

ESSB 6800 - H COMM AMD

By Committee on Transportation

ADOPTED 03/02/2006

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

3 "Sec. 1. RCW 47.01.031 and 1988 c 167 s 11 are each amended to
4 read as follows:

5 (1) There is created a department of state government to be known
6 as the department of transportation.

7 (2) All powers, duties, and functions vested by law in the
8 department of highways, the state highway commission, the
9 transportation commission, the director of highways, the Washington
10 toll bridge authority, the aeronautics commission, the director of
11 aeronautics, and the canal commission, and the transportation related
12 powers, duties, and functions of the (~~planning and community affairs~~
13 ~~agency~~) department of community, trade, and economic development, are
14 transferred to the jurisdiction of the department, except those powers,
15 duties, and functions which are expressly retained or directed
16 elsewhere (~~in this or in any other act of the 1977 legislature~~).

17 (3) The board of pilotage commissioners is transferred to the
18 jurisdiction of the department for its staff support and
19 administration(~~:- PROVIDED, That~~). Nothing in this section shall be
20 construed as transferring any policy making powers of the board of
21 pilotage commissioners to the transportation commission or the
22 department of transportation.

23 **Sec. 2.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to
24 read as follows:

25 There is hereby created a transportation commission, which shall
26 consist of seven members appointed by the governor, with the consent of
27 the senate. (~~The present five members of the highway commission shall~~
28 ~~serve as five initial members of the transportation commission until~~
29 ~~their terms of office as highway commission members would have expired.~~

1 ~~The additional two members provided herein for the transportation~~
2 ~~commission shall be appointed for initial terms to expire on June 30,~~
3 ~~1982, and June 30, 1983. Thereafter))~~ All terms for commission
4 members appointed after the effective date of this act shall be for
5 ~~((six))~~ four years. No elective state official or state officer ~~((or~~
6 ~~state employee))~~ shall be a member of the commission, and not more than
7 four members of the commission shall at the time of appointment or
8 thereafter during their respective terms of office be members of the
9 same major political party. At the time of appointment or thereafter
10 during their respective terms of office, four members of the commission
11 shall reside in the western part of the state and three members shall
12 reside in the eastern part of the state as divided north and south by
13 the summit of the Cascade mountains. No more than two members of the
14 commission shall reside in the same county. Commissioners ~~((shall~~
15 ~~not))~~ may be removed from office by the governor before the expiration
16 of their terms ~~((unless for a disqualifying change of residence or for~~
17 ~~cause based upon a determination of incapacity, incompetence, neglect~~
18 ~~of duty, or malfeasance in office by the superior court of the state of~~
19 ~~Washington in and for Thurston county upon petition and show cause~~
20 ~~proceedings duly brought therefor in said court and directed to the~~
21 ~~commissioner in question. No member shall be appointed for more than~~
22 ~~two consecutive terms))~~ for cause.

23 **Sec. 3.** RCW 47.01.061 and 2005 c 319 s 4 are each amended to read
24 as follows:

25 (1) The commission shall meet at such times as it deems advisable
26 ~~((but at least once every month. It may adopt its own rules and~~
27 ~~regulations and may establish its own procedure)).~~ It shall act
28 collectively in harmony with recorded resolutions or motions adopted by
29 majority vote of at least four members. The commission may appoint an
30 administrative secretary ~~((, and shall elect one of its members chairman~~
31 ~~for a term of one year)).~~ The governor shall appoint the chair of the
32 commission. The ~~((chairman shall be able to))~~ chair may vote on all
33 matters before the commission. The commission may ~~((from time to~~
34 ~~time))~~ retain planners, consultants, and other technical personnel to
35 advise it in the performance of its duties.

36 (2) The commission shall submit to each regular session of the

1 legislature held in an odd-numbered year and to the office of financial
2 management its own budget proposal necessary for the commission's
3 operations (~~separate from that proposed for the department~~).

4 (3) Each member of the commission shall be compensated in
5 accordance with RCW 43.03.250 and shall be reimbursed for actual
6 necessary traveling and other expenses in going to, attending, and
7 returning from meetings of the commission, and actual and necessary
8 traveling and other expenses incurred in the discharge of such duties
9 as may be requested by a majority vote of the commission or by the
10 (~~secretary of transportation~~) chair, but in no event shall a
11 commissioner be compensated in any year for more than one hundred
12 twenty days, except the (~~chairman of the commission~~) chair who may be
13 paid compensation for not more than one hundred fifty days. Service on
14 the commission shall not be considered as service credit for the
15 purposes of any public retirement system.

16 (4) Each member of the commission shall disclose any actual or
17 potential conflict of interest, if applicable under the circumstance,
18 regarding any commission business.

19 **Sec. 4.** RCW 47.01.071 and 2005 c 319 s 5 are each amended to read
20 as follows:

21 The transportation commission shall have the following functions,
22 powers, and duties:

23 (~~1) (To propose policies to be adopted by the governor and the~~
24 ~~legislature designed to assure the development and maintenance of a~~
25 ~~comprehensive and balanced statewide transportation system which will~~
26 ~~meet the needs of the people of this state for safe and efficient~~
27 ~~transportation services. Wherever appropriate the policies shall~~
28 ~~provide for the use of integrated, intermodal transportation systems to~~
29 ~~implement the social, economic, and environmental policies, goals, and~~
30 ~~objectives of the people of the state, and especially to conserve~~
31 ~~nonrenewable natural resources including land and energy. To this end~~
32 ~~the commission shall:~~

33 (~~a) Develop transportation policies which are based on the~~
34 ~~policies, goals, and objectives expressed and inherent in existing~~
35 ~~state laws;~~

36 (~~b) Inventory the adopted policies, goals, and objectives of the~~
37 ~~local and area wide governmental bodies of the state and define the~~

1 ~~role of the state, regional, and local governments in determining~~
2 ~~transportation policies, in transportation planning, and in~~
3 ~~implementing the state transportation plan;~~

4 ~~(c) Propose a transportation policy for the state;~~

5 ~~(d) Establish a procedure for review and revision of the state~~
6 ~~transportation policy and for submission of proposed changes to the~~
7 ~~governor and the legislature;~~

8 ~~(e) To integrate the statewide transportation plan with the needs~~
9 ~~of the elderly and handicapped, and to coordinate federal and state~~
10 ~~programs directed at assisting local governments to answer such needs;~~

11 ~~(2) To provide for the effective coordination of state~~
12 ~~transportation planning with national transportation policy, state and~~
13 ~~local land use policies, and local and regional transportation plans~~
14 ~~and programs;~~

15 ~~(3)) In conjunction with the provisions under RCW 47.01.075, to~~
16 ~~provide for public involvement in transportation designed to elicit the~~
17 ~~public's views both with respect to adequate transportation services~~
18 ~~and appropriate means of minimizing adverse social, economic,~~
19 ~~environmental, and energy impact of transportation programs;~~

20 ~~((4)) (2) To ((prepare a)) review, consider, and gather public~~
21 ~~input on the statewide comprehensive and balanced statewide~~
22 ~~transportation plan ((which shall be based on the transportation policy~~
23 ~~adopted by the governor and the legislature and applicable state and~~
24 ~~federal laws. The plan shall be reviewed and revised, and submitted to~~
25 ~~the governor and the house of representatives and senate standing~~
26 ~~committees on transportation, prior to each regular session of the~~
27 ~~legislature during an even-numbered year thereafter.~~

28 ~~The plan shall take into account federal law and regulations~~
29 ~~relating to the planning, construction, and operation of transportation~~
30 ~~facilities)) prepared by the department as provided in RCW~~
31 ~~47.01.101(12);~~

32 ~~((5)) (3) To propose to the governor and the legislature prior to~~
33 ~~the convening of each regular session held in an odd-numbered year a~~
34 ~~recommended budget for the operations of the commission as required by~~
35 ~~RCW 47.01.061;~~

36 ~~((6) To approve the issuance and sale of all bonds authorized by~~
37 ~~the 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 ~~(7))~~ (4) To adopt such rules (~~(, regulations, and policy~~
5 ~~directives))~~ as may be necessary to carry out reasonably and properly
6 those functions expressly vested in the commission by statute;

7 ~~((8))~~ (5) To contract with the office of financial management or
8 other appropriate state agencies for administrative support, accounting
9 services, computer services, and other support services necessary to
10 carry out its other statutory duties;

11 ~~((9))~~ (6) To exercise such other specific powers and duties as
12 may be vested in the transportation commission by this or any other
13 provision of law.

14 **Sec. 5.** RCW 47.01.075 and 2005 c 319 s 6 are each amended to read
15 as follows:

16 (1) The transportation commission shall provide a forum (~~for the~~
17 ~~development of~~) to gather public input regarding transportation policy
18 in Washington state, including input on the statewide comprehensive
19 transportation plan. It may recommend to the secretary of
20 transportation, the governor, and the legislature means for obtaining
21 appropriate citizen (~~and professional~~) involvement in (~~all~~)
22 transportation policy formulation (~~and other matters related to the~~
23 ~~powers and duties of the department~~). It may (~~further~~) hold
24 hearings and explore ways to improve the mobility of the citizenry.
25 (~~At least every five years, the commission shall convene regional~~
26 ~~forums to gather citizen input on transportation issues.~~

27 ~~(2) Every two years, in coordination with the development of the~~
28 ~~state biennial budget, the commission shall prepare the statewide~~
29 ~~multimodal transportation progress report that outlines the~~
30 ~~transportation priorities of the ensuing biennium. The report must:~~

31 ~~(a) Consider the citizen input gathered at the forums;~~

32 ~~(b) Be developed with the assistance of state transportation-~~
33 ~~related agencies and organizations;~~

34 ~~(c) Be developed with the input from state, local, and regional~~
35 ~~jurisdictions, transportation service providers, and key transportation~~
36 ~~stakeholders;~~

1 ~~(d) Be considered by the secretary of transportation and other~~
2 ~~state transportation related agencies in preparing proposed agency~~
3 ~~budgets and executive request legislation;~~

4 ~~(e) Be submitted by the commission to the governor by October 1st~~
5 ~~of each even numbered year for consideration by the governor.~~

6 ~~(3) In fulfilling its responsibilities under this section, the~~
7 ~~commission may create ad hoc committees or other such committees of~~
8 ~~limited duration as necessary.~~

9 ~~(4))~~ (2) In order to promote a better transportation system, the
10 commission (~~(shall offer policy guidance and)~~) may make recommendations
11 to the governor and the legislature in key issue areas, including but
12 not limited to:

13 (a) Transportation finance;

14 (b) Preserving, maintaining, and operating the statewide
15 transportation system;

16 (c) Transportation infrastructure needs;

17 (d) Promoting best practices for adoption and use by
18 transportation-related agencies and programs;

19 (e) Transportation efficiencies that will improve service delivery
20 and/or coordination;

21 (f) Improved planning and coordination among transportation
22 agencies and providers; and

23 (g) Use of intelligent transportation systems and other technology-
24 based solutions.

25 **Sec. 6.** RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to
26 read as follows:

27 The secretary shall establish such advisory councils as are
28 necessary to carry out the purposes of this (~~(1977 amendatory act)~~)
29 title, and to insure adequate public participation in the planning and
30 development of transportation facilities. Members of such councils
31 shall serve at the pleasure of the secretary and may receive per diem
32 and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060,
33 as now or hereafter amended.

