
ENGROSSED SUBSTITUTE SENATE BILL 6461

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Prince, Haugen, Wood, Winsley, Heavey, Loveland, Snyder, Kohl, Jacobsen, Patterson, Prentice, Thibaudeau, Franklin, Spanel, McAuliffe, Goings, Fraser, Schow and Rasmussen; by request of Governor Locke)

Read first time 02/10/98.

1 AN ACT Relating to creating partnerships for strategic freight
2 investments; amending RCW 47.05.051; adding a new section to chapter
3 43.131 RCW; adding a new section to chapter 47.06 RCW; and adding a new
4 chapter to Title 47 RCW.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) Washington state is uniquely positioned as a gateway to the
8 global economy. As the most trade-dependent state in the nation, per
9 capita, Washington's economy is highly dependent on an efficient
10 multimodal transportation network in order to remain competitive.

11 (2) The vitality of the state's economy is placed at risk by
12 growing traffic congestion that impedes the safe and efficient
13 movement of goods. The absence of a comprehensive and coordinated
14 state policy that facilitates freight movements to local, national, and
15 international markets limits trade opportunities.

16 (3) Freight corridors that serve international and domestic
17 interstate and intrastate trade, and those freight corridors that
18 enhance the state's competitive position through regional and global
19 gateways are strategically important. In many instances, movement of

1 freight on these corridors is diminished by: Barriers that block or
2 delay access to intermodal facilities where freight is transferred from
3 one mode of transport to another; conflicts between rail and road
4 traffic; constraints on rail capacity; highway capacity constraints,
5 congestion, and condition; waterway system depths that affect capacity;
6 and institutional, regulatory, and operational barriers.

7 (4) Rapidly escalating population growth is placing an added burden
8 on streets, roads, and highways that serve as freight corridors.
9 Community benefits from economic activity associated with freight
10 movement often conflict with community concerns over safety, mobility,
11 environmental quality. Efforts to minimize community impacts in areas
12 of high freight movements that encourage the active participation of
13 communities in the early stages of proposed public and private
14 infrastructure investments will facilitate needed freight mobility
15 improvements.

16 (5) Ownership of the freight mobility network is fragmented and
17 spread across various public jurisdictions, private companies, and
18 state and national borders. Transportation projects have grown in
19 complexity and size, requiring more resources and longer implementation
20 time frames. Currently, there is no comprehensive and integrated
21 framework for planning the freight mobility needs of public and private
22 stakeholders in the freight transportation system. A coordinated
23 planning process should identify new infrastructure investments that
24 are integrated by public and private planning bodies into a multimodal
25 and multijurisdictional network in all areas of the state, urban and
26 rural, east and west. The state should integrate freight mobility
27 goals with state policy on related issues such as economic development,
28 growth management, and environmental management.

29 (6) State investment in projects that enhance or mitigate freight
30 movements, should pay special attention to solutions that utilize a
31 corridor solution to address freight mobility issues with important
32 transportation and economic impacts beyond any local area. The
33 corridor approach builds partnerships and fosters coordinated planning
34 among jurisdictions and the public and private sectors.

35 (7) It is the policy of the state of Washington that limited public
36 transportation funding and competition between freight and general
37 mobility improvements for the same fund sources require strategic,
38 prioritized freight investments that reduce barriers to freight
39 movement, maximize cost-effectiveness, yield a return on the state's

1 investment, require complementary investments by public and private
2 interests, and solve regional freight mobility problems. State
3 financial assistance for freight mobility projects must leverage other
4 funds from all potential partners and sources, including federal,
5 county, city, port district, and private capital.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Board" means the freight mobility strategic investment board
10 created in section 4 of this act.

11 (2) "Department" means the department of transportation.

12 (3) "Freight mobility" means the safe, reliable, and efficient
13 movement of goods within and through the state to ensure the state's
14 economic vitality.

15 (4) "Local governments" means cities, towns, counties, special
16 purpose districts, port districts, and any other municipal corporations
17 or quasi-municipal corporations in the state excluding school
18 districts.

19 (5) "Public entity" means a state agency, city, town, county, port
20 district, or municipal or regional planning organization.

21 (6) "Strategic freight corridor" means a transportation corridor of
22 great economic importance within an integrated freight system that:

23 (a) Serves international and domestic interstate and intrastate
24 trade;

25 (b) Enhances the state's competitive position through regional and
26 global gateways;

27 (c) Carries freight tonnages of at least:

28 (i) Four million gross tons annually on state highways, city
29 streets, and county roads;

30 (ii) Five million gross tons annually on railroads; or

31 (iii) Two and one-half million net tons on waterways; and

32 (d) Has been designated a strategic corridor by the board under
33 section 3(3) of this act. However, new alignments to, realignments of,
34 and new links to strategic corridors that enhance freight movement may
35 qualify, even though no tonnage data exists for facilities to be built
36 in the future.

