except as otherwise provided in (l) of this subsection, transfers made to a single project may not cumulatively total more than $20,000,000 per biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(l) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order that most reduces administrative burden and minimizes the use of bond proceeds:

(i) Projects on LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022; or

(ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

**Sec.**  2021 c 333 s 606 (uncodified) is amended to read as follows:

**TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

**MISCELLANEOUS 2021-2023 FISCAL BIENNIUM**

**Sec.**  RCW 47.01.071 and 2016 c 35 s 1 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, except during the 2021-2023 fiscal biennium, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(6) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

**Sec.**  RCW 46.01.385 and 2021 c 32 s 2 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 fiscal biennium, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing its staffing shortages.

**Sec.**  RCW 47.01.505 and 2017 c 288 s 4 are each amended to read as follows:

(1) On behalf of the state, the legislature of the state of Washington invites the legislature of the state of Oregon to participate in a joint legislative action committee regarding the construction of a new Interstate 5 bridge spanning the Columbia river that achieves the following purposes:

(a) Works with both states' departments of transportation and transportation commissions and stakeholders to begin a process toward project development. It is assumed that the appropriate local and bistate entities already tasked with related work will also be included when the legislative and interagency agreements are ready to move forward. The legislative action committee must convene its first meeting by December 15, 2017;

(b) Reviews and confirms lead roles related to permitting, construction, operation, and maintenance of a future Interstate 5 bridge project;

(c) Establishes a process to seek public comment on the Interstate 5 bridge project development plan selected and presents final recommendations for the process and financing to both states;

(d) Works to ensure that there are sufficient resources available to both states' departments of transportation to inventory and utilize existing data and any prior relevant work to allow for nonduplicative and efficient decision making regarding a new project;

(e) Examines all of the potential mass transit options available for a future Interstate 5 bridge project;

(f) Utilizes design-build procurement, or an equivalent or better innovation delivery method, and determines the least costly, most efficient project management and best practices tools consistent with work already completed including, but not limited to, height, navigation needs, transparency, economic development, and other critical elements, while minimizing the impacts of congestion during construction;

(g) Considers the creation of a Columbia river bridge authority to review bridge needs for possible repair, maintenance, or new construction, prioritizing those needs and making recommendations to both states with regard to financing specific projects, timing, authorities, and operations; and

(h) Provides a report to the legislatures of each state that details the findings and recommendations of the legislative action committee by December 15, 2018. The report must also contain a recommendation as to whether the Interstate 5 project should be designated by the legislature of the state of Washington as a project of statewide significance and by the state of Oregon with an equivalent designation.

(2)(a) The joint Oregon-Washington legislative action committee is established, with sixteen members as provided in this subsection:

(i) The speaker and minority leader of the house of representatives of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's house of representatives.

(ii) The majority leader and minority leader of the senate of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's senate.

(b) The legislative action committee shall choose its cochairs from among its membership, one each from the senate and the house of representatives of both states.

(c) Executive agencies, including the departments of transportation and the transportation commissions, shall cooperate with the committee and provide information and other assistance as the cochairs may reasonably request.

(d) Staff support for the legislative action committee must be provided by the Washington house of representatives office of program research, Washington senate committee services, and, contingent upon the acceptance by the legislature of the state of Oregon of the invitation in subsection (1) of this section to participate in the legislative action committee, the Oregon legislative policy and research office.

(e) Legislative members of the legislative action committee are reimbursed for travel expenses. For Washington legislative members, this reimbursement must be in accordance with RCW 44.04.120.

(f) The expenses of the legislative action committee must be paid jointly by both states' senate and house of representatives. In Washington, committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(g) Each meeting of the legislative action committee must allow an opportunity for public comment. Legislative action committee meetings must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives of both states.

(h) The Washington members of the joint Oregon-Washington legislative action committee shall report back to the Washington state legislature, by August 1, 2022, regarding the progress of the committee and its work to advance the project to build a new Interstate 5 bridge spanning the Columbia river. The report must include a description of the locally preferred alternative ultimately identified as part of the interstate bridge replacement project.

**Sec.**  RCW 70A.205.415 and 2009 c 261 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles, measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account. During the 2021-2023 fiscal biennium, appropriations from the waste tire removal account may be made for the department of transportation to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way.

**Sec.**  RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1) Regional transit authorities that include a county with a population of more than ((~~one million five hundred thousand~~)) 1,500,000 may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of ((~~six thousand~~)) 6,000 pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of ((~~RCW 81.104.160(1)~~)) subsection (1) of this section shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess. However, for the 2023-2025 grant solicitation process, occurring during the 2021-2023 fiscal biennium, a regional transit authority is eligible for regional mobility grants but only for project proposals supporting bus service and operations.

**Sec.**  RCW 82.44.200 and 2021 c 300 s 5 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account.

**MISCELLANEOUS**

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

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

**--- END ---**