

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1175

Chapter 367, Laws of 2011

(partial veto)

62nd Legislature
2011 Regular Session

TRANSPORTATION BUDGET

EFFECTIVE DATE: 05/16/11 - Except sections 703, 704, 716, and 719,
which become effective 07/01/11.

Passed by the House April 22, 2011
Yeas 87 Nays 9

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 20, 2011
Yeas 39 Nays 9

BRAD OWEN

President of the Senate

Approved May 16, 2011, 3:27 p.m., with
the exception of Sections 103(3), 103
(4), 204(2), 205(3), 208(11), 210(4), 210
(6), 221(3), 221(4), 221(7), 221(8), 221
(9), 221(18), 305(6), 306(4), 308(6), 308
(10), 308(12), 610, 706, 714, 722, and
817.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE HOUSE BILL
1175** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 17, 2011

**Secretary of State
State of Washington**

1 amounts specified, or as much thereof as may be necessary to accomplish
2 the purposes designated, are hereby appropriated from the several
3 accounts and funds named to the designated state agencies and offices
4 for employee compensation and other expenses, for capital projects, and
5 for other specified purposes, including the payment of any final
6 judgments arising out of such activities, for the period ending June
7 30, 2013.

8 (2) Unless the context clearly requires otherwise, the definitions
9 in this subsection apply throughout this act.

10 (a) "Fiscal year 2012" or "FY 2012" means the fiscal year ending
11 June 30, 2012.

12 (b) "Fiscal year 2013" or "FY 2013" means the fiscal year ending
13 June 30, 2013.

14 (c) "FTE" means full-time equivalent.

15 (d) "Lapse" or "revert" means the amount shall return to an
16 unappropriated status.

17 (e) "Provided solely" means the specified amount may be spent only
18 for the specified purpose. Unless otherwise specifically authorized in
19 this act, any portion of an amount provided solely for a specified
20 purpose that is not expended subject to the specified conditions and
21 limitations to fulfill the specified purpose shall lapse.

22 (f) "Reappropriation" means appropriation and, unless the context
23 clearly provides otherwise, is subject to the relevant conditions and
24 limitations applicable to appropriations.

25 (g) "LEAP" means the legislative evaluation and accountability
26 program committee.

27 **2011-2013 FISCAL BIENNIUM**
28 **GENERAL GOVERNMENT AGENCIES--OPERATING**

29 **NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND**
30 **HISTORIC PRESERVATION**

31 Motor Vehicle Account--State Appropriation \$430,000

32 The appropriation in this section is subject to the following
33 conditions and limitations: The entire appropriation is provided
34 solely for staffing costs to be dedicated to state transportation
35 activities. Staff hired to support transportation activities must have
36 practical experience with complex construction projects.

1 vessel and terminal projects and modify the requirements such that the
2 requirements continue to meet legal mandates without placing an undue
3 burden on the department.

4 (4) The office of financial management shall provide to the
5 transportation committees of the legislature, on a quarterly basis, a
6 listing of all demands to bargain with respect to ferry labor relations
7 and the issue that gave rise to the demand to bargain.

8 (5) \$840,000 of the motor vehicle account--state appropriation is
9 provided out of funds set aside out of statewide fuel taxes distributed
10 to counties according to RCW 46.68.120(3) solely for the office of
11 financial management to contract with the Washington state association
12 of counties to identify, evaluate, and implement performance measures
13 associated with county transportation activities. The performance
14 measures must include, at a minimum, those related to safety, system
15 preservation, mobility, environmental protection, and project
16 completion. A report on the county transportation performance
17 implementation project must be provided to the transportation
18 committees of the legislature by December 31, 2012.

19 (6) \$169,000 of the motor vehicle account--state appropriation is
20 provided solely for the office of regulatory assistance integrated
21 permitting project.

22 (7) \$40,000 of the Puget Sound ferry operations account--state
23 appropriation is provided solely for the state's share of the marine
24 salary survey.

25 (8) The office of financial management shall study the available
26 data regarding statewide transit, bicycle, and pedestrian trips and
27 recommend additional performance measures that will effectively measure
28 the state's performance in increasing transit ridership and bicycle and
29 pedestrian trips. The office of financial management shall report its
30 findings and recommendations to the transportation committees of the
31 legislature by November 15, 2011, and integrate the new performance
32 measures into the report prepared by the office of financial management
33 pursuant to RCW 47.04.280 regarding progress towards achieving
34 Washington state's transportation system policy goals.