34 **Sec. 7.** RCW 47.01.101 and 2005 c 319 s 7 are each amended to read
35 as follows:

1 The secretary shall have the authority and it shall be his or her
2 duty:

3 (1) To serve as chief executive officer of the department with full
4 administrative authority to direct all its activities;

5 (2) To organize the department as he or she may deem necessary to
6 carry out the work and responsibilities of the department effectively;

7 (3) To designate and establish such transportation district,
8 region, or branch offices as may be necessary or convenient, and to
9 appoint assistants and delegate any powers, duties, and functions to
10 them or any officer or employee of the department as deemed necessary
11 to administer the department efficiently;

12 (4) To direct and coordinate the programs of the various divisions
13 of the department to assure that they achieve the greatest possible
14 mutual benefit, produce a balanced overall effort, and eliminate
15 unnecessary duplication of activity;

16 (5) To adopt all department rules that are subject to the adoption
17 procedures contained in the state administrative procedure act(~~(~~
18 ~~except rules subject to adoption by the commission pursuant to~~
19 ~~statute)~~);

20 (6) To maintain and safeguard the official records of the
21 department, including the commission's recorded resolutions and orders;

22 (7) To provide, under contract or interagency agreement, ~~((full))~~
23 staff support on a reimbursable basis to the commission to assist it in
24 carrying out its functions, powers, and duties;

25 (8) To execute and implement the biennial operating budget for the
26 operation of the department in accordance with chapter 43.88 RCW and
27 with legislative appropriation;

28 (9) To advise the governor, the office of financial management, and
29 the legislature with respect to matters under the jurisdiction of the
30 department; ~~((and))~~

31 (10) To exercise all other powers and perform all other duties as
32 are now or hereafter provided by law;

33 (11) To integrate government performance and accountability tools
34 in the planning, coordination, and performance of its duties,
35 including, but not limited to, performance reviews, performance-based
36 budgeting, and quality assessments; and

37 (12) To prepare a comprehensive and balanced statewide
38 transportation plan which shall be based on the transportation policy

1 adopted by the legislature, applicable state and federal laws, and the
2 biennial priorities of government as adopted by the governor. The plan
3 shall take into account federal law and regulations relating to the
4 planning, construction, and operation of transportation facilities.
5 The secretary shall ensure that local and regional transportation
6 issues are integrated and considered in the plan. The plan shall be
7 submitted to the commission for its review and for it to gather public
8 input.

9 **Sec. 8.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to read
10 as follows:

11 ~~((The chief of the Washington state patrol, the director of the~~
12 ~~traffic safety commission, the executive director of the county road~~
13 ~~administration board, and the director of licensing are designated as~~
14 ~~official consultants to the transportation commission so that the goals~~
15 ~~and activities of their respective agencies which relate to~~
16 ~~transportation are fully coordinated with other related~~
17 ~~responsibilities of the department of transportation. In this~~
18 ~~capacity, the chief of the Washington state patrol, the director of the~~
19 ~~traffic safety commission, the executive director of the county road~~
20 ~~administration board, and the director of licensing shall consult with~~
21 ~~the transportation commission and the secretary of transportation on~~
22 ~~the implications and impacts on the transportation related functions~~
23 ~~and duties of their respective agencies of any proposed comprehensive~~
24 ~~transportation plan, program, or policy.))~~

25 In order to develop fully integrated, balanced, and coordinated
26 transportation plans, programs, and budgets the chief of the Washington
27 state patrol, the director of the traffic safety commission, the
28 executive director of the county road administration board, and the
29 director of licensing shall consult with the secretary of
30 transportation on the matter of relative priorities during the
31 development of their respective agencies' plans, programs, and budgets
32 as they pertain to transportation activities.

33 **Sec. 9.** RCW 47.01.280 and 2005 c 319 s 121 are each amended to
34 read as follows:

35 (1) Upon receiving an application for improvements to an existing
36 state highway or highways pursuant to RCW 43.160.074 from the community

1 economic revitalization board, the (~~transportation commission~~)
2 department shall, in a timely manner, determine whether or not the
3 proposed state highway improvements:

4 (a) Meet the safety and design criteria of the department of
5 transportation;

6 (b) Will impair the operational integrity of the existing highway
7 system; and

8 (c) Will affect any other improvements planned by the department(~~+~~
9 and

10 ~~(d) Will be consistent with its policies developed pursuant to RCW~~
11 ~~47.01.071~~)).

12 (2) Upon completion of its determination of the factors contained
13 in subsection (1) of this section and any other factors it deems
14 pertinent, the (~~transportation commission~~) department shall forward
15 its approval, as submitted or amended or disapproval of the proposed
16 improvements to the board, along with any recommendation it may wish to
17 make concerning the desirability and feasibility of the proposed
18 development. If the (~~transportation commission~~) department
19 disapproves any proposed improvements, it shall specify its reasons for
20 disapproval.

21 (3) Upon notification from the board of an application's approval
22 pursuant to RCW 43.160.074, the (~~transportation commission~~)
23 department shall (~~direct the department of transportation to~~) carry
24 out the improvements in coordination with the applicant.

25 **Sec. 10.** RCW 47.05.021 and 2005 c 319 s 8 are each amended to read
26 as follows:

27 (1) The department shall conduct periodic analyses of the entire
28 state highway system(~~τ~~) and report to the (~~commission~~) office of
29 financial management and the chairs of the transportation committees of
30 the senate and house of representatives, any subsequent recommendations
31 to subdivide, classify, and subclassify all designated state highways
32 into the following three functional classes:

33 (a) The "principal arterial system" shall consist of a connected
34 network of rural arterial routes with appropriate extensions into and
35 through urban areas, including all routes designated as part of the
36 interstate system, which serve corridor movements having travel

1 characteristics indicative of substantial statewide and interstate
2 travel;

3 (b) The "minor arterial system" shall, in conjunction with the
4 principal arterial system, form a rural network of arterial routes
5 linking cities and other activity centers which generate long distance
6 travel, and, with appropriate extensions into and through urban areas,
7 form an integrated network providing interstate and interregional
8 service; and

9 (c) The "collector system" shall consist of routes which primarily
10 serve the more important intercounty, intracounty, and intraurban
11 travel corridors, collect traffic from the system of local access roads
12 and convey it to the arterial system, and on which, regardless of
13 traffic volume, the predominant travel distances are shorter than on
14 arterial routes.

15 (2) The (~~transportation commission~~) department shall adopt a
16 functional classification of highways. The (~~commission~~) department
17 shall consider (~~the recommendations of the department and testimony~~)
18 comments from the public and local municipalities. The (~~commission~~)
19 department shall give consideration to criteria consistent with this
20 section and federal regulations relating to the functional
21 classification of highways, including but not limited to the following:

22 (a) Urban population centers within and without the state
23 stratified and ranked according to size;

24 (b) Important traffic generating economic activities, including but
25 not limited to recreation, agriculture, government, business, and
26 industry;

27 (c) Feasibility of the route, including availability of alternate
28 routes within and without the state;

29 (d) Directness of travel and distance between points of economic
30 importance;

31 (e) Length of trips;

32 (f) Character and volume of traffic;

33 (g) Preferential consideration for multiple service which shall
34 include public transportation;

35 (h) Reasonable spacing depending upon population density; and

36 (i) System continuity.

37 (3) The (~~transportation commission~~) department or the legislature
38 shall designate state highways of statewide significance under RCW

1 47.06.140. If the (~~commission~~) department designates a state highway
2 of statewide significance, it shall submit a list of such facilities
3 for adoption by the legislature. This statewide system shall include
4 at a minimum interstate highways and other statewide principal
5 arterials that are needed to connect major communities across the state
6 and support the state's economy.

7 (4) The (~~transportation commission~~) department shall designate a
8 freight and goods transportation system. This statewide system shall
9 include state highways, county roads, and city streets. The
10 (~~commission~~) department, in cooperation with cities and counties,
11 shall review and make recommendations to the legislature regarding
12 policies governing weight restrictions and road closures which affect
13 the transportation of freight and goods.

14 **Sec. 11.** RCW 47.05.030 and 2005 c 319 s 9 are each amended to read
15 as follows:

16 The (~~transportation commission~~) department, in consultation with
17 the office of financial management, shall (~~adopt~~) develop a
18 comprehensive (~~ten-year~~) sixteen-year investment program specifying
19 program objectives and performance measures for the preservation and
20 improvement programs defined in this section. The (~~adopted ten-year~~)
21 sixteen-year investment program must be forwarded as a recommendation
22 to the governor and the legislature. In the specification of investment
23 program objectives and performance measures, the (~~transportation~~
24 ~~commission, in consultation with the Washington state~~) department (~~of~~
25 ~~transportation,~~) shall define and adopt standards for effective
26 programming and prioritization practices including a needs analysis
27 process. The analysis process must ensure the identification of
28 problems and deficiencies, the evaluation of alternative solutions and
29 trade-offs, and estimations of the costs and benefits of prospective
30 projects. (~~The investment program must be revised based on directions~~
31 ~~by the office of financial management.~~) The investment program must
32 be based upon the needs identified in the state-owned highway component
33 of the statewide comprehensive transportation plan (~~as defined in RCW~~
34 ~~47.01.071(3)~~)).

35 (1) The preservation program consists of those investments
36 necessary to preserve the existing state highway system and to restore

1 existing safety features, giving consideration to lowest life_cycle
2 costing. The preservation program must require use of the most cost-
3 effective pavement surfaces, considering:

- 4 (a) Life-cycle cost analysis;
- 5 (b) Traffic volume;
- 6 (c) Subgrade soil conditions;
- 7 (d) Environmental and weather conditions;
- 8 (e) Materials available; and
- 9 (f) Construction factors.

10 The comprehensive (~~ten-year~~) sixteen-year investment program for
11 preservation must identify projects for two years and an investment
12 plan for the remaining eight years.

13 (2) The improvement program consists of investments needed to
14 address identified deficiencies on the state highway system to increase
15 mobility, address congestion, and improve safety, support for the
16 economy, and protection of the environment. The (~~ten-year~~) sixteen-
17 year investment program for improvements must identify projects for two
18 years and major deficiencies proposed to be addressed in the (~~ten-~~
19 ~~year~~) sixteen-year period giving consideration to relative benefits
20 and life_cycle costing. The (~~transportation commission~~) program
21 shall give higher priority for correcting identified deficiencies on
22 those facilities classified as facilities of statewide significance as
23 defined in RCW 47.06.140. Project prioritization must be based
24 primarily upon cost-benefit analysis, where appropriate.

25 The (~~transportation commission~~) department shall (~~approve and~~
26 ~~present~~) submit the comprehensive (~~ten-year~~) sixteen-year investment
27 program to the governor and the legislature as directed by the office
28 of financial management.

29 **Sec. 12.** RCW 47.05.035 and 2005 c 319 s 10 are each amended to
30 read as follows:

31 (1) The department shall use the transportation demand modeling
32 tools developed under subsection (2) of this section to evaluate
33 investments based on the best mode or improvement, or mix of modes and
34 improvements, to meet current and future long-term demand within a
35 corridor or system for the lowest cost. The end result of these demand
36 modeling tools is to provide a cost-benefit analysis by which the
37 department can determine the relative mobility improvement and

1 congestion relief each mode or improvement under consideration will
2 provide and the relative investment each mode or improvement under
3 consideration will need to achieve that relief.

4 (2) The department will participate in the refinement, enhancement,
5 and application of existing transportation demand modeling tools to be
6 used to evaluate investments. This participation and use of
7 transportation demand modeling tools will be phased in.

8 (3) In developing program objectives and performance measures, the
9 department shall evaluate investment trade-offs between the
10 preservation and improvement programs. In making these investment
11 trade-offs, the department shall evaluate, using cost-benefit
12 techniques, roadway and bridge maintenance activities as compared to
13 roadway and bridge preservation program activities and adjust those
14 programs accordingly.

15 (4) The department shall allocate the estimated revenue between
16 preservation and improvement programs giving primary consideration to
17 the following factors:

18 (a) The relative needs in each of the programs and the system
19 performance levels that can be achieved by meeting these needs;

20 (b) The need to provide adequate funding for preservation to
21 protect the state's investment in its existing highway system;

22 (c) The continuity of future transportation development with those
23 improvements previously programmed; and

24 (d) The availability of dedicated funds for a specific type of
25 work.

26 (5) The (~~commission~~) office of financial management shall review
27 the results of the department's findings and shall consider those
28 findings in the development of the (~~ten-year~~) sixteen-year program.

29 **Sec. 13.** RCW 47.05.051 and 2005 c 319 s 11 are each amended to
30 read as follows:

31 (~~(1)~~) The comprehensive (~~ten-year~~) sixteen-year investment
32 program shall be based upon the needs identified in the state-owned
33 highway component of the statewide (~~multimodal~~) comprehensive
34 transportation plan (~~as defined in RCW 47.01.071(4)~~) and priority
35 selection systems that incorporate the following criteria:

36 (~~(a)~~) (1) Priority programming for the preservation program shall

1 take into account the following, not necessarily in order of
2 importance:

3 ((+i)) (a) Extending the service life of the existing highway
4 system, including using the most cost-effective pavement surfaces,
5 considering:

6 ((+A)) (i) Life-cycle cost analysis;

7 ((+B)) (ii) Traffic volume;

8 ((+C)) (iii) Subgrade soil conditions;

9 ((+D)) (iv) Environmental and weather conditions;

10 ((+E)) (v) Materials available; and

11 ((+F)) (vi) Construction factors;

12 ((+ii)) (b) Ensuring the structural ability to carry loads imposed
13 upon highways and bridges; and

14 ((+iii)) (c) Minimizing life_cycle costs. ~~((The transportation
15 commission in carrying out the provisions of this section may delegate
16 to the department of transportation the authority to select
17 preservation projects to be included in the ten year program.~~

18 ~~(b))~~ (2) Priority programming for the improvement program must be
19 based primarily upon the following, not necessarily in order of
20 importance:

21 ((+i)) (a) Traffic congestion, delay, and accidents;

22 ((+ii)) (b) Location within a heavily traveled transportation
23 corridor;

24 ((+iii)) (c) Except for projects in cities having a population of
25 less than five thousand persons, synchronization with other potential
26 transportation projects, including transit and multimodal projects,
27 within the heavily traveled corridor; and

28 ((+iv)) (d) Use of benefit/cost analysis wherever feasible to
29 determine the value of the proposed project.

