
SENATE BILL 6461

State of Washington

55th Legislature

1998 Regular Session

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 01/19/98. Referred to Committee on Transportation.

1 AN ACT Relating to creating partnerships for strategic freight
2 investments; amending RCW 47.01.071 and 47.05.051; adding a new section
3 to chapter 47.06 RCW; and adding a new chapter to Title 47 RCW.

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

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

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

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

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

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

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

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

28 (6) It is the policy of the state of Washington that limited public
29 transportation funding and competition between freight and general
30 mobility improvements for the same fund sources require strategic,
31 prioritized freight investments that reduce barriers to freight
32 movement, maximize cost-effectiveness, yield a return on the state's
33 investment, require complementary investments by public and private
34 interests, and solve regional freight mobility problems. State
35 financial assistance for freight mobility projects must leverage other
36 funds from all potential partners and sources, including federal,
37 county, city, port district, and private capital.

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

4 (1) "Board" means the freight mobility strategic investment board
5 created in section 5 of this act.

6 (2) "Commission" means the transportation commission.

7 (3) "Department" means the department of transportation.

8 (4) "Freight mobility" means the safe, reliable, and efficient
9 movement of goods within and through the state to ensure the state's
10 economic vitality.

11 (5) "Local governments" means cities, towns, counties, special
12 purpose districts, port districts, and any other municipal corporations
13 or quasi-municipal corporations in the state excluding school
14 districts.

15 (6) "Public entity" means a state agency, city, town, county, port
16 district, or municipal or regional planning organization.

17 (7) "Strategic freight corridor" means a transportation corridor of
18 great economic importance within an integrated freight system that:

19 (a) Serves international and domestic interstate and intrastate
20 trade;

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

23 (c) Carries freight tonnages of:

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

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

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

28 (d) Has been designated a strategic corridor by the department
29 under section 7(2) of this act. However, new alignments to,
30 realignments of, and new links for strategic corridors may qualify,
31 even though no tonnage data exists for facilities to be built in the
32 future.

33 **Sec. 3.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
34 as follows:

35 The transportation commission shall have the following functions,
36 powers, and duties:

37 (1) To propose policies to be adopted by the legislature designed
38 to assure the development and maintenance of a comprehensive and

1 balanced state-wide transportation system which will meet the needs of
2 the people of this state for safe and efficient transportation
3 services. Wherever appropriate the policies shall provide for the use
4 of integrated, intermodal transportation systems to implement the
5 social, economic, and environmental policies, goals, and objectives of
6 the people of the state, and especially to conserve nonrenewable
7 natural resources including land and energy. To this end the
8 commission shall:

9 (a) Develop transportation policies which are based on the
10 policies, goals, and objectives expressed and inherent in existing
11 state laws;

12 (b) Inventory the adopted policies, goals, and objectives of the
13 local and area-wide governmental bodies of the state and define the
14 role of the state, regional, and local governments in determining
15 transportation policies, in transportation planning, and in
16 implementing the state transportation plan;

17 (c) Propose a transportation policy for the state, and after notice
18 and public hearings, submit the proposal to the legislative
19 transportation committee and the senate and house transportation
20 committees by January 1, 1978, for consideration in the next
21 legislative session;

22 (d) Establish a procedure for review and revision of the state
23 transportation policy and for submission of proposed changes to the
24 legislature;

25 (e) To integrate the state-wide transportation plan with the needs
26 of the elderly and handicapped, and to coordinate federal and state
27 programs directed at assisting local governments to answer such needs;

28 (2) To establish the policy of the department to be followed by the
29 secretary on each of the following items:

30 (a) To provide for the effective coordination of state
31 transportation planning with national transportation policy, state and
32 local land use policies, and local and regional transportation plans
33 and programs;

34 (b) To provide for public involvement in transportation designed to
35 elicit the public's views both with respect to adequate transportation
36 services and appropriate means of minimizing adverse social, economic,
37 environmental, and energy impact of transportation programs;