**Sec. 103 was partially vetoed. See message at end of chapter.*

35 NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION**
36 **COMMISSION**

37 Motor Vehicle Account--State Appropriation \$986,000

1 The appropriation in this section is subject to the following
2 conditions and limitations: The entire appropriation in this section
3 is provided solely for road maintenance purposes.

4 NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

5 Motor Vehicle Account--State Appropriation \$1,210,000

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

8 (1) \$351,000 of the motor vehicle account--state appropriation is
9 provided solely for costs associated with the motor fuel quality
10 program.

11 (2) \$686,000 of the motor vehicle account--state appropriation is
12 provided solely to test the quality of biofuel. The department must
13 test fuel quality at the biofuel manufacturer, distributor, and
14 retailer.

15 NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND**
16 **ACCOUNTABILITY PROGRAM COMMITTEE**

17 Motor Vehicle Account--State Appropriation \$513,000

18 **TRANSPORTATION AGENCIES--OPERATING**

19 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
20 **COMMISSION**

21 Highway Safety Account--State Appropriation \$3,003,000

22 Highway Safety Account--Federal Appropriation \$42,625,000

23 Highway Safety Account--Local Appropriation \$50,000

24 School Zone Safety Account--State Appropriation \$3,340,000

25 TOTAL APPROPRIATION \$49,018,000

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

28 (1) \$1,673,900 of the highway safety account--federal appropriation
29 is provided solely for the conclusion of the target zero trooper pilot
30 program, which the commission has developed and implemented in
31 collaboration with the Washington state patrol. The pilot program must
32 continue to demonstrate the effectiveness of intense, high visibility,

1 driving under the influence enforcement in Washington. The commission
2 shall continue to apply to the national highway traffic safety
3 administration for federal highway safety grants to cover the cost of
4 the pilot program.

5 (2) The commission may oversee pilot projects implementing the use
6 of automated traffic safety cameras to detect speed violations within
7 cities west of the Cascade mountains that have a population over one
8 hundred ninety-five thousand. For the purposes of pilot projects in
9 this subsection, no more than one automated traffic safety camera may
10 be used to detect speed violations within any one jurisdiction.

11 (a) The commission shall comply with RCW 46.63.170 in administering
12 the pilot projects.

13 (b) In order to ensure adequate time in the 2011-2013 fiscal
14 biennium to evaluate the effectiveness of the pilot projects, any
15 projects authorized by the commission must be authorized by December
16 31, 2011.

17 (c) By January 1, 2013, the commission shall provide a report to
18 the legislature regarding the use, public acceptance, outcomes, and
19 other relevant issues regarding automated traffic safety cameras
20 demonstrated by the pilot projects.

21 (3) \$460,000 of the highway safety account--state appropriation is
22 provided solely for the implementation of chapter ... (Engrossed Second
23 Substitute House Bill No. 1789), Laws of 2011 (addressing DUI
24 accountability). If chapter ... (Engrossed Second Substitute House
25 Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the
26 amount provided in this subsection lapses.

27 (4) The commission shall conduct a review of the literature on
28 potential safety benefits realized from drivers using their headlights
29 and windshield wipers simultaneously and shall report to the
30 transportation committees of the legislature by December 1, 2011.

31 (5) \$22,000,000 of the highway safety account--federal
32 appropriation is provided solely for federal funds that may be
33 obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the
34 2011-2013 fiscal biennium.

35	<u>NEW SECTION.</u>	Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD	
36	Rural Arterial Trust Account--State Appropriation		\$948,000
37	Motor Vehicle Account--State Appropriation		\$2,161,000

1 County Arterial Preservation Account--State
2 Appropriation \$1,480,000
3 TOTAL APPROPRIATION \$4,589,000

4 The appropriations in this section are subject to the following
5 conditions and limitations: The county road administration board shall
6 submit a report to the transportation committees of the legislature by
7 December 1, 2011, on the implementation of the recommendations that
8 resulted from the evaluation of efficiencies in the delivery of
9 transportation funding and services to local governments that was
10 required under section 204(8), chapter 247, Laws of 2010. The report
11 must include a description of how recommendations were implemented,
12 what efficiencies were achieved, and an explanation of any
13 recommendations that were not implemented.

14 NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

15 Transportation Improvement Account--State
16 Appropriation \$3,707,000

17 The appropriation in this section is subject to the following
18 conditions and limitations: The transportation improvement board shall
19 submit a report to the transportation committees of the legislature by
20 December 1, 2011, on the implementation of the recommendations that
21 resulted from the evaluation of efficiencies in the delivery of
22 transportation funding and services to local governments that was
23 required under section 204(8), chapter 247, Laws of 2010. The report
24 must include a description of how recommendations were implemented,
25 what efficiencies were achieved, and an explanation of any
26 recommendations that were not implemented.