30 ((+e)) (3) Priority programming for the improvement program may
31 also take into account:

32 ((+i)) (a) Support for the state's economy, including job creation
33 and job preservation;

34 ((+ii)) (b) The cost-effective movement of people and goods;

35 ((+iii)) (c) Accident and accident risk reduction;

36 ((+iv)) (d) Protection of the state's natural environment;

37 ((+v)) (e) Continuity and systematic development of the highway
38 transportation network;

1 ((+vi)) (f) Consistency with local comprehensive plans developed
2 under chapter 36.70A RCW including the following if they have been
3 included in the comprehensive plan:

4 ((+A)) (i) Support for development in and revitalization of
5 existing downtowns;

6 ((+B)) (ii) Extent that development implements local comprehensive
7 plans for rural and urban residential and nonresidential densities;

8 ((+C)) (iii) Extent of compact, transit-oriented development for
9 rural and urban residential and nonresidential densities;

10 ((+D)) (iv) Opportunities for multimodal transportation; and

11 ((+E)) (v) Extent to which the project accommodates planned growth
12 and economic development;

13 ((+vii)) (g) Consistency with regional transportation plans
14 developed under chapter 47.80 RCW;

15 ((+viii)) (h) Public views concerning proposed improvements;

16 ((+ix)) (i) The conservation of energy resources;

17 ((+x)) (j) Feasibility of financing the full proposed improvement;

18 ((+xi)) (k) Commitments established in previous legislative
19 sessions;

20 ((+xii)) (l) Relative costs and benefits of candidate programs.

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

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

32 ~~(2) The commission may depart from the priority programming
33 established under subsection (1) of this section: (a) To the extent
34 that otherwise funds cannot be utilized feasibly within the program;
35 (b) as may be required by a court judgment, legally binding agreement,
36 or state and federal laws and regulations; (c) as may be required to
37 coordinate with federal, local, or other state agency construction
38 projects; (d) to take advantage of some substantial financial benefit~~

1 that may be available; (e) for continuity of route development; or (f)
2 because of changed financial or physical conditions of an unforeseen or
3 emergent nature. The commission or secretary of transportation shall
4 maintain in its files information sufficient to show the extent to
5 which the commission has departed from the established priority.

6 ~~(3) The commission shall identify those projects that yield freight~~
7 ~~mobility benefits or that alleviate the impacts of freight mobility~~
8 ~~upon affected communities.))~~

9 **Sec. 14.** RCW 36.57A.191 and 2003 c 363 s 304 are each amended to
10 read as follows:

11 As a condition of receiving state funding, a public transportation
12 benefit area authority shall submit a maintenance and preservation
13 management plan for certification by the (~~transportation commission or~~
14 ~~its successor entity~~) department of transportation's office of transit
15 mobility. The plan must inventory all transportation system assets
16 within the direction and control of the authority, and provide a
17 preservation plan based on lowest life-cycle cost methodologies.

18 **Sec. 15.** RCW 36.78.121 and 2003 c 363 s 307 are each amended to
19 read as follows:

20 The county road administration board, or its successor entity,
21 shall establish a standard of good practice for maintenance of
22 transportation system assets. This standard must be implemented by all
23 counties no later than December 31, 2007. The board shall develop a
24 model maintenance management system for use by counties. The board
25 shall develop rules to assist the counties in the implementation of
26 this system. Counties shall annually submit their maintenance plans to
27 the board. The board shall compile the county data regarding
28 maintenance management and annually submit it to the (~~transportation~~
29 ~~commission or its successor entity~~) department of transportation's
30 office of transit mobility.

31 **Sec. 16.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
32 as follows:

33 Counties receiving funds from the rural arterial trust account for
34 construction of arterials and the construction of replacement bridges
35 funded by the federal bridge replacement program on access roads in

1 rural areas shall provide such matching funds as established by rules
2 recommended by the board, subject to review, revision, and final
3 approval by the ((state)) department of transportation ((~~commission~~)).
4 Matching requirements shall be established after appropriate studies by
5 the board, taking into account financial resources available to
6 counties to meet arterial needs.

7 **Sec. 17.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
8 amended to read as follows:

9 Not later than November 1st of each even-numbered year the board
10 shall prepare and present to the ((state)) department of transportation
11 ((~~commission~~)) a recommended budget for expenditures from the rural
12 arterial trust account during the ensuing biennium. The budget shall
13 contain an estimate of the revenues to be credited to the rural
14 arterial trust account.

15 The ((~~state transportation commission~~)) department shall review the
16 budget as recommended, revise the budget as it deems proper, and
17 include the budget as revised as a separate section of the
18 transportation budget which it shall submit to the governor pursuant to
19 chapter 43.88 RCW.

20 **Sec. 18.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
21 read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Board" means the governing body of a regional transportation
25 investment district.

26 (2) "Department" means the Washington state department of
27 transportation.

28 (3) "Highway of statewide significance" means an existing or
29 proposed state route or federal interstate designated as a highway of
30 statewide significance by the transportation commission, ((~~its~~
31 ~~successor entity~~)) the department, or the legislature.

32 (4) "Lead agency" means a public agency that by law can plan,
33 design, and build a transportation project and has been so designated
34 by the district.

35 (5) "Regional transportation investment district" or "district"
36 means a municipal corporation whose boundaries are coextensive with two

1 or more contiguous counties and that has been created by county
2 legislative authorities and a vote of the people under this chapter to
3 implement a regional transportation investment plan.

4 (6) "Regional transportation investment district planning
5 committee" or "planning committee" means the advisory committee created
6 under RCW 36.120.030 to create and propose to county legislative
7 authorities a regional transportation investment plan to develop,
8 finance, and construct transportation projects.

9 (7) "Regional transportation investment plan" or "plan" means a
10 plan to develop, construct, and finance a transportation project or
11 projects.

12 (8) "Transportation project" means:

13 (a) A capital improvement or improvements to a highway that has
14 been designated, in whole or in part, as a highway of statewide
15 significance, including an extension, that:

16 (i) Adds a lane or new lanes to an existing state or federal
17 highway; or

18 (ii) Repairs or replaces a lane or lanes damaged by an event
19 declared an emergency by the governor before January 1, 2002.

20 (b) A capital improvement or improvements to all or a portion of a
21 highway of statewide significance, including an extension, and may
22 include the following associated multimodal capital improvements:

23 (i) Approaches to highways of statewide significance;

24 (ii) High-occupancy vehicle lanes;

25 (iii) Flyover ramps;

26 (iv) Park and ride lots;

27 (v) Bus pullouts;

28 (vi) Vans for vanpools;

29 (vii) Buses; and

30 (viii) Signalization, ramp metering, and other transportation
31 system management improvements.

32 (c) A capital improvement or improvements to all or a portion of a
33 city street, county road, or existing highway or the creation of a new
34 highway that intersects with a highway of statewide significance, if
35 all of the following conditions are met:

36 (i) The project is included in a plan that makes highway
37 improvement projects that add capacity to a highway or highways of
38 statewide significance;

1 (ii) The secretary of transportation determines that the project
2 would better relieve traffic congestion than investing that same money
3 in adding capacity to a highway of statewide significance;

4 (iii) Matching money equal to one-third of the total cost of the
5 project is provided by local entities, including but not limited to a
6 metropolitan planning organization, county, city, port, or private
7 entity in which a county participating in a plan is located. Local
8 entities may use federal grants to meet this matching requirement;

9 (iv) In no case may the cumulative regional transportation
10 investment district contribution to all projects constructed under this
11 subsection (8)(c) exceed ten percent of the revenues generated by the
12 district;

13 (v) In no case may the cumulative regional transportation
14 investment district contribution to all projects constructed under this
15 subsection (8)(c) exceed one billion dollars; and

16 (vi) The specific projects are included within the plan and
17 submitted as part of the plan to a vote of the people.

18 (d) Operations, preservation, and maintenance are excluded from
19 this definition and may not be included in a regional transportation
20 investment plan.

21 (9) "Weighted vote" means a vote that reflects the population each
22 board or planning committee member represents relative to the
23 population represented by the total membership of the board or planning
24 committee. Population will be determined using the federal 2000 census
25 or subsequent federal census data.

26 **Sec. 19.** RCW 36.120.060 and 2002 c 56 s 106 are each amended to
27 read as follows:

28 (1) The planning committee shall consider the following criteria
29 for selecting transportation projects to improve corridor performance:

30 (a) Reduced level of congestion and improved safety;

31 (b) Improved travel time;

32 (c) Improved air quality;

33 (d) Increases in daily and peak period person and vehicle trip
34 capacity;

35 (e) Reductions in person and vehicle delay;

36 (f) Improved freight mobility; and

37 (g) Cost-effectiveness of the investment.

1 (2) These criteria represent only minimum standards that must be
2 considered in selecting transportation improvement projects. The board
3 shall also consider rules and standards for benchmarks adopted by the
4 (~~transportation commission or its successor~~) department as approved
5 by the office of financial management.

6 **Sec. 20.** RCW 43.10.101 and 2005 c 319 s 104 are each amended to
7 read as follows:

8 The attorney general shall prepare annually a report to the
9 transportation committees of the legislature, (~~the transportation~~
10 ~~commission~~) the governor, the office of financial management, and
11 (~~the transportation performance audit board~~) the Washington state
12 department of transportation comprising a comprehensive summary of all
13 cases involving tort claims against the department of transportation
14 involving highways which were concluded and closed in the previous
15 calendar year. The report shall include for each case closed:

- 16 (1) A summary of the factual background of the case;
- 17 (2) Identification of the attorneys representing the state and the
18 opposing parties;
- 19 (3) A synopsis of the legal theories asserted and the defenses
20 presented;
- 21 (4) Whether the case was tried, settled, or dismissed, and in whose
22 favor;
- 23 (5) The approximate number of attorney hours expended by the state
24 on the case, together with the corresponding dollar amount billed
25 therefore; and
- 26 (6) Such other matters relating to the case as the attorney general
27 deems relevant or appropriate, especially including any comments or
28 recommendations for changes in statute law or agency practice that
29 might effectively reduce the exposure of the state to such tort claims.

30 **Sec. 21.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
31 as follows:

32 Subject to the maximum gross weights specified in RCW 46.44.041, it
33 is unlawful to operate any vehicle upon the public highways with a
34 gross weight, including load, upon any tire concentrated upon the
35 surface of the highway in excess of six hundred pounds per inch width
36 of such tire. An axle manufactured after July 31, 1993, carrying more

1 than ten thousand pounds gross weight must be equipped with four or
2 more tires. ((Effective January 1, 1997,)) An axle carrying more than
3 ten thousand pounds gross weight must have four or more tires,
4 regardless of date of manufacture. Instead of the four or more tires
5 per axle requirements of this section, an axle may be equipped with two
6 tires limited to five hundred pounds per inch width of tire. This
7 section does not apply to vehicles operating under oversize or
8 overweight permits, or both, issued under RCW 46.44.090, while carrying
9 a nonreducible load.

10 The following equipment may operate at six hundred pounds per inch
11 width of tire: (1) A nonliftable steering axle or axles on the power
12 unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster
13 trailing axle equipped with two tires on a ready-mix concrete transit
14 truck; and (4) a straddle trailer manufactured before January 1, 1996,
15 equipped with single-tire axles or a single axle using a walking beam
16 supported by two in-line single tires and used exclusively for the
17 transport of fruit bins between field, storage, and processing. A
18 straddle trailer manufactured after January 1, 1996, meeting this use
19 criteria may carry five hundred fifteen pounds per inch width of tire
20 on sixteen and one-half inch wide tires.