37 NEW SECTION. **Sec. 3.** (1) The board shall:

1 (a) Adopt rules and procedures necessary to implement the freight
2 mobility strategic investment program;

3 (b) Solicit from public entities proposed projects that meet
4 eligibility criteria established in accordance with subsection (4) of
5 this section; and

6 (c) Review and evaluate project applications based on criteria
7 established under this section, and prioritize and select projects
8 comprising a portfolio to be funded in part with grants from state
9 funds appropriated for the freight mobility strategic investment
10 program. In determining the appropriate level of state funding for a
11 project, the board shall ensure that state funds are allocated to
12 leverage the greatest amount of partnership funding possible. After
13 selecting projects comprising the portfolio, the board shall submit
14 them as its budget request to the office of financial management and
15 the legislature. The board shall ensure that projects submitted as
16 part of the portfolio are not more appropriately funded with other
17 federal, state, or local government funding mechanisms or programs.
18 The board shall reject those projects that appear to improve overall
19 general mobility with limited enhancement for freight mobility.

20 The board shall provide periodic progress reports to the governor
21 and the legislative transportation committee.

22 (2) The board may:

23 (a) Accept from any state or federal agency, loans or grants for
24 the financing of any transportation project and enter into agreements
25 with any such agency concerning the loans or grants;

26 (b) Provide technical assistance to project applicants;

27 (c) Accept any gifts, grants, or loans of funds, property, or
28 financial, or other aid in any form from any other source on any terms
29 and conditions which are not in conflict with this chapter;

30 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
31 the purposes of this chapter; and

32 (e) Do all things necessary or convenient to carry out the powers
33 expressly granted or implied under this chapter.

34 (3) The board shall designate strategic freight corridors within
35 the state. The board shall update the list of designated strategic
36 corridors not less than every two years, and shall establish a method
37 of collecting and verifying data, including information on city and
38 county-owned roadways.

1 (4) From the effective date of this act through the biennium ending
2 June 30, 2001, the board shall utilize threshold project eligibility
3 criteria that, at a minimum, includes the following:

4 (a) The project must be on a strategic freight corridor;

5 (b) The project must meet one of the following conditions:

6 (i) It is primarily aimed at reducing identified barriers to
7 freight movement with only incidental benefits to general or personal
8 mobility; or

9 (ii) It is primarily aimed at increasing capacity for the movement
10 of freight with only incidental benefits to general or personal
11 mobility; or

12 (iii) It is primarily aimed at mitigating the impact on communities
13 of increasing freight movement, including roadway/railway conflicts;
14 and

15 (c) The project must have a total public benefit/total public cost
16 ratio of equal to or greater than one.

17 (5) From the effective date of this act through the biennium ending
18 June 30, 2001, the board shall use the multicriteria analysis and
19 scoring framework for evaluating and ranking eligible freight mobility
20 and freight mitigation projects developed by the freight mobility
21 project prioritization committee and contained in the January 16, 1998,
22 report entitled "Project Eligibility, Priority and Selection Process
23 for a Strategic Freight Investment Program." The prioritization
24 process shall measure the degree to which projects address important
25 program objectives and shall generate a project score that reflects a
26 project's priority compared to other projects. The board shall assign
27 scoring points to each criterion that indicate the relative importance
28 of the criterion in the overall determination of project priority.
29 After June 30, 2001, the board may supplement and refine the initial
30 project priority criteria and scoring framework developed by the
31 freight mobility project prioritization committee as expertise and
32 experience is gained in administering the freight mobility program.

33 (6) Each project included in the board's project portfolio
34 submitted to the legislature must have a minimum of twenty percent
35 funding from sources other than appropriations to the freight mobility
36 strategic investment program. This requirement may be met using cash,
37 donations of land, or other tangible assets.

38 (7) The board shall develop and recommend policies that address
39 operational improvements that primarily benefit and enhance freight

1 movement, including, but not limited to, policies that reduce
2 congestion in truck lanes at border crossings and weigh stations and
3 provide for access to ports during nonpeak hours.

4 NEW SECTION. **Sec. 4.** (1) The freight mobility strategic
5 investment board is created. The board shall convene by July 1, 1998.