27 *NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

28 Motor Vehicle Account--State Appropriation \$2,060,000

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

- 31 (1) \$200,000 of the motor vehicle account--state appropriation is
32 for a study of Washington state ferries fares that recommends the most
33 appropriate fare media for use with the reservation system and the
34 implementation of demand management pricing and interoperability with

1 other payment methods. The study must include direct collaboration
2 with transportation commission members.

3 **(2) \$150,000 of the motor vehicle account--state appropriation is**
4 **for a study of the management organization structure at the Washington**
5 **state ferries. The study results must make recommendations on changes**
6 **to the organizational structure that will result in more efficient**
7 **operations and a more balanced management organization structure scaled**
8 **to the workforce.**

9 (3) \$200,000 of the motor vehicle account--state appropriation is
10 from the cities statewide fuel tax distributions under RCW 46.68.110(2)
11 for the joint transportation committee to study and make
12 recommendations on RCW 90.03.525. The study must include: (a) An
13 inventory of state highways subject to the federal clean water act (40
14 C.F.R. Parts 122 through 124) (national pollutant discharge elimination
15 system) that are within city boundaries; (b) a survey of cities that
16 impose storm water fees or charges to the department of transportation,
17 or otherwise manage storm water runoff from state highways within their
18 jurisdiction; (c) case studies from a representative cross-section of
19 cities on how the department and cities have used RCW 90.03.525; and
20 (d) recommendations on how to achieve efficiencies in the cost and
21 management of state highway storm water runoff within cities under RCW
22 90.03.525.

23 (4) \$425,000 of the motor vehicle account--state appropriation is
24 for the joint transportation committee to conduct a study to evaluate
25 the potential for financing state transportation projects using public-
26 private partnerships. The study must compare the costs, advantages,
27 and disadvantages of various forms of public-private partnerships with
28 conventional financing. Projects to be evaluated include Interstate
29 405, state route number 509, state route number 167, the Columbia River
30 crossing, and the Monroe bypass. At a minimum, the study must identify
31 the public interest in the financing and construction of transportation
32 projects, the public interest in the operation of transportation
33 projects, and the provisions in public-private partnership agreements
34 that best protect the public interest. To the extent possible, the
35 study must identify the lowest-cost and best-value model for each
36 project that best protects the public interest. In addition, the study
37 must evaluate whether public-private partnerships serve the defined
38 public interest including, but not limited to, the advantage and

1 disadvantage of risk allocation, the effects of private versus public
2 financing on the state's bonding capacity, the state's ability to
3 retain public ownership of the asset, the process that would allow for
4 the most transparency during the negotiation of terms of a public-
5 private partnership agreement, and the state's ability to oversee the
6 private entity's management of the asset. The study must identify any
7 barriers to the implementation of funding models that best protect the
8 public interest, including statutory and constitutional barriers. The
9 committee shall issue a report of its evaluation to the house of
10 representatives and senate transportation committees by December 16,
11 2011.

12 (5) \$100,000 of the motor vehicle account--state appropriation is
13 for an investigation of the use of liquid natural gas on existing
14 Washington state ferry vessels as well as the 144-car class vessels and
15 report to the legislature by December 31, 2011.

**Sec. 204 was partially vetoed. See message at end of chapter.*

16 ***NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

17 Motor Vehicle Account--State Appropriation	\$2,142,000
18 Multimodal Transportation Account--State Appropriation	\$112,000
19 TOTAL APPROPRIATION	\$2,254,000

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

22 (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315,
23 during the 2011-2013 fiscal biennium, the legislature authorizes the
24 transportation commission to periodically review and, if necessary,
25 adjust the schedule of fares for the Washington state ferry system only
26 in amounts not greater than those sufficient to generate the amount of
27 revenue required by the biennial transportation budget. When adjusting
28 ferry fares, the commission must consider input from affected ferry
29 users by public hearing and by review with the affected ferry advisory
30 committees, in addition to the data gathered from the current ferry
31 user survey.

32 (2) Consistent with RCW 43.135.055 and 47.46.100, during the
33 2011-2013 fiscal biennium, the legislature authorizes the
34 transportation commission to periodically review and, if necessary,
35 adjust the schedule of toll charges applicable to the Tacoma Narrows
36 bridge only in amounts not greater than those sufficient to support (a)
37 any required costs for operating and maintaining the toll bridge,

1 including the cost of insurance, (b) any amount required by law to meet
2 the redemption of bonds and applicable interest payments, and (c)
3 repayment of the motor vehicle fund.