21 For the purpose of this section, the width of tire in case of solid
22 rubber or hollow center cushion tires, so long as the use thereof may
23 be permitted by the law, shall be measured between the flanges of the
24 rim. For the purpose of this section, the width of tires in case of
25 pneumatic tires shall be the maximum overall normal inflated width as
26 stipulated by the manufacturer when inflated to the pressure specified
27 and without load thereon.

28 The department of transportation, ((under rules adopted by the
29 transportation commission)) by rule with respect to state highways, and
30 a local authority, with respect to a public highway under its
31 jurisdiction, may extend the weight table in RCW 46.44.041 to one
32 hundred fifteen thousand pounds. However, the extension must be in
33 compliance with federal law, and vehicles operating under the extension
34 must be in full compliance with the 1997 axle and tire requirements
35 under this section.

36 **Sec. 22.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
37 to read as follows:

1 Local authorities with respect to public highways under their
2 jurisdiction may prohibit the operation thereon of motor trucks or
3 other vehicles or may impose limits as to the weight thereof, or any
4 other restrictions as may be deemed necessary, whenever any such public
5 highway by reason of rain, snow, climatic or other conditions, will be
6 seriously damaged or destroyed unless the operation of vehicles thereon
7 be prohibited or restricted or the permissible weights thereof reduced:
8 PROVIDED, That whenever a highway has been closed generally to vehicles
9 or specified classes of vehicles, local authorities shall by general
10 rule or by special permit authorize the operation thereon of school
11 buses, emergency vehicles, and motor trucks transporting perishable
12 commodities or commodities necessary for the health and welfare of
13 local residents under such weight and speed restrictions as the local
14 authorities deem necessary to protect the highway from undue damage:
15 PROVIDED FURTHER, That the governing authorities of incorporated cities
16 and towns shall not prohibit the use of any city street designated (~~by~~
17 ~~the transportation commission as forming~~) a part of the route of any
18 primary state highway through any such incorporated city or town by
19 vehicles or any class of vehicles or impose any restrictions or
20 reductions in permissible weights unless such restriction, limitation,
21 or prohibition, or reduction in permissible weights be first approved
22 in writing by the department of transportation.

23 The local authorities imposing any such restrictions or
24 limitations, or prohibiting any use or reducing the permissible weights
25 shall do so by proper ordinance or resolution and shall erect or cause
26 to be erected and maintained signs designating the provisions of the
27 ordinance or resolution in each end of the portion of any public
28 highway affected thereby, and no such ordinance or resolution shall be
29 effective unless and until such signs are erected and maintained.

30 The department shall have the same authority as hereinabove granted
31 to local authorities to prohibit or restrict the operation of vehicles
32 upon state highways. The department shall give public notice of
33 closure or restriction. The department may issue special permits for
34 the operation of school buses and motor trucks transporting perishable
35 commodities or commodities necessary for the health and welfare of
36 local residents under specified weight and speed restrictions as may be
37 necessary to protect any state highway from undue damage.

1 **Sec. 23.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
2 as follows:

3 The department of transportation, pursuant to its rules (~~adopted~~
4 ~~by the transportation commission~~) with respect to state highways, and
5 local authorities, with respect to public highways under their
6 jurisdiction, may, upon application in writing and good cause being
7 shown therefor, issue a special permit in writing, or electronically,
8 authorizing the applicant to operate or move a vehicle or combination
9 of vehicles of a size, weight of vehicle, or load exceeding the maximum
10 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
11 46.44.041 upon any public highway under the jurisdiction of the
12 authority granting such permit and for the maintenance of which such
13 authority is responsible.

14 **Sec. 24.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
15 as follows:

16 Special permits may not be issued for movements on any state
17 highway outside the limits of any city or town in excess of the
18 following widths:

19 On two-lane highways, fourteen feet;

20 On multiple-lane highways where a physical barrier serving as a
21 median divider separates opposing traffic lanes, twenty feet;

22 On multiple-lane highways without a physical barrier serving as a
23 median divider, thirty-two feet.

24 These limits apply except under the following conditions:

25 (1) In the case of buildings, the limitations referred to in this
26 section for movement on any two lane state highway other than the
27 national system of interstate and defense highways may be exceeded
28 under the following conditions: (a) Controlled vehicular traffic shall
29 be maintained in one direction at all times; (b) the maximum distance
30 of movement shall not exceed five miles; additional contiguous permits
31 shall not be issued to exceed the five-mile limit: PROVIDED, That when
32 the department of transportation(~~, pursuant to general rules adopted~~
33 ~~by the transportation commission,~~) determines a hardship would result,
34 this limitation may be exceeded upon approval of the department of
35 transportation; (c) prior to issuing a permit a qualified
36 transportation department employee shall make a visual inspection of
37 the building and route involved determining that the conditions listed

1 herein shall be complied with and that structures or overhead
2 obstructions may be cleared or moved in order to maintain a constant
3 and uninterrupted movement of the building; (d) special escort or other
4 precautions may be imposed to assure movement is made under the safest
5 possible conditions, and the Washington state patrol shall be advised
6 when and where the movement is to be made;

7 (2) Permits may be issued for widths of vehicles in excess of the
8 preceding limitations on highways or sections of highways which have
9 been designed and constructed for width in excess of such limitations;

10 (3) Permits may be issued for vehicles with a total outside width,
11 including the load, of nine feet or less when the vehicle is equipped
12 with a mechanism designed to cover the load pursuant to RCW 46.61.655;

13 (4) These limitations may be rescinded when certification is made
14 by military officials, or by officials of public or private power
15 facilities, or when in the opinion of the department of transportation
16 the movement or action is a necessary movement or action: PROVIDED
17 FURTHER, That in the judgment of the department of transportation the
18 structures and highway surfaces on the routes involved are capable of
19 sustaining widths in excess of such limitation;

20 (5) These limitations shall not apply to movement during daylight
21 hours on any two lane state highway where the gross weight, including
22 load, does not exceed eighty thousand pounds and the overall width of
23 load does not exceed sixteen feet: PROVIDED, That the minimum and
24 maximum speed of such movements, prescribed routes of such movements,
25 the times of such movements, limitation upon frequency of trips (which
26 limitation shall be not less than one per week), and conditions to
27 assure safety of traffic may be prescribed by the department of
28 transportation or local authority issuing such special permit.

29 The applicant for any special permit shall specifically describe
30 the vehicle or vehicles and load to be operated or moved and the
31 particular state highways for which permit to operate is requested and
32 whether such permit is requested for a single trip or for continuous
33 operation.

34 **Sec. 25.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
35 as follows:

36 In determining fees according to RCW 46.44.0941, mileage on state
37 primary and secondary highways shall be determined from the planning

1 survey records of the department of transportation, and the gross
2 weight of the vehicle or vehicles, including load, shall be declared by
3 the applicant. Overweight on which fees shall be paid will be gross
4 loadings in excess of loadings authorized by law or axle loadings in
5 excess of loadings authorized by law, whichever is the greater. Loads
6 which are overweight and oversize shall be charged the fee for the
7 overweight permit without additional fees being assessed for the
8 oversize features.

9 Special permits issued under RCW 46.44.047, 46.44.0941, or
10 46.44.095, may be obtained from offices of the department of
11 transportation, ports of entry, or other agents appointed by the
12 department.

13 The department may appoint agents for the purposes of selling
14 special motor vehicle permits, temporary additional tonnage permits,
15 and log tolerance permits. Agents so appointed may retain three
16 dollars and fifty cents for each permit sold to defray expenses
17 incurred in handling and selling the permits. If the fee is collected
18 by the department of transportation, the department shall certify the
19 fee so collected to the state treasurer for deposit to the credit of
20 the motor vehicle fund.

21 The department may select a third party contractor, by means of
22 competitive bid, to perform the department's permit issuance function,
23 as provided under RCW 46.44.090. Factors the department shall
24 consider, but is not limited to, in the selection of a third party
25 contractor are economic benefit to both the department and the motor
26 carrier industry, and enhancement of the overall level of permit
27 service. For purposes of this section, "third party contractor" means
28 a business entity that is authorized by the department to issue special
29 permits. The department of transportation (~~commission~~) may adopt
30 rules specifying the criteria that a business entity must meet in order
31 to qualify as a third party contractor under this section.

32 Fees established in RCW 46.44.0941 shall be paid to the political
33 body issuing the permit if the entire movement is to be confined to
34 roads, streets, or highways for which that political body is
35 responsible. When a movement involves a combination of state highways,
36 county roads, and/or city streets the fee shall be paid to the
37 (~~state~~) department of transportation. When a movement is confined
38 within the city limits of a city or town upon city streets, including

1 routes of state highways on city streets, all fees shall be paid to the
2 city or town involved. A permit will not be required from city or town
3 authorities for a move involving a combination of city or town streets
4 and state highways when the move through a city or town is being
5 confined to the route of the state highway. When a move involves a
6 combination of county roads and city streets the fee shall be paid to
7 the county authorities, but the fee shall not be collected nor the
8 county permit issued until valid permits are presented showing that the
9 city or town authorities approve of the move in question. When the
10 movement involves only county roads the fees collected shall be paid to
11 the county involved. Fees established shall be paid to the political
12 body issuing the permit if the entire use of the vehicle during the
13 period covered by the permit shall be confined to the roads, streets,
14 or highways for which that political body is responsible.

15 **Sec. 26.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
16 to read as follows:

17 It shall be unlawful for any person to operate a vehicle or any
18 combination of vehicles over any bridge or other elevated structure or
19 through any tunnel or underpass constituting a part of any public
20 highway at a rate of speed or with a gross weight or of a size which is
21 greater at any time than the maximum speed or maximum weight or size
22 which can be maintained or carried with safety over any such bridge or
23 structure or through any such tunnel or underpass when such bridge,
24 structure, tunnel, or underpass is sign posted as hereinafter provided.
25 The secretary of transportation, if it be a bridge, structure, tunnel,
26 or underpass upon a state highway, or the governing body or authorities
27 of any county, city, or town, if it be upon roads or streets under
28 their jurisdiction, may restrict the speed which may be maintained or
29 the gross weight or size which may be operated upon or over any such
30 bridge or elevated structure or through any such tunnel or underpass
31 with safety thereto. The secretary or the governing body or
32 authorities of any county, city, or town having jurisdiction shall
33 determine and declare the maximum speed or maximum gross weight or size
34 which such bridge, elevated structure, tunnel, or underpass can
35 withstand or accommodate and shall cause suitable signs stating such
36 maximum speed or maximum gross weight, or size, or either, to be
37 erected and maintained on the right hand side of such highway, road, or

1 street and at a distance of not less than one hundred feet from each
2 end of such bridge, structure, tunnel, or underpass and on the approach
3 thereto: PROVIDED, That in the event that any such bridge, elevated
4 structure, tunnel, or underpass is upon a city street designated by the
5 department of transportation (~~commission~~) as forming a part of the
6 route of any state highway through any such incorporated city or town
7 the determination of any maximum speed or maximum gross weight or size
8 which such bridge, elevated structure, tunnel, or underpass can
9 withstand or accommodate shall not be enforceable at any speed, weight,
10 or size less than the maximum allowed by law, unless with the approval
11 in writing of the secretary. Upon the trial of any person charged with
12 a violation of this section, proof of either violation of maximum speed
13 or maximum weight, or size, or either, and the distance and location of
14 such signs as are required, shall constitute conclusive evidence of the
15 maximum speed or maximum weight, or size, or either, which can be
16 maintained or carried with safety over such bridge or elevated
17 structure or through such tunnel or underpass.

18 **Sec. 27.** RCW 46.68.113 and 2003 c 363 s 305 are each amended to
19 read as follows:

20 During the 2003-2005 biennium, cities and towns shall provide to
21 the transportation commission, or its successor entity, preservation
22 rating information on at least seventy percent of the total city and
23 town arterial network. Thereafter, the preservation rating information
24 requirement shall increase in five percent increments in subsequent
25 biennia. The rating system used by cities and towns must be based upon
26 the Washington state pavement rating method or an equivalent standard
27 approved by the department of transportation (~~commission or its~~
28 ~~successor entity~~). Beginning January 1, 2007, the preservation rating
29 information shall be submitted to the department.