6 (2) The board is composed of seven members. The following members
7 are appointed by the governor for terms of four years, except that five
8 members initially are appointed for terms of two years: (a) One member
9 from a city located within or along a strategic freight corridor,
10 appointed from a list of at least two persons nominated by the
11 association of Washington cities or its successor; (b) one member from
12 a county having a strategic freight corridor within its boundaries,
13 appointed from a list of at least two persons nominated by the
14 Washington state association of counties or its successor; (c) one
15 member from a port district located within or along a strategic freight
16 corridor, appointed from a list of at least two persons nominated by
17 the Washington public ports association or its successor; (d) one
18 member appointed as a representative of the trucking industry; (e) one
19 member appointed as a representative of the railroads; (f) the
20 secretary of the department of transportation; and (g) one member of
21 the general public. In appointing the general public member, the
22 governor shall endeavor to appoint a member with special expertise in
23 relevant fields such as public finance, freight transportation, or
24 public works construction. The governor shall appoint the general
25 public member as chair of the board. In making appointments to the
26 board, the governor shall ensure that each geographic region of the
27 state is represented.

28 (3) Members of the board may not receive compensation.
29 Reimbursement for travel and other expenses shall be provided by each
30 respective organization that a member represents on the board.

31 (4) If a vacancy on the board occurs by death, resignation, or
32 otherwise, the governor shall fill the vacant position for the
33 unexpired term. Each vacancy in a position appointed from lists
34 provided by the associations and departments under subsection (2) of
35 this section must be filled from a list of at least four persons
36 nominated by the relevant association or associations.

37 (5) The appointments made in subsection (2) of this section are not
38 subject to confirmation.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.131 RCW
2 to read as follows:

3 The freight mobility strategic investment board and all powers
4 granted under this act shall be terminated on June 30, 2003, unless
5 otherwise extended by act of the legislature.

6 NEW SECTION. **Sec. 6.** The board shall appoint an executive
7 director, who shall serve at its pleasure and whose salary shall be set
8 by the board. Staff support to the board shall initially be provided
9 by the department of transportation, the transportation improvement
10 board, and the county road administration board or their successor
11 agencies. The board shall develop a plan that provides for
12 administration and staffing of the program and present this plan to the
13 office of financial management and the legislative transportation
14 committee by December 31, 1998.

15 The plan shall include an assessment of a methodology for
16 administrative cost-sharing among the state, cities, counties, public
17 port districts, and other entities as appropriate.

18 NEW SECTION. **Sec. 7.** (1) For the purpose of allocating funds for
19 the freight mobility strategic investment program, the board shall
20 allocate the first fifty-five percent of funds to the highest priority
21 projects, without regard to location.

22 (2) The remaining funds shall be allocated equally among three
23 regions of the state, defined as follows:

24 (a) The Puget Sound region includes King, Pierce, and Snohomish
25 counties;

26 (b) The western Washington region includes Clallum, Jefferson,
27 Island, Kitsap, San Juan, Skagit, Whatcom, Clark, Cowlitz, Grays
28 Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum
29 counties; and

30 (c) The eastern Washington region includes Adams, Chelan, Douglas,
31 Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens,
32 Whitman, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas,
33 Klickitat, Walla Walla, and Yakima counties.

34 (3) If a region does not have enough qualifying projects to utilize
35 its allocation of funds, the funds will be made available to the next
36 highest priority project, without regard to location.

1 (4) In the event that a proposal contains projects in more than one
2 region, for purposes of assuring that equitable geographic
3 distributions are made under subsection (2) of this section, the board
4 shall evaluate the proposal and proportionally assign the benefits that
5 are attributable to each region.

6 (5) If the board identifies a project for funding, but later
7 determines that the project is not ready to proceed at the time the
8 legislature's funding decision is pending, the board shall recommend
9 removing the project from consideration and the next highest priority
10 project shall be substituted in the project portfolio. Any project
11 removed from funding consideration because it is not ready to proceed
12 shall retain its position on the priority project list and is eligible
13 to be recommended for funding in the next project portfolio submitted
14 by the board.

15 NEW SECTION. **Sec. 8.** In order to aid the financing of eligible
16 freight mobility projects, the board may:

17 (1) Make grants or loans from funds appropriated for the freight
18 mobility strategic investment program for the purpose of financing
19 freight mobility projects. The board may require terms and conditions
20 as it deems necessary or convenient to carry out the purposes of this
21 chapter.

22 (2) The state shall not bear the financial burden for project costs
23 unrelated to the movement of freight. Project amenities unrelated to
24 the movement of freight may not be submitted to the board as part of a
25 project proposal under the freight mobility strategic investment
26 program.

27 (3) All freight mobility projects aided in whole or in part under
28 this chapter must have a public entity designated as the lead project
29 proponent.

30 NEW SECTION. **Sec. 9.** The board shall keep proper records and
31 shall be subject to audit by the state auditor.

32 NEW SECTION. **Sec. 10.** Port districts in the state shall submit
33 their development plans to the relevant regional transportation
34 planning organization or metropolitan planning organization, the
35 department, and affected cities and counties to better coordinate the
36 development and funding of freight mobility projects.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 47.06 RCW
2 to read as follows:

3 The state-interest component of the state-wide multimodal
4 transportation plan shall include a freight mobility plan which shall
5 assess the transportation needs to ensure the safe, reliable, and
6 efficient movement of goods within and through the state and to ensure
7 the state's economic vitality.