1 (c) To provide for the administration of grants in aid and other
2 financial assistance to counties and municipal corporations for
3 transportation purposes;

4 (d) To provide for the management, sale, and lease of property or
5 property rights owned by the department which are not required for
6 transportation purposes;

7 (3) To direct the secretary to prepare and submit to the commission
8 a comprehensive and balanced state-wide transportation plan which shall
9 be based on the transportation policy adopted by the legislature and
10 applicable state and federal laws. After public notice and hearings,
11 the commission shall adopt the plan and submit it to the legislative
12 transportation committee and to the house and senate standing
13 committees on transportation before January 1, 1980, for consideration
14 in the 1980 regular legislative session. The plan shall be reviewed
15 and revised prior to each regular session of the legislature during an
16 even-numbered year thereafter. A preliminary plan shall be submitted
17 to such committees by January 1, 1979.

18 The plan shall take into account federal law and regulations
19 relating to the planning, construction, and operation of transportation
20 facilities;

21 (4) To propose to the governor and the legislature prior to the
22 convening of each regular session held in an odd-numbered year a
23 recommended budget for the operations of the commission as required by
24 RCW 47.01.061;

25 (5) To approve and propose to the governor and to the legislature
26 prior to the convening of each regular session during an odd-numbered
27 year a recommended budget for the operation of the department and for
28 carrying out the program of the department, including a portfolio of
29 projects for the freight mobility strategic investment program, as
30 required by section 4 of this act, for the ensuing biennium. The
31 proposed budget shall separately state the appropriations to be made
32 from the motor vehicle fund for highway purposes in accordance with
33 constitutional limitations and appropriations and expenditures to be
34 made from the general fund, or accounts thereof, and other available
35 sources for other operations and programs of the department;

36 (6) To review and authorize all departmental requests for
37 legislation;

38 (7) To approve the issuance and sale of all bonds authorized by the
39 legislature for capital construction of state highways, toll

1 facilities, Columbia Basin county roads (for which reimbursement to the
2 motor vehicle fund has been provided), urban arterial projects, and
3 aviation facilities;

4 (8) To adopt such rules, regulations, and policy directives as may
5 be necessary to carry out reasonably and properly those functions
6 expressly vested in the commission by statute;

7 (9) To delegate any of its powers to the secretary of
8 transportation whenever it deems it desirable for the efficient
9 administration of the department and consistent with the purposes of
10 this title;

11 (10) To exercise such other specific powers and duties as may be
12 vested in the transportation commission by this or any other provision
13 of law.

14 NEW SECTION. **Sec. 4.** (1) The commission shall:

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

17 (b) Solicit from public entities proposed projects that meet
18 eligibility criteria established in accordance with section 7(3) of
19 this act; and

20 (c) Review and evaluate project applications based on criteria
21 established under section 7 of this act, and prioritize and select
22 projects comprising a portfolio to be funded in part with grants from
23 state funds appropriated for the freight mobility strategic investment
24 program. After selecting projects comprising the portfolio, the
25 commission shall include them in its budget request to the office of
26 financial management and the legislature. The commission shall ensure
27 that projects submitted as part of the portfolio are not more
28 appropriately funded with other federal, state, or local government
29 funding mechanisms or programs. The commission shall reject those
30 projects that appear to improve overall general mobility with limited
31 enhancement for freight mobility.

32 The commission shall provide periodic progress reports to the
33 governor and the legislative transportation committee.

34 (2) The commission may:

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

38 (b) Provide technical assistance to project applicants;

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

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

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

8 NEW SECTION. **Sec. 5.** (1) The freight mobility strategic
9 investment board is created. The board shall advise the commission in
10 carrying out its duties under section 4 of this act.

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

35 (3) Members of the board may not receive compensation but may be
36 reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

37 (4) If a vacancy on the board occurs by death, resignation, or
38 otherwise, the secretary shall fill the vacant position for the

1 unexpired term. Each vacancy in a position appointed from lists
2 provided by the associations and departments under subsection (2) of
3 this section must be filled from a list of at least four persons
4 nominated by the relevant association or associations.