30 **Sec. 28.** RCW 47.68.410 and 2005 c 316 s 3 are each amended to read
31 as follows:

32 (1) Upon completion of both the statewide assessment and analysis
33 required under RCW 47.68.390 and 47.68.400, and to the extent funds are
34 appropriated to the department for this purpose, the governor shall
35 appoint an aviation planning council to consist of the following
36 members: (a) The director of the aviation division of the department

1 of transportation, or a designee; (b) the director of the department of
2 community, trade, and economic development, or a designee; (c) ((a
3 ~~member of the transportation commission,~~) an at large who shall be the
4 chair of the council; (d) two members of the general public familiar
5 with airport issues, including the impacts of airports on communities,
6 one of whom must be from western Washington and one of whom must be
7 from eastern Washington; (e) a technical expert familiar with federal
8 aviation administration airspace and control issues; (f) a commercial
9 airport operator; (g) a member of a growth management hearings board;
10 (h) a representative of the Washington airport management association;
11 and (i) an airline representative. The chair of the council may
12 designate another councilmember to serve as the acting chair in the
13 absence of the chair. The department of transportation shall provide
14 all administrative and staff support for the council.

15 (2) The purpose of the council is to make recommendations, based on
16 the findings of the assessment and analysis completed under RCW
17 47.68.390 and 47.68.400, regarding how best to meet the statewide
18 commercial and general aviation capacity needs, as determined by the
19 council. The council shall determine which regions of the state are in
20 need of improvement regarding the matching of existing, or projected,
21 airport facilities, and the long-range capacity needs at airports
22 within the region expected to reach capacity before the year 2030.
23 After determining these areas, the council shall make recommendations
24 regarding the placement of future commercial and general aviation
25 airport facilities designed to meet the need for improved aviation
26 planning in the region. The council shall include public input in
27 making final recommendations.

28 (3) The council shall submit its recommendations to the appropriate
29 standing committees of the legislature, the governor, ((~~the~~
30 ~~transportation commission,~~) and applicable regional transportation
31 planning organizations.

32 (4) This section expires July 1, 2009.

33 **Sec. 29.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
34 to read as follows:

35 Whenever the general route of any state highway shall be designated
36 and laid out as running to or by way of certain designated points,
37 without specifying the particular route to be followed to or by way of

1 such points, the (~~transportation commission~~) department shall
2 determine the particular route to be followed by said state highway to
3 or by way of said designated points, and shall be at liberty to select
4 and adopt as a part of such state highway, the whole or any part of any
5 existing public highway previously designated as a county road, primary
6 road, or secondary road or now or hereafter classified as a county
7 road. The (~~commission~~) department need not select and adopt the
8 entire routes for such state highways at one time, but may select and
9 adopt parts of such routes from time to time as it deems advisable.
10 Where a state highway is designated as passing by way of a certain
11 point, this shall not require the (~~commission~~) department to cause
12 such state highway to pass through or touch such point but such
13 designation is directional only and may be complied with by location in
14 the general vicinity. The department (~~of transportation~~) is
15 empowered to construct as a part of any state highway as designated and
16 in addition to any portion meeting the limits of any incorporated city
17 or town a bypass section either through or around any such incorporated
18 city or town.

19 **Sec. 30.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to read
20 as follows:

21 (1) Whenever the department finds that as a consequence of
22 accident, natural disaster, or other emergency, an existing state
23 highway is in jeopardy or is rendered impassible in one or both
24 directions and the department further finds that prompt reconstruction,
25 repair, or other work is needed to preserve or restore the highway for
26 public travel, the department may obtain at least three written bids
27 for the work without publishing a call for bids, and the secretary of
28 transportation may award a contract forthwith to the lowest responsible
29 bidder.

30 The department shall notify any association or organization of
31 contractors filing a request to regularly receive notification.
32 Notification to an association or organization of contractors shall
33 include: (a) The location of the work to be done; (b) the general
34 anticipated nature of the work to be done; and (c) the date determined
35 by the department as reasonable in view of the nature of the work and
36 emergent nature of the problem after which the department will not
37 receive bids.

1 (2) Whenever the department finds it necessary to protect a highway
2 facility from imminent damage or to perform emergency work to reopen a
3 highway facility, the department may contract for such work on a
4 negotiated basis not to exceed force account rates for a period not to
5 exceed thirty working days.

6 (3) The secretary shall review any contract exceeding ~~((two))~~ seven
7 hundred thousand dollars awarded under subsection (1) or (2) of this
8 section with the ~~((transportation commission at its next regularly~~
9 ~~scheduled meeting))~~ office of financial management within thirty days
10 of the contract award.

11 (4) Any person, firm, or corporation awarded a contract for work
12 must be prequalified pursuant to RCW 47.28.070 and may be required to
13 furnish a bid deposit or performance bond.

14 **Sec. 31.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
15 as follows:

16 The ~~((transportation commission))~~ department may designate
17 interstate safety rest areas, as appropriate, as locations for memorial
18 signs to prisoners of war and those missing in action. The
19 ~~((commission))~~ department shall adopt policies for the placement of
20 memorial signs on interstate safety rest areas and may disapprove any
21 memorial sign that it determines to be inappropriate or inconsistent
22 with the policies. The policies shall include, but are not limited to,
23 guidelines for the size and location of and inscriptions on memorial
24 signs. The secretary shall adopt rules for administering this program.
25 Nonprofit associations may have their name identified on a memorial
26 sign if the association bears the cost of supplying and maintaining the
27 memorial sign.

28 **Sec. 32.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
29 as follows:

30 Except as provided in RCW 47.52.134, the ~~((transportation~~
31 ~~commission))~~ department and the highway authorities of the counties and
32 incorporated cities and towns, with regard to facilities under their
33 respective jurisdictions, prior to the establishment of any limited
34 access facility, shall hold a public hearing within the county, city,
35 or town wherein the limited access facility is to be established to
36 determine the desirability of the plan proposed by such authority.

1 Notice of such hearing shall be given to the owners of property
2 abutting the section of any existing highway, road, or street being
3 established as a limited access facility, as indicated in the tax rolls
4 of the county, and in the case of a state limited access facility, to
5 the county and/or city or town. Such notice shall be by United States
6 mail in writing, setting forth a time for the hearing, which time shall
7 be not less than fifteen days after mailing of such notice. Notice of
8 such hearing also shall be given by publication not less than fifteen
9 days prior to such hearing in one or more newspapers of general
10 circulation within the county, city, or town. Such notice by
11 publication shall be deemed sufficient as to any owner or reputed owner
12 or any unknown owner or owner who cannot be located. Such notice shall
13 indicate a suitable location where plans for such proposal may be
14 inspected.

15 **Sec. 33.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
16 as follows:

17 ((Whenever)) After ((the)) final adoption of a ((~~plan for a~~))
18 limited access highway by the ((~~transportation commission~~)) department,
19 an additional design public hearing with respect to the facility or any
20 portion thereof is conducted pursuant to federal law resulting in a
21 revision of the design of the limited access plan, the ((~~commission~~))
22 department may modify the previously adopted limited access plan to
23 conform to the revised design without further public hearings providing
24 the following conditions are met:

25 (1) As compared with the previously adopted limited access plan,
26 the revised plan will not require additional or different right of way
27 with respect to that section of highway for which the design has been
28 revised, in excess of five percent by area; and

29 (2) If the previously adopted limited access plan was modified by
30 a board of review convened at the request of a county, city, or town,
31 the legislative authority of the county, city, or town shall approve
32 any revisions of the plan which conflict with modifications ordered by
33 the board of review.

34 **Sec. 34.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
35 as follows:

36 (1) Whenever the ((~~transportation commission~~)) department adopts a

1 plan for a limited access highway to be constructed within the
2 corporate limits of a city or town which incorporates existing city or
3 town streets, title to such streets shall remain in the city or town,
4 and the provisions of RCW 47.24.020 as now or hereafter amended shall
5 continue to apply to such streets until such time that the highway is
6 operated as either a partially or fully controlled access highway.
7 Title to and full control over that portion of the city or town street
8 incorporated into the limited access highway shall be vested in the
9 state upon a declaration by the secretary of transportation that such
10 highway is operational as a limited access facility, but in no event
11 prior to the acquisition of right of way for such highway including
12 access rights, and not later than the final completion of construction
13 of such highway.

14 (2) Upon the completion of construction of a state limited access
15 highway within a city or town, the department of transportation may
16 relinquish to the city or town streets constructed or improved as a
17 functional part of the limited access highway, slope easements,
18 landscaping areas, and other related improvements to be maintained and
19 operated by the city or town in accordance with the limited access
20 plan. Title to such property relinquished to a city or town shall be
21 conveyed by a deed executed by the secretary of transportation and duly
22 acknowledged. Relinquishment of such property to the city or town may
23 be expressly conditioned upon the maintenance of access control
24 acquired by the state and the continued operation of such property as
25 a functional part of the limited access highway.

26 **Sec. 35.** RCW 47.60.330 and 2003 c 374 s 5 are each amended to read
27 as follows:

28 (1) Before a substantial expansion or curtailment in the level of
29 service provided to ferry users, or a revision in the schedule of ferry
30 tolls or charges, the department (~~(of transportation)~~) shall consult
31 with affected ferry users. The consultation shall be: (a) By public
32 hearing in affected local communities; (b) by review with the affected
33 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting
34 a survey of affected ferry users; or (d) by any combination of (a)
35 through (c). Promotional, discount, and special event fares that are
36 not part of the published schedule of ferry charges or tolls are

1 exempt. The department shall report an accounting of all exempt
2 revenues to the transportation commission and the office of financial
3 management each fiscal year.

4 (2) There is created a ferry system productivity council consisting
5 of a representative of each ferry advisory committee empanelled under
6 RCW 47.60.310, elected by the members thereof, and two representatives
7 of employees of the ferry system appointed by mutual agreement of all
8 of the unions representing ferry employees, which shall meet from time
9 to time with ferry system management to discuss means of improving
10 ferry system productivity.

11 (3) Before increasing ferry tolls the department of transportation
12 shall consider ~~((all possible))~~ cost reductions with full public
13 participation as provided in subsection (1) of this section and,
14 consistent with public policy, shall consider adapting service levels
15 equitably on a route-by-route basis to reflect trends in and forecasts
16 of traffic usage. ~~((Forecasts of traffic levels shall be developed by
17 the bond covenant traffic engineering firm appointed under the
18 provisions of RCW 47.60.450. Provisions of this section shall not
19 alter obligations under RCW 47.60.450.))~~ Before including any toll
20 increase in a budget proposal ~~((by the commission))~~, the department
21 ~~((of transportation))~~ shall consult with affected ferry users in the
22 manner prescribed in (1)(b) of this section plus the procedure of
23 either (1)(a) or (c) of this section.

24 **Sec. 36.** RCW 47.68.390 and 2005 c 316 s 1 are each amended to read
25 as follows:

26 (1) The aviation division of the department of transportation shall
27 conduct a statewide airport capacity and facilities assessment. The
28 assessment must include a statewide analysis of existing airport
29 facilities, and passenger and air cargo transportation capacity,
30 regarding both commercial aviation and general aviation; however, the
31 primary focus of the assessment must be on commercial aviation. The
32 assessment must at a minimum address the following issues:

33 (a) Existing airport facilities, both commercial and general
34 aviation, including air side, land side, and airport service
35 facilities;

36 (b) Existing air and airport capacity, including the number of
37 annual passengers and air cargo operations;

1 (c) Existing airport services, including fixed based operator
2 services, fuel services, and ground services; and

3 (d) Existing airspace capacity.

4 (2) The department shall consider existing information, technical
5 analyses, and other research the department deems appropriate. The
6 department may contract and consult with private independent
7 professional and technical experts regarding the assessment.

8 (3) The department shall submit the assessment to the appropriate
9 standing committees of the legislature, the governor, (~~the~~
10 ~~transportation commission,~~) and regional transportation planning
11 organizations by July 1, 2006.

12 **Sec. 37.** RCW 47.68.400 and 2005 c 316 s 2 are each amended to read
13 as follows:

14 (1) After submitting the assessment under RCW 47.68.390, the
15 aviation division of the department of transportation shall conduct a
16 statewide airport capacity and facilities market analysis. The
17 analysis must include a statewide needs analysis of airport facilities,
18 passenger and air cargo transportation capacity, and demand and
19 forecast market needs over the next twenty-five years with a more
20 detailed analysis of the Puget Sound, southwest Washington, Spokane,
21 and Tri-Cities regions. The analysis must address the forecasted needs
22 of both commercial aviation and general aviation; however, the primary
23 focus of the analysis must be on commercial aviation. The analysis
24 must at a minimum address the following issues:

25 (a) A forecast of future airport facility needs based on passenger
26 and air cargo operations and demand, airline planning, and a
27 determination of aviation trends, demographic, geographic, and market
28 factors that may affect future air travel demand;

29 (b) A determination of when the state's existing commercial service
30 airports will reach their capacity;

31 (c) The factors that may affect future air travel and when capacity
32 may be reached and in which location;

33 (d) The role of the state, metropolitan planning organizations,
34 regional transportation planning organizations, the federal aviation
35 administration, and airport sponsors in addressing statewide airport
36 facilities and capacity needs; and

1 (e) Whether the state, metropolitan planning organizations,
2 regional transportation planning organizations, the federal aviation
3 administration, or airport sponsors have identified options for
4 addressing long-range capacity needs at airports, or in regions, that
5 will reach capacity before the year 2030.