4 **(3) The total appropriation provided in this section includes**
5 **funding to conduct a survey to gather data on users of the statewide**
6 **transportation system, including the state ferry system, as required**
7 **under chapter ... (Substitute Senate Bill No. 5128), Laws of 2011**
8 **(statewide transportation planning). However, if chapter ...**
9 **(Substitute Senate Bill No. 5128), Laws of 2011 is not enacted by June**
10 **30, 2011, \$169,000 of the motor vehicle account--state appropriation**
11 **lapses.**

12 (4) Consistent with its authority in RCW 47.56.840, the
13 transportation commission shall consider the need for a citizen
14 advisory group that provides oversight on new tolled facilities.

**Sec. 205 was partially vetoed. See message at end of chapter.*

15 **NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC**
16 **INVESTMENT BOARD**

17 Motor Vehicle Account--State Appropriation \$702,000

18 The appropriation in this section is subject to the following
19 conditions and limitations: The freight mobility strategic investment
20 board shall submit a report to the transportation committees of the
21 legislature by December 1, 2011, on the implementation of the
22 recommendations that resulted from the evaluation of efficiencies in
23 the delivery of transportation funding and services to local
24 governments that was required under section 204(8), chapter 247, Laws
25 of 2010. The report must include a description of how recommendations
26 were implemented, what efficiencies were achieved, and an explanation
27 of any recommendations that were not implemented.

28 **NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL**
29 Vehicle Licensing Fraud Account--State Appropriation \$100,000
30 State Patrol Highway Account--State
31 Appropriation \$349,812,000
32 State Patrol Highway Account--Federal
33 Appropriation \$10,903,000
34 State Patrol Highway Account--Private/Local
35 Appropriation \$3,369,000
36 TOTAL APPROPRIATION \$364,184,000

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

3 (1) Washington state patrol officers engaged in off-duty uniformed
4 employment providing traffic control services to the department of
5 transportation or other state agencies may use state patrol vehicles
6 for the purpose of that employment, subject to guidelines adopted by
7 the chief of the Washington state patrol. The Washington state patrol
8 must be reimbursed for the use of the vehicle at the prevailing state
9 employee rate for mileage and hours of usage, subject to guidelines
10 developed by the chief of the Washington state patrol. Cessna pilots
11 funded from the state patrol highway account who are certified to fly
12 the King Airs may pilot those aircraft for general fund purposes with
13 the general fund reimbursing the state patrol highway account an hourly
14 rate to cover the costs incurred during the flights since the aviation
15 section is no longer part of the Washington state patrol cost
16 allocation system as of July 1, 2009.

17 (2) The Washington state patrol shall continue to collaborate with
18 the Washington traffic safety commission on the target zero trooper
19 pilot program referenced in section 201(1) of this act.

20 (3) \$370,000 of the state patrol highway account--state
21 appropriation is provided solely for costs associated with the pilot
22 program described under section 216(5) of this act. The Washington
23 state patrol may incur costs related only to the assignment of cadets
24 and necessary computer equipment and to the reimbursement of the
25 Washington state department of transportation for contract costs. The
26 appropriation in this subsection must be funded from the portion of the
27 automated traffic safety camera fines deposited into the state patrol
28 highway account; however, if the fines deposited into the state patrol
29 highway account from automated traffic safety camera infractions do not
30 reach three hundred seventy thousand dollars, the department of
31 transportation shall remit funds necessary to the Washington state
32 patrol to ensure the completion of the pilot program. The Washington
33 state patrol may not incur overtime as a result of this pilot program.
34 The Washington state patrol shall not assign troopers to operate or
35 deploy the pilot program equipment used in the roadway construction
36 zones.

37 (4) \$12,655,000 of the total appropriation is provided solely for
38 automobile fuel in the 2011-2013 fiscal biennium. The Washington state

1 patrol shall analyze their fuel consumption and submit a report to the
2 legislative transportation committees by December 31, 2011, on fuel
3 conservation methods that could be used to minimize costs and ensure
4 that the Washington state patrol is managing fuel consumption
5 effectively.

6 (5) \$7,421,000 of the total appropriation is provided solely for
7 the purchase of pursuit vehicles.

8 (6) \$6,611,000 of the total appropriation is provided solely for
9 vehicle repair and maintenance costs of vehicles used for highway
10 purposes.

11 (7) \$1,724,000 of the total appropriation is provided solely for
12 the purchase of mission vehicles used for highway purposes in the
13 commercial vehicle and traffic investigation sections of the Washington
14 state patrol.