5 NEW SECTION. **Sec. 6.** Staff support to the board and the
6 commission for the freight mobility strategic investment program shall
7 be provided by the transportation economic partnerships division within
8 the department, with other departmental divisions providing staff
9 support as necessary.

10 NEW SECTION. **Sec. 7.** The department shall provide assistance and
11 support to facilitate implementation of a freight mobility strategic
12 investment program in accordance with subsections (1) through (5) of
13 this section, including providing state financial and technical
14 assistance.

15 (1) Before June 30, 1999, for the purposes of initial program
16 implementation, the department shall consider: (a) The freight
17 mobility analysis developed jointly between the Puget Sound regional
18 transportation planning organization and the office of urban mobility
19 within the department for the project known as FAST Corridor; (b) the
20 recommendations of the freight mobility advisory committee, established
21 and appointed by the legislative transportation committee during the
22 1996 interim; (c) the recommendations of the 1997 eastern Washington
23 freight mobility study; and (d) the recommendations of the 1997 freight
24 mobility project prioritization committee.

25 (2) The department shall designate strategic freight corridors
26 within the state. The department shall update the list of designated
27 strategic corridors not less than every two years, and shall establish
28 a method of collecting and verifying data, including information on
29 city and county-owned roadways.

30 (3) The department shall develop project eligibility criteria for
31 adoption by the commission that, at a minimum, includes the following:

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

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

34 (i) It is primarily aimed at reducing identified barriers to
35 freight movement with only incidental benefits to general or personal
36 mobility; or

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

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

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

9 (4) In addition to developing project eligibility criteria, the
10 department shall also develop criteria for adoption by the commission
11 that can be used to prioritize and select projects for possible
12 funding. At a minimum, selection criteria shall include consideration
13 of the following:

14 (a) The level of financial commitment from public and private
15 partners. In no event shall state funding be granted for more than
16 fifty percent of total project costs;

17 (b) Critical timing of investment decisions by public or private
18 partners;

19 (c) The level to which congestion or delay in the delivery of
20 freight is reduced;

21 (d) Reduction of transportation impacts on affected communities;

22 (e) The relative costs and benefits of the project, including
23 consideration of least-cost alternatives and the cost of taking no
24 action;

25 (f) Improved access to ports or border crossings;

26 (g) Consistency with state and regional transportation plans,
27 including those developed under chapter 36.70A RCW, the growth
28 management act and under chapter 70.94 RCW, the clean air act; and

29 (h) An equitable distribution of projects within the state as
30 follows:

31 (i) For the purpose of allocating funds appropriated for the
32 freight mobility strategic investment program, the commission shall
33 allocate fifty-five percent of funds available for expenditure pursuant
34 to chapter . . . , Laws of 1998 (this act) to the highest priority
35 projects, without regard to location;

36 (ii) For the purpose of allocating the remainder of the funds, the
37 state is divided into three regions as follows:

38 (A) The Puget Sound region includes King, Pierce, and Snohomish
39 counties;

1 (B) The western Washington region includes Clallum, Jefferson,
2 Island, Kitsap, San Juan, Skagit, Whatcom, Clark, Cowlitz, Grays
3 Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum
4 counties;

5 (C) The eastern Washington region includes Adams, Chelan, Douglas,
6 Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens,
7 Whitman, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas,
8 Klickitat, Walla Walla, and Yakima counties;

9 (iii) The commission shall allocate funds available for expenditure
10 pursuant to chapter . . . , Laws of 1998 (this act) to guarantee the
11 following geographic minimums:

12 (A) Fifteen percent shall be allocated for the highest priority
13 projects within the Puget Sound region;

14 (B) Fifteen percent shall be allocated for the highest priority
15 projects within the western Washington region;

16 (C) Fifteen percent shall be allocated for the highest priority
17 projects within the eastern Washington region;

18 (iv) In the event that a region fails to submit enough qualifying
19 projects to meet the minimum allocations, subject to approval by the
20 commission, the appropriation shall be carried forward and dedicated to
21 future qualifying projects in that region; and

22 (v) In the event that a proposal contains projects in more than one
23 region, for purposes of assuring that geographic minimums are
24 accurately assigned, the commission shall evaluate the proposal and
25 proportionally assign the benefits that are attributable to each
26 region.