6 (2) The department shall consider existing information, technical
7 analyses, and other research the department deems appropriate. The
8 department may contract and consult with private independent
9 professional and technical experts regarding the analysis.

10 (3) The department shall submit the analysis to the appropriate
11 standing committees of the legislature, the governor, (~~the~~
12 ~~transportation commission,~~) and regional transportation planning
13 organizations by July 1, 2007.

14 **Sec. 38.** RCW 81.112.086 and 2003 c 363 s 306 are each amended to
15 read as follows:

16 As a condition of receiving state funding, a regional transit
17 authority shall submit a maintenance and preservation management plan
18 for certification by the (~~transportation commission or its successor~~
19 ~~entity~~) department of transportation's office of transit mobility.
20 The plan must inventory all transportation system assets within the
21 direction and control of the transit authority, and provide a plan for
22 preservation of assets based on lowest life-cycle cost methodologies.

23 **Sec. 39.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to
24 read as follows:

25 By April 1st of each year, the legislative authority of each
26 municipality, as defined in RCW 35.58.272, and each regional transit
27 authority shall prepare a six-year transit development plan for that
28 calendar year and the ensuing five years. The program shall be
29 consistent with the comprehensive plans adopted by counties, cities,
30 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
31 inherent authority of a first class city or charter county derived from
32 its charter, or chapter 36.70A RCW. The program shall contain
33 information as to how the municipality intends to meet state and local
34 long-range priorities for public transportation, capital improvements,
35 significant operating changes planned for the system, and how the
36 municipality intends to fund program needs. The six-year plan for each

1 municipality and regional transit authority shall specifically set
2 forth those projects of regional significance for inclusion in the
3 transportation improvement program within that region. Each
4 municipality and regional transit authority shall file the six-year
5 program with the state department of transportation's office of transit
6 mobility, the state auditor, the transportation improvement board, and
7 cities, counties, and regional planning councils within which the
8 municipality is located.

9 In developing its program, the municipality and the regional
10 transit authority shall consider those policy recommendations affecting
11 public transportation contained in the state transportation policy plan
12 (~~approved by the state transportation commission~~) and, where
13 appropriate, adopted by the legislature. The municipality shall
14 conduct one or more public hearings while developing its program and
15 for each annual update.

16 **Sec. 40.** RCW 36.56.121 and 2003 c 363 s 303 are each amended to
17 read as follows:

18 As a condition of receiving state funding, a county that has
19 assumed the transportation functions of a metropolitan municipal
20 corporation shall submit a maintenance and preservation management plan
21 for certification by the (~~transportation commission or its successor~~
22 ~~entity~~) department of transportation's office of transit mobility.
23 The plan must inventory all transportation system assets within the
24 direction and control of the county, and provide a preservation plan
25 based on lowest life-cycle cost methodologies.

26 **Sec. 41.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
27 as follows:

28 The comprehensive transit plan adopted by the authority shall be
29 reviewed by the state (~~transportation commission to~~) department of
30 transportation's office of transit mobility and the state auditor.
31 Upon reviewing the plan, the office of transit mobility shall
32 determine:

33 (1) The completeness of service to be offered and the economic
34 viability of the transit system proposed in such comprehensive transit
35 plan;

1 (2) Whether such plan integrates the proposed transportation system
2 with existing transportation modes and systems that serve the benefit
3 area;

4 (3) Whether such plan coordinates that area's system and service
5 with nearby public transportation systems;

6 (4) Whether such plan is eligible for matching state or federal
7 funds((÷

8 ~~After reviewing the comprehensive transit plan, the state~~
9 ~~transportation commission shall have sixty days in which to approve~~
10 ~~such plan and to certify to the state treasurer that such public~~
11 ~~transportation benefit area shall be eligible to receive the motor~~
12 ~~vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as~~
13 ~~now or hereafter amended in the manner prescribed by chapter 82.44 RCW,~~
14 ~~as now or hereafter amended. To be approved a plan shall provide for~~
15 ~~coordinated transportation planning, the integration of such proposed~~
16 ~~transportation program with other transportation systems operating in~~
17 ~~areas adjacent to, or in the vicinity of the proposed public~~
18 ~~transportation benefit area, and be consistent with the public~~
19 ~~transportation coordination criteria adopted pursuant to the urban mass~~
20 ~~transportation act of 1964 as amended as of July 1, 1975. In the event~~
21 ~~such comprehensive plan is disapproved and ruled ineligible to receive~~
22 ~~motor vehicle tax proceeds, the state transportation commission shall~~
23 ~~provide written notice to the authority within thirty days as to the~~
24 ~~reasons for such plan's disapproval and such ineligibility. The~~
25 ~~authority may resubmit such plan upon reconsideration and correction of~~
26 ~~such deficiencies in the plan cited in such notice of disapproval)).~~

27 **Sec. 42.** RCW 47.29.010 and 2005 c 317 s 1 are each amended to read
28 as follows:

29 (1) The legislature finds that the public-private
30 (~~{transportation}~~) transportation initiatives act created under
31 chapter 47.46 RCW has not met the needs and expectations of the public
32 or private sectors for the development of transportation projects. The
33 legislature intends to phase out chapter 47.46 RCW coincident with the
34 completion of the Tacoma Narrows Bridge - SR 16 public-private
35 partnership. From July 24, 2005, this chapter will provide a more
36 desirable and effective approach to developing transportation projects

1 in partnership with the private sector by applying lessons learned from
2 other states and from this state's ten-year experience with chapter
3 47.46 RCW.

4 (2) It is the legislature's intent to achieve the following goals
5 through the creation of this new approach to public-private
6 partnerships:

7 (a) To provide a well-defined mechanism to facilitate the
8 collaboration between public and private entities in transportation;

9 (b) To bring innovative thinking from the private sector and other
10 states to bear on public projects within the state;

11 (c) To provide greater flexibility in achieving the transportation
12 projects; and

13 (d) To allow for creative cost and risk sharing between the public
14 and private partners.

15 (3) The legislature intends that the powers granted in this chapter
16 to the commission or department are in addition to any powers granted
17 under chapter 47.56 RCW.

18 (4) It is further the intent of the legislature that (~~the~~
19 ~~commission shall be responsible for receiving, reviewing, and approving~~
20 ~~proposals with technical support of the department; rule making; and~~
21 ~~for oversight of contract execution. The department shall be~~
22 ~~responsible for evaluating proposals and negotiating contracts)) an
23 expert review panel be established for each project developed under
24 this act. Expert review panels shall be responsible for reviewing
25 selected proposals, analyzing and reviewing tentative agreements, and
26 making recommendations to the governor on the advisability of executing
27 agreements under this act.~~

28 **Sec. 43.** RCW 47.29.020 and 2005 c 317 s 2 are each amended to read
29 as follows:

30 The definitions in this section apply throughout this chapter.

31 (1) (~~"Authority" means the transportation commission.~~

32 ~~(2) "Commission" means the transportation commission.~~

33 ~~(3))~~ "Department" means the department of transportation.

34 ((~~4~~)) (2) "Eligible project" means any project eligible for
35 development under RCW 47.29.050.

36 ((~~5~~)) (3) "Eligible public works project" means only a project
37 that meets the criteria of either RCW 47.29.060 (3) or (4).

1 ~~((+6))~~ (4) "Expert review panel" means a panel established by the
2 governor to review tentative agreements and make recommendations to the
3 governor for approval, rejection, or continued negotiations on a
4 proposed project agreement.

5 (5) "Private sector partner" and "private partner" ~~((means))~~ mean
6 a person, entity, or organization that is not the federal government,
7 a state, or a political subdivision of a state.

8 ~~((+7))~~ (6) "Public funds" means all moneys derived from taxes,
9 fees, charges, tolls, etc.

10 ~~((+8))~~ (7) "Public sector partner" and "public partner" ~~((means))~~
11 mean any federal or state unit of government, bistate transportation
12 organization, or any other political subdivision of any state.

13 ~~((+9))~~ (8) "Transportation innovative partnership program" or
14 "program" means the program as outlined in RCW 47.29.040.

15 ~~((+10))~~ (9) "Transportation project" means a project, whether
16 capital or operating, where the state's primary purpose for the project
17 is to preserve or facilitate the safe transport of people or goods via
18 any mode of travel. However, this does not include projects that are
19 primarily for recreational purposes, such as parks, hiking trails, off-
20 road vehicle trails, etc.

21 ~~((+11))~~ (10) "Unit of government" means any department or agency
22 of the federal government, any state or agency, office, or department
23 of a state, any city, county, district, commission, authority, entity,
24 port, or other public corporation organized and existing under
25 statutory law or under a voter-approved charter or initiative, and any
26 intergovernmental entity created under chapter 39.34 RCW or this
27 chapter.

28 **Sec. 44.** RCW 47.29.030 and 2005 c 317 s 3 are each amended to read
29 as follows:

30 In addition to the powers it now possesses, the ~~((commission))~~
31 department shall:

32 (1) ~~((Approve or review contracts or agreements authorized in this~~
33 ~~chapter;~~

34 ~~(2))~~ Adopt rules to carry out this chapter and govern the program,
35 which at a minimum must address the following issues:

36 (a) The types of projects allowed; however, all allowed projects

1 must be included in the Washington transportation plan or identified by
2 the authority as being a priority need for the state;

3 (b) The types of contracts allowed, with consideration given to the
4 best practices available;

5 (c) The composition of the team responsible for the evaluation of
6 proposals to include:

7 (i) ~~((Washington state)) Department ((of transportation))~~ staff;

8 (ii) An independent representative of a consulting or contracting
9 field with no interests in the project that is prohibited from becoming
10 a project manager for the project and bidding on any part of the
11 project;

12 (iii) An observer from the state auditor's office or the joint
13 legislative audit and review committee;

14 (iv) A person ~~((appointed by the commission, if the secretary of
15 transportation is a cabinet member, or))~~ appointed by the governor ~~((if
16 the secretary of transportation is not a cabinet member))~~; and

17 (v) A financial expert;

18 (d) Minimum standards and criteria required of all proposals;

19 (e) Procedures for the proper solicitation, acceptance, review, and
20 evaluation of projects;

21 (f) Criteria to be considered in the evaluation and selection of
22 proposals that includes:

23 (i) Comparison with the department's internal ability to complete
24 the project that documents the advantages of completing the project as
25 a partnership versus solely as a public venture; and

26 (ii) Factors such as, but not limited to: Priority, cost, risk
27 sharing, scheduling, and management conditions;

28 (g) The protection of confidential proprietary information while
29 still meeting the need for public disclosure that is consistent with
30 RCW 47.29.190;

31 (h) Protection for local contractors to participate in
32 subcontracting opportunities;

33 (i) Specifying that maintenance issues must be resolved in a manner
34 consistent with the personnel system reform act, chapter 41.80 RCW;

35 (j) Specifying that provisions regarding patrolling and law
36 enforcement on a public facility are subject to approval by the
37 Washington state patrol;

1 ~~((3))~~ (2) Adopt guidelines to address security and performance
2 issues.

3 Preliminary rules and guidelines developed under this section must
4 be submitted to the chairs and ranking members of both transportation
5 committees by November 30, 2005, for review and comment. All final
6 rules and guidelines must be submitted to the full legislature during
7 the 2006 session for review.

8 **Sec. 45.** RCW 47.29.090 and 2005 c 317 s 9 are each amended to read
9 as follows:

10 (1) Subject to subsection (2) of this section, the ~~((commission))~~
11 department may:

12 (a) Solicit concepts or proposals for eligible projects from
13 private entities and units of government;

14 (b) On or after January 1, 2007, accept unsolicited concepts or
15 proposals for eligible projects from private entities and units of
16 government, subject to RCW 47.29.170;

17 (c) ~~((Direct the department to))~~ Evaluate projects for inclusion in
18 the transportation innovative partnerships program that are already
19 programmed or identified for traditional development by the state;

20 (d) ~~((Direct the department to))~~ Evaluate the concepts or proposals
21 received under this section; and

22 (e) Select potential projects based on the concepts or proposals.
23 The evaluation under this subsection must include consultation with any
24 appropriate unit of government.