15 (8) \$1,200,000 of the total appropriation is provided solely for
16 outfitting officers. The Washington state patrol shall prepare a cost-
17 benefit analysis of the standard trooper uniform as compared to a
18 battle dress uniform and uniforms used by other states and
19 jurisdictions. The Washington state patrol shall report the results of
20 the analysis to the transportation committees of the legislature by
21 December 1, 2011.

22 (9) The Washington state patrol shall not account for or record
23 locally provided DUI cost reimbursement payments as expenditure credits
24 to the state patrol highway account. The patrol shall report the
25 amount of expected locally provided DUI cost reimbursements to the
26 office of financial management and transportation committees of the
27 legislature by September 30th of each year.

28 (10) During the 2011-2013 fiscal biennium, the Washington state
29 patrol shall continue to perform traffic accident investigations on
30 Thurston county roads, and shall work with Thurston county to
31 transition the traffic accident investigations on Thurston county roads
32 to Thurston county by July 1, 2013.

33 (11) \$100,000 of the vehicle licensing fraud account--state
34 appropriation is provided solely to support the transportation portion
35 of the vehicle license fraud program during the 2011-2013 fiscal
36 biennium.

1 *NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

2	Marine Fuel Tax Refund Account--State Appropriation	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation	\$4,411,000
5	Wildlife Account--State Appropriation	\$859,000
6	Highway Safety Account--State Appropriation	\$149,904,000
7	Highway Safety Account--Federal Appropriation	\$2,884,000
8	Motor Vehicle Account--State Appropriation	\$78,586,000
9	Motor Vehicle Account--Private/Local Appropriation	\$1,721,000
10	Motor Vehicle Account--Federal Appropriation	\$242,000
11	Department of Licensing Services Account--State	
12	Appropriation	\$5,815,000
13	Ignition Interlock Device Revolving Account--State	
14	Appropriation	\$1,315,000
15	TOTAL APPROPRIATION	\$245,769,000

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

18 (1) \$62,000 of the motor vehicle account--state appropriation is
19 provided solely for the implementation of chapter ... (Engrossed
20 Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee).
21 If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of
22 2011 is not enacted by June 30, 2011, the amount provided in this
23 subsection lapses.

24 (2) \$231,000 of the motor vehicle account--state appropriation is
25 provided solely for the implementation of chapter ... (Substitute
26 Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter
27 ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by
28 June 30, 2011, the amount provided in this subsection lapses.

29 (3) \$193,000 of the department of licensing services account--state
30 appropriation is provided solely for a phased implementation of chapter
31 ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel
32 quick titles). Funding is contingent upon revenues associated with the
33 vehicle and vessel quick title program paying all direct and indirect
34 expenditures associated with the department's implementation of this
35 subsection. If chapter ... (Substitute House Bill No. 1046), Laws of
36 2011 is not enacted by June 30, 2011, the amount provided in this
37 subsection lapses.

1 (4) The department may seek federal funds to implement a driver's
2 license and identicard biometric matching system pilot program to
3 verify the identity of applicants for, and holders of, drivers'
4 licenses and identicards if applicants are provided the opportunity to
5 opt out of participating in the program, which meets the requirement of
6 RCW 46.20.037 that such a program be voluntary. If funds are received,
7 the department shall report any benefits or problems identified during
8 the course of the pilot program to the transportation committees of the
9 legislature upon the completion of the program.

10 (5) \$1,938,000 of the highway safety account--federal appropriation
11 is for federal funds that may be received during the 2011-2013 fiscal
12 biennium. Upon receipt of the funds, the department shall provide a
13 report on the use of the funds to the transportation committees of the
14 legislature and the office of financial management.

15 (6) By December 31, 2011, the department shall submit to the office
16 of financial management and the transportation committees of the
17 legislature draft legislation that rewrites the tow truck statutes
18 (chapter 46.55 RCW) in plain language and is revenue and policy
19 neutral.

20 (7) \$128,000 of the highway safety account--state appropriation is
21 provided solely for the implementation of chapter ... (Engrossed
22 Substitute House Bill No. 1635), Laws of 2011 (driver's license exams).
23 If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011
24 is not enacted by June 30, 2011, the amount provided in this subsection
25 lapses.

26 (8) \$68,000 of the highway safety account--state appropriation is
27 provided solely for the implementation of chapter ... (Engrossed Second
28 Substitute House Bill No. 1789), Laws of 2011 (driving under the
29 influence). If chapter ... (Engrossed Second Substitute House Bill No.
30 1789), Laws of 2011 is not enacted by June 30, 2011, the amount
31 provided in this subsection lapses.

32 (9) \$63,000 of the highway safety account--state appropriation is
33 provided solely