8 NEW SECTION. **Sec. 12.** In order to encourage joint transportation
9 planning activities proximate to international borders, the department
10 shall make incentive grants to metropolitan and regional transportation
11 planning organizations that share a common border with Canada. As a
12 condition of receiving a grant under this section, the planning
13 organization shall assure the department that it commits to be engaged
14 in joint planning with its counterpart agency in Canada. Such grants
15 shall be used to develop project plans and implement coordinated and
16 comprehensive projects to improve the safe movement of people and goods
17 at or across the boarder. Grants shall be made on the basis of:

18 (1) Expected reduction in commercial and other travel time through
19 a major international gateway as a result of the project;

20 (2) Leveraging of federal funds provided, including use of
21 innovative financing, in combination with other sources of federal,
22 state, local, and private funding;

23 (3) Improvements in vehicle and highway safety and cargo security
24 in and through the gateway;

25 (4) Degree of binational involvement in the project, and
26 demonstrated coordination with other federal agencies responsible for
27 inspection of vehicles, cargo, and persons crossing international
28 borders, and their counterpart agencies in Canada;

29 (5) Demonstrated local commitment to implement and sustain
30 continuing comprehensive border planning processes; and

31 (6) Improved use of existing and underutilized border crossing
32 facilities and approaches.

33 **Sec. 13.** RCW 47.05.051 and 1993 c 490 s 5 are each amended to read
34 as follows:

35 The comprehensive six-year investment program shall be based upon
36 the needs identified in the state-owned highway component of the state-

1 wide multimodal transportation plan as defined in RCW 47.01.071(3) and
2 priority selection systems that incorporate the following criteria:

3 (1) Priority programming for the preservation program shall take
4 into account the following, not necessarily in order of importance:

5 (a) Extending the service life of the existing highway system;

6 (b) Ensuring the structural ability to carry loads imposed upon
7 highways and bridges; and

8 (c) Minimizing life cycle costs. The transportation commission in
9 carrying out the provisions of this section may delegate to the
10 department of transportation the authority to select preservation
11 projects to be included in the six-year program.

12 (2) Priority programming for the improvement program shall take
13 into account the following:

14 (a) Support for the state's economy, including job creation and job
15 preservation;

16 (b) The cost-effective movement of people and goods;

17 (c) Accident and accident risk reduction;

18 (d) Protection of the state's natural environment;

19 (e) Continuity and systematic development of the highway
20 transportation network;

21 (f) Consistency with local comprehensive plans developed under
22 chapter 36.70A RCW;

23 (g) Consistency with regional transportation plans developed under
24 chapter 47.80 RCW;

25 (h) Public views concerning proposed improvements;

26 (i) The conservation of energy resources;

27 (j) Feasibility of financing the full proposed improvement;

28 (k) Commitments established in previous legislative sessions;

29 (l) Relative costs and benefits of candidate programs;

30 (m) Major projects addressing capacity deficiencies which
31 prioritize allowing for preliminary engineering shall be reprioritized
32 during the succeeding biennium, based upon updated project data.
33 Reprioritized projects may be delayed or canceled by the transportation
34 commission if higher priority projects are awaiting funding; and

35 (n) Major project approvals which significantly increase a
36 project's scope or cost from original prioritization estimates shall
37 include a review of the project's estimated revised priority rank and
38 the level of funding provided. Projects may be delayed or canceled by

1 the transportation commission if higher priority projects are awaiting
2 funding.

3 (3) The commission may depart from the priority programming
4 established under subsections (1) and (2) of this section: (a) To the
5 extent that otherwise funds cannot be utilized feasibly within the
6 program; (b) as may be required by a court judgment, legally binding
7 agreement, or state and federal laws and regulations; (c) as may be
8 required to coordinate with federal, local, or other state agency
9 construction projects; (d) to take advantage of some substantial
10 financial benefit that may be available; (e) for continuity of route
11 development; or (f) because of changed financial or physical conditions
12 of an unforeseen or emergent nature. The commission or secretary of
13 transportation shall maintain in its files information sufficient to
14 show the extent to which the commission has departed from the
15 established priority.

16 (4) The commission shall identify those projects that yield freight
17 mobility benefits or that alleviate the impacts of freight mobility
18 upon affected communities.

19 NEW SECTION. Sec. 14. The governor shall take the steps necessary
20 to ensure that this act is implemented on its effective date and that
21 the freight mobility strategic investment board convenes by July 1,
22 1998.

23 NEW SECTION. Sec. 15. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. Sec. 16. Sections 1 through 4, 6 through 10, 12, and
28 14 of this act constitute a new chapter in Title 47 RCW.

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