25 (2) Before undertaking any of the activities contained in
26 subsection (1) of this section, the ~~((commission))~~ department must
27 ~~((have))~~:

28 (a) ~~((Completed))~~ Wait for completion of the tolling feasibility
29 study before proceeding with any projects that might utilize tolls; and

30 (b) ~~((Adopted))~~ Adopt rules specifying procedures for the proper
31 solicitation, acceptance, review, and evaluation of projects, which
32 procedures must include:

33 (i) A comparison with the department's internal ability to complete
34 the project that documents the advantages of completing the project as
35 a partnership versus solely as a public venture; and

36 (ii) Factors such as priority, cost, risk sharing, scheduling, and
37 management conditions.

1 **Sec. 46.** RCW 47.29.100 and 2005 c 317 s 10 are each amended to
2 read as follows:

3 The department may charge a reasonable administrative fee for the
4 evaluation of an unsolicited project proposal. The amount of the fee
5 will be established in rules (~~of the commission~~).

6 **Sec. 47.** RCW 47.29.120 and 2005 c 317 s 12 are each amended to
7 read as follows:

8 The (~~commission and~~) department may consult with legal,
9 financial, and other experts inside and outside the public sector in
10 the evaluation, negotiation, and development of projects under this
11 chapter, consistent with RCW 43.10.040 where applicable.

12 **Sec. 48.** RCW 47.29.160 and 2005 c 317 s 16 are each amended to
13 read as follows:

14 (1) Before (~~approving an~~) approval of any agreement under
15 subsection (2) of this section, (~~the commission, with the technical~~
16 ~~assistance of~~) the department(~~(7)~~) must:

17 (a) Prepare a financial analysis that fully discloses all project
18 costs, direct and indirect, including costs of any financing;

19 (b) Publish notice and make available the contents of the
20 agreement, with the exception of patent information, at least twenty
21 days before the public hearing required in (c) of this subsection; and

22 (c) Hold a public hearing on the proposed agreement, with proper
23 notice provided at least twenty days before the hearing. The public
24 hearing must be held within the boundaries of the county seat of the
25 county containing the project.

26 (2) The (~~commission~~) department must allow at least twenty days
27 from the public hearing on the proposed agreement required under
28 subsection (1)(c) of this section before approving and executing any
29 agreements authorized under this chapter.

30 NEW SECTION. **Sec. 49.** A new section is added to chapter 47.29 RCW
31 to read as follows:

32 (1) The department shall establish an expert review panel to
33 review, analyze, and make recommendations to the governor on whether to
34 approve, reject, or continue negotiations on a proposed project
35 agreement. The department shall provide staff to support the expert

1 review panel, if requested by the panel. The expert review panel may
2 utilize any of the consultants under contract for the department, and
3 the expert review panel may contract for consulting expertise in
4 specific areas as it deems necessary to ensure a thorough and critical
5 review of any proposed project agreement.

6 (2) The governor shall appoint members of an expert review panel
7 that have experience in large capital project delivery, public private
8 partnerships, public financing of infrastructure improvements, or other
9 areas of expertise that will benefit the panel. The panel shall
10 consist of no less than three but no more than five members, as
11 determined by the governor.

12 NEW SECTION. **Sec. 50.** A new section is added to chapter 47.29 RCW
13 to read as follows:

14 Upon receiving the recommendations of the expert review panel as
15 provided in section 49 of this act, the governor shall execute the
16 proposed project agreement, reject the proposed agreement, or return
17 the agreement for continued negotiations between the state and a
18 private partner. The execution of any agreement or the rejection of
19 any agreement shall constitute a final action for legal or
20 administrative purposes.

21 **Sec. 51.** RCW 47.29.170 and 2005 c 317 s 17 are each amended to
22 read as follows:

23 Before accepting any unsolicited project proposals, the
24 (~~commission~~) department must adopt rules to facilitate the
25 acceptance, review, evaluation, and selection of unsolicited project
26 proposals. These rules must include the following:

27 (1) Provisions that specify unsolicited proposals must meet
28 predetermined criteria;

29 (2) Provisions governing procedures for the cessation of
30 negotiations and consideration;

31 (3) Provisions outlining that unsolicited proposals are subject to
32 a two-step process that begins with concept proposals and would only
33 advance to the second step, which are fully detailed proposals, if the
34 (~~commission~~) department so directed;

35 (4) Provisions that require concept proposals to include at least

1 the following information: Proposers' qualifications and experience;
2 description of the proposed project and impact; proposed project
3 financing; and known public benefits and opposition; and

4 (5) Provisions that specify the process to be followed if the
5 (~~commission~~) department is interested in the concept proposal, which
6 must include provisions:

7 (a) Requiring that information regarding the potential project
8 would be published for a period of not less than thirty days, during
9 which time entities could express interest in submitting a proposal;

10 (b) Specifying that if letters of interest were received during the
11 thirty days, then an additional sixty days for submission of the fully
12 detailed proposal would be allowed; and

13 (c) Procedures for what will happen if there are insufficient
14 proposals submitted or if there are no letters of interest submitted in
15 the appropriate time frame.

16 The (~~commission~~) department may adopt other rules as necessary to
17 avoid conflicts with existing laws, statutes, or contractual
18 obligations of the state.

19 The (~~commission~~) department may not accept or consider any
20 unsolicited proposals before January 1, 2007.

21 **Sec. 52.** RCW 47.29.180 and 2005 c 317 s 18 are each amended to
22 read as follows:

23 For projects with costs, including financing costs, of three
24 hundred million dollars or greater, advisory committees are required.

25 (1) The (~~commission~~) department must (~~establish~~) support an
26 advisory committee to advise with respect to eligible projects. An
27 advisory committee must consist of not fewer than five and not more
28 than nine members, as determined by the public partners. Members must
29 be appointed by the (~~commission~~) governor, or for projects with joint
30 public sector participation, in a manner agreed to by the
31 (~~commission~~) governor and any participating unit of government. In
32 making appointments to the committee, the (~~commission~~) department
33 shall consider persons or organizations offering a diversity of
34 viewpoints on the project.

35 (2) An advisory committee shall review concepts or proposals for
36 eligible projects and submit comments to the public sector partners.

1 (3) An advisory committee shall meet as necessary at times and
2 places fixed by the department, but not less than twice per year. The
3 state shall provide personnel services to assist the advisory committee
4 within the limits of available funds. An advisory committee may adopt
5 rules to govern its proceedings and may select officers.

6 (4) An advisory committee must be dissolved once the project has
7 been fully constructed and debt issued to pay for the project has been
8 fully retired.

9 **Sec. 53.** RCW 47.29.250 and 2005 c 317 s 25 are each amended to
10 read as follows:

11 (1) In addition to any authority the commission or department has
12 to issue and sell bonds and other similar obligations, this section
13 establishes continuing authority for the issuance and sale of bonds and
14 other similar obligations in a manner consistent with this section. To
15 finance a project in whole or in part, the (~~commission~~) secretary of
16 the department of transportation may request that the state treasurer
17 issue revenue bonds on behalf of the public sector partner. The bonds
18 must be secured by a pledge of, and a lien on, and be payable only from
19 moneys in the transportation innovative partnership account established
20 in RCW 47.29.230, and any other revenues specifically pledged to
21 repayment of the bonds. Such a pledge by the public partner creates a
22 lien that is valid and binding from the time the pledge is made.
23 Revenue bonds issued under this section are not general obligations of
24 the state or local government and are not secured by or payable from
25 any funds or assets of the state other than the moneys and revenues
26 specifically pledged to the repayment of such revenue bonds.

27 (2) Moneys received from the issuance of revenue bonds or other
28 debt obligations, including any investment earnings thereon, may be
29 spent:

30 (a) For the purpose of financing the costs of the project for which
31 the bonds are issued;

32 (b) To pay the costs and other administrative expenses of the
33 bonds;

34 (c) To pay the costs of credit enhancement or to fund any reserves
35 determined to be necessary or advantageous in connection with the
36 revenue bonds; and

1 (d) To reimburse the public sector partners for any costs related
2 to carrying out the projects authorized under this chapter.

3 **Sec. 54.** RCW 47.10.861 and 2003 c 147 s 1 are each amended to read
4 as follows:

5 In order to provide funds necessary for the location, design, right
6 of way, and construction of selected projects or improvements that are
7 identified as transportation 2003 projects or improvements in the
8 omnibus transportation budget, there shall be issued and sold upon the
9 request of the secretary of the department of transportation
10 (~~commission~~) a total of two billion six hundred million dollars of
11 general obligation bonds of the state of Washington.

12 **Sec. 55.** RCW 47.10.862 and 2003 c 147 s 2 are each amended to read
13 as follows:

14 Upon the request of the secretary of the department of
15 transportation (~~commission~~), as appropriate, the state finance
16 committee shall supervise and provide for the issuance, sale, and
17 retirement of the bonds in RCW 47.10.861 through 47.10.866 in
18 accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861
19 through 47.10.866 shall be sold in the manner, at time or times, in
20 amounts, and at the price as the state finance committee shall
21 determine. No bonds may be offered for sale without prior legislative
22 appropriation of the net proceeds of the sale of the bonds.

23 The state finance committee shall consider the issuance of short-
24 term obligations in lieu of long-term obligations for the purposes of
25 more favorable interest rates, lower total interest costs, and
26 increased marketability and for the purpose of retiring the bonds
27 during the life of the project for which they were issued.

28 **Sec. 56.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
29 read as follows:

30 In order to provide funds necessary for the location, design, right
31 of way, and construction of state and local highway improvements, there
32 shall be issued and sold upon the request of the (~~Washington state~~)
33 secretary of the department of transportation (~~commission~~) a maximum
34 of one billion nine hundred million dollars of general obligation bonds
35 of the state of Washington.

1 **Sec. 57.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
2 read as follows:

3 Upon the request of the secretary of the department of
4 transportation (~~commission~~), the state finance committee shall
5 supervise and provide for the issuance, sale, and retirement of the
6 bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with
7 chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848
8 shall be sold in such manner, at such time or times, in such amounts,
9 and at such price as the state finance committee shall determine. No
10 such bonds may be offered for sale without prior legislative
11 appropriation of the net proceeds of the sale of the bonds.

12 The state finance committee shall consider the issuance of short-
13 term obligations in lieu of long-term obligations for the purposes of
14 more favorable interest rates, lower total interest costs, and
15 increased marketability and for the purpose of retiring the bonds
16 during the life of the project for which they were issued.

17 **Sec. 58.** RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each
18 amended to read as follows:

19 In order to provide funds necessary to implement the public-private
20 transportation initiatives authorized by chapter 47.46 RCW, there shall
21 be issued and sold upon the request of the (~~Washington state~~)
22 secretary of the department of transportation (~~commission~~) a total of
23 twenty-five million six hundred twenty-five thousand dollars of general
24 obligation bonds of the state of Washington.

25 **Sec. 59.** RCW 47.10.835 and 1994 c 183 s 3 are each amended to read
26 as follows:

27 Upon the request of the secretary of the department of
28 transportation (~~commission~~), the state finance committee shall
29 supervise and provide for the issuance, sale, and retirement of the
30 bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with
31 chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841
32 shall be sold in such manner, at such time or times, in such amounts,
33 and at such price as the state finance committee shall determine. No
34 such bonds may be offered for sale without prior legislative
35 appropriation of the net proceeds of the sale of the bonds. In making
36 such appropriation of the net proceeds of the sale of the bonds, the

1 legislature shall specify what portion of the appropriation is provided
2 for possible loans and what portion of the appropriation is provided
3 for other forms of cash contributions to projects.

4 The state finance committee shall consider the issuance of short-
5 term obligations in lieu of long-term obligations for the purposes of
6 more favorable interest rates, lower total interest costs, and
7 increased marketability and for the purpose of retiring the bonds
8 during the life of the project for which they were issued.

9 **Sec. 60.** RCW 47.10.819 and 1993 c 432 s 1 are each amended to read
10 as follows:

11 In order to provide funds necessary for the location, design, right
12 of way, and construction of selected interstate and other highway
13 improvements, there shall be issued and sold upon the request of the
14 (~~Washington state~~) secretary of the department of transportation
15 (~~commission~~) a total of one hundred million dollars of general
16 obligation bonds of the state of Washington for the following purposes
17 and specified sums:

18 (1) Not to exceed twenty-five million dollars to pay the state's
19 and local governments' share of matching funds for the ten
20 demonstration projects identified in the Intermodal Surface
21 Transportation Efficiency Act of 1991.