27 (5) To the extent funding is made available, the department shall
28 provide technical expertise to public entities to assist these entities
29 in submitting proposed projects.

30 NEW SECTION. **Sec. 8.** In order to aid the financing of eligible
31 freight mobility projects, the commission may:

32 (1) Make grants from funds appropriated for the freight mobility
33 strategic investment program for the purpose of financing freight
34 mobility projects. The commission may require terms and conditions as
35 it deems necessary or convenient to carry out the purposes of this
36 chapter.

37 (2) The state shall not bear the financial burden for project costs
38 unrelated to the movement of freight. Project amenities unrelated to

1 the movement of freight may not be submitted to the commission as part
2 of a project proposal under the freight mobility strategic investment
3 program.

4 (3) All freight mobility projects aided in whole or in part under
5 this chapter must have a public entity designated as lead project
6 proponent.

7 NEW SECTION. **Sec. 9.** The commission shall keep proper records and
8 shall be subject to audit by the state auditor.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.06 RCW
10 to read as follows:

11 The state-interest component of the state-wide multimodal
12 transportation plan shall include a freight mobility plan which shall
13 assess the transportation needs to ensure the safe, reliable, and
14 efficient movement of goods within and through the state and to ensure
15 the state's economic vitality.

16 NEW SECTION. **Sec. 11.** Port districts in the state shall submit
17 their development plans to the relevant regional transportation
18 planning organization or metropolitan planning organization, the
19 department, and affected cities and counties to better coordinate the
20 development and funding of freight mobility projects.

21 **Sec. 12.** RCW 47.05.051 and 1993 c 490 s 5 are each amended to read
22 as follows:

23 The comprehensive six-year investment program shall be based upon
24 the needs identified in the state-owned highway component of the state-
25 wide multimodal transportation plan as defined in RCW 47.01.071(3) and
26 priority selection systems that incorporate the following criteria:

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

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

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

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

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

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

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

6 (c) Accident and accident risk reduction;

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

8 (e) Continuity and systematic development of the highway
9 transportation network;

10 (f) Consistency with local comprehensive plans developed under
11 chapter 36.70A RCW;

12 (g) Consistency with regional transportation plans developed under
13 chapter 47.80 RCW;

14 (h) Public views concerning proposed improvements;

15 (i) The conservation of energy resources;

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

17 (k) Commitments established in previous legislative sessions;

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

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

24 (n) Major project approvals which significantly increase a
25 project's scope or cost from original prioritization estimates shall
26 include a review of the project's estimated revised priority rank and
27 the level of funding provided. Projects may be delayed or canceled by
28 the transportation commission if higher priority projects are awaiting
29 funding.

30 (3) The commission may depart from the priority programming
31 established under subsections (1) and (2) of this section: (a) To the
32 extent that otherwise funds cannot be utilized feasibly within the
33 program; (b) as may be required by a court judgment, legally binding
34 agreement, or state and federal laws and regulations; (c) as may be
35 required to coordinate with federal, local, or other state agency
36 construction projects; (d) to take advantage of some substantial
37 financial benefit that may be available; (e) for continuity of route
38 development; or (f) because of changed financial or physical conditions
39 of an unforeseen or emergent nature. The commission or secretary of

1 transportation shall maintain in its files information sufficient to
2 show the extent to which the commission has departed from the
3 established priority.

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

7 NEW SECTION. **Sec. 13.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 14.** Sections 1, 2, 4 through 9, and 11 of this
12 act constitute a new chapter in Title 47 RCW.

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