22 (2) Not to exceed fifty million dollars to temporarily pay the
23 regular federal share of construction in advance of federal-aid
24 apportionments as authorized by this section.

25 (3) Not to exceed twenty-five million dollars for loans to local
26 governments to provide the required matching funds to take advantage of
27 available federal funds. These loans shall be on such terms and
28 conditions as determined by the (~~Washington state~~) secretary of the
29 department of transportation (~~commission~~), but in no event may the
30 loans be for a period of more than ten years. The interest rate on the
31 loans authorized under this subsection shall be equal to the interest
32 rate on the bonds sold for such purposes.

33 **Sec. 61.** RCW 47.10.820 and 1993 c 432 s 2 are each amended to read
34 as follows:

35 Upon the request of the secretary of the department of
36 transportation (~~commission~~), the state finance committee shall

1 supervise and provide for the issuance, sale, and retirement of the
2 bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with
3 chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824
4 shall be sold in such manner, at such time or times, in such amounts,
5 and at such price as the state finance committee shall determine. No
6 such bonds may be offered for sale without prior legislative
7 appropriation of the net proceeds of the sale of the bonds.

8 The state finance committee shall consider the issuance of short-
9 term obligations in lieu of long-term obligations for the purposes of
10 more favorable interest rates, lower total interest costs, and
11 increased marketability and for the purpose of retiring the bonds
12 during the life of the project for which they were issued.

13 **Sec. 62.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
14 as follows:

15 For the purpose of providing funds for the acquisition of
16 headquarters facilities for district 1 of the department of
17 transportation and costs incidental thereto, together with all
18 improvements and equipment required to make the facilities suitable for
19 the department's use, there shall be issued and sold upon the request
20 of the (~~Washington transportation commission~~) secretary of the
21 department of transportation a total of fifteen million dollars of
22 general obligation bonds of the state of Washington.

23 **Sec. 63.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
24 as follows:

25 Upon the request of the secretary of the department of
26 transportation (~~commission~~), the state finance committee shall
27 supervise and provide for the issuance, sale, and retirement of the
28 bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with
29 chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190
30 shall be sold in such manner, at such time or times, in such amounts,
31 and at such price as the state finance committee shall determine.
32 Except for the purpose of repaying the loan from the motor vehicle
33 fund, no such bonds may be offered for sale without prior legislative
34 appropriation of the net proceeds of the sale of the bonds.

35 The state finance committee shall consider the issuance of short-
36 term obligations in lieu of long-term obligations for the purposes of

1 more favorable interest rates, lower total interest costs, and
2 increased marketability and for the purpose of retiring the bonds
3 during the life of the project for which they were issued.

4 **Sec. 64.** RCW 44.75.030 and 2005 c 319 s 17 are each amended to
5 read as follows:

6 (1) The transportation performance audit board is created.

7 (2) The board will consist of four legislative members, three
8 citizen members with transportation-related expertise, two citizen
9 members with performance measurement expertise, (~~one member of the~~
10 ~~transportation commission,~~) the director of financial management or
11 the director's designee, one ex officio nonvoting member, and one at
12 large member. (~~The legislative auditor is the ex officio nonvoting~~
13 ~~member.~~) The majority and minority leaders of the house and senate
14 transportation committees, or their designees, are the legislative
15 members. The governor shall appoint the at large member to serve for
16 a term of four years. The citizen members must be appointed by the
17 governor for terms of four years, except that at least half the initial
18 appointments will be for terms of two years. The citizen members may
19 not be currently, or within one year, employed by the Washington state
20 department of transportation. The governor, when appointing the
21 citizen members with transportation-related expertise, may consult with
22 appropriate professional associations and shall consider the following
23 transportation-related experiences:

24 (a) Construction project planning, including permitting and
25 assuring regulatory compliance;

26 (b) Construction means and methods and construction management,
27 crafting and implementing environmental mitigation plans, and
28 administration;

29 (c) Construction engineering services, including construction
30 management, materials testing, materials documentation, contractor
31 payments, inspection, surveying, and project oversight;

32 (d) Project management, including design estimating, contract
33 packaging, and procurement; and

34 (e) Transportation planning and congestion management.

35 (3) The governor may not remove members from the board before the
36 expiration of their terms unless for cause based upon a determination
37 of incapacity, incompetence, neglect of duty, of malfeasance in office

1 by the Thurston county superior court, upon petition and show cause
2 proceedings brought for that purpose in that court and directed to the
3 board member in question.

4 (4) No member may be appointed for more than three consecutive
5 terms.

6 **Sec. 65.** RCW 44.75.040 and 2005 c 319 s 18 are each amended to
7 read as follows:

8 (1) The board shall meet periodically. It may adopt its own rules
9 and may establish its own procedures. It shall act collectively in
10 harmony with recorded resolutions or motions adopted by a majority vote
11 of the members.

12 (2) Each member of the transportation performance audit board will
13 be compensated (~~((from the general appropriation for the transportation~~
14 ~~commission in accordance with RCW 43.03.250 and))~~ in an amount not to
15 exceed one hundred dollars for each day during which the member attends
16 an official meeting of the group or performs statutorily prescribed
17 duties approved by the chairperson. A person shall not receive
18 compensation for a day of service under this section if the person (a)
19 occupies a position, normally regarded as full-time in nature, in any
20 agency of the federal government, Washington state government, or
21 Washington state local government, and (b) receives any compensation
22 from such government for working that day. A member shall be
23 reimbursed for actual necessary traveling and other expenses in going
24 to, attending, and returning from meetings of the board or that are
25 incurred in the discharge of duties requested by the chair. However,
26 in no event may a board member be compensated in any year for more than
27 one hundred twenty days, except the chair may be compensated for not
28 more than one hundred fifty days. Service on the board does not
29 qualify as a service credit for the purposes of a public retirement
30 system.

31 (3) The transportation performance audit board shall keep proper
32 records and is subject to audit by the state auditor or other auditing
33 entities.

34 (4) Staff support to the transportation performance audit board
35 must be provided by the transportation commission, which shall provide
36 professional support for the duties, functions, responsibilities, and
37 activities of the board, including but not limited to information

1 technology systems; data collection, processing, analysis, and
2 reporting; project management; and office space, equipment, and
3 secretarial support. Additionally, the commission shall designate,
4 subject to board approval, a staff person to serve as the board
5 administrator. The board administrator serves as an exempt employee
6 and at the pleasure of the board.

7 (5) Each member of the transportation performance audit board shall
8 disclose any actual or potential conflict of interest, if applicable
9 under the circumstance, regarding all performance reviews and
10 performance audits conducted under this chapter.

11 NEW SECTION. **Sec. 66.** A new section is added to chapter 44.75 RCW
12 to read as follows:

13 (1) The office of financial management shall assume all powers and
14 functions of the transportation performance audit board to review the
15 performance and outcome measures of transportation-related agencies
16 under RCW 44.75.050 through 44.75.090. Effective July 1, 2007: (a)
17 Any appropriations made to the transportation performance audit board
18 for carrying out the powers, functions, and duties transferred under
19 this subsection shall be transferred and credited to the office of
20 financial management; (b) all rules and all pending business before the
21 transportation performance audit board pertaining to the powers,
22 functions, and duties transferred under this subsection shall be
23 continued and acted upon by the office of financial management; and (c)
24 all existing contracts and obligations pertaining to the powers,
25 functions, and duties transferred under this subsection shall remain in
26 full force and shall be performed by the office of financial
27 management.

28 (2) The state auditor shall assume all powers and functions of the
29 transportation performance audit board to conduct performance audits of
30 transportation-related agencies under RCW 44.75.080 through 44.75.800.
31 Effective July 1, 2007: (a) Any appropriations made to the
32 transportation performance audit board for carrying out the powers,
33 functions, and duties transferred under this subsection shall be
34 transferred and credited to the state auditor; (b) all rules and all
35 pending business before the transportation performance audit board
36 pertaining to the powers, functions, and duties transferred under this
37 subsection shall be continued and acted upon by the state auditor; and

1 (c) all existing contracts and obligations pertaining to the powers,
2 functions, and duties transferred under this subsection shall remain in
3 full force and shall be performed by the state auditor.

4 (3) By June 30, 2007, the transportation performance audit board
5 shall: (a) Assist the office of financial management as needed to
6 transfer all performance measure review functions under RCW 44.75.050
7 through 44.75.090 to the office of financial management; and (b) assist
8 the state auditor as needed to transfer all performance audit functions
9 under RCW 44.75.080 through 44.75.800 to the state auditor.

10 NEW SECTION. **Sec. 67.** A new section is added to chapter 43.88 RCW
11 to read as follows:

12 The office of financial management shall, after reviewing the
13 performance or outcome measures and benchmarks of a transportation
14 agency or department under chapter 44.75 RCW, create a report on the
15 results of such review, including a recommendation of whether a full
16 performance or functional audit of the agency or department is
17 warranted, and submit the report annually to the state auditor and to
18 the standing committees on transportation of the house of
19 representatives and senate.

20 NEW SECTION. **Sec. 68.** A new section is added to chapter 43.09 RCW
21 to read as follows:

22 After reviewing the report of the office of financial management on
23 the performance or outcome measures and benchmarks of a transportation-
24 related agency or department, the state auditor may conduct a full
25 performance or functional audit of the agency or department reviewed,
26 or a specific program within the agency or department.

27 **Sec. 69.** RCW 47.10.873 and 2005 c 315 s 1 are each amended to read
28 as follows:

29 In order to provide funds necessary for the location, design, right
30 of way, and construction of selected projects or improvements that are
31 identified as 2005 transportation partnership projects or improvements
32 in the omnibus transportation budget (~~((2005 c 313))~~) (2005 c 313),
33 there shall be issued and sold upon the request of the secretary of the
34 department of transportation a total of five billion one hundred
35 million dollars of general obligation bonds of the state of Washington.

1 **Sec. 70.** RCW 47.10.874 and 2005 c 315 s 2 are each amended to read
2 as follows:

3 Upon the request of the secretary of the department of
4 transportation, as appropriate, the state finance committee shall
5 supervise and provide for the issuance, sale, and retirement of the
6 bonds in RCW 47.10.873 through 47.10.878 in accordance with chapter
7 39.42 RCW. Bonds authorized by RCW 47.10.873 through 47.10.878 shall
8 be sold in the manner, at time or times, in amounts, and at the price
9 as the state finance committee shall determine. No bonds may be
10 offered for sale without prior legislative appropriation of the net
11 proceeds of the sale of the bonds.

12 The state finance committee shall consider the issuance of short-
13 term obligations in lieu of long-term obligations for the purposes of
14 more favorable interest rates, lower total interest costs, and
15 increased marketability and for the purpose of retiring the bonds
16 during the life of the project for which they were issued.

17 NEW SECTION. **Sec. 71.** The following acts or parts of acts, as now
18 existing or hereafter amended, are each repealed effective June 30,
19 2007:

- 20 (1) RCW 44.75.030 (Board created--Membership) and 2006 c ... s 64
21 (section 64 of this act), 2005 c 319 s 17, & 2003 c 362 s 3; and
22 (2) RCW 44.75.040 (Procedures, compensation, support) and 2006 c
23 ... s 65 (section 65 of this act), 2005 c 319 s 18, & 2003 c 362 s 4.

24 NEW SECTION. **Sec. 72.** This act takes effect July 1, 2006."

25 Correct the title.

EFFECT: Modifies the composition, qualifications, and procedures of the Washington Transportation Commission (Commission). Moves the following functions from the Commission to the Department of Transportation (DOT): (1) Developing the statewide transportation plan; (2) day-to-day functions of the Transportation Innovative Partnerships (TIP) program, with oversight and approval by the Governor; (3) proposing state transportation policy; (4) approving the issuance and sale of bonds secured by TIP projects, in addition to approving the issuance and sale of bonds for capital construction; (5)

developing a sixteen-year comprehensive investment program. Extends the Transportation Performance Audit Board (TPAB) one year, during which time its performance review function transitions to the Office of Financial Management and its performance audit function transitions to the State Auditor. Reinstates language providing \$4 million to the State Auditor for purpose of conducting transportation-related performance audits. Makes ministerial changes regarding agencies that review local maintenance and preservation management plans. Omits intent language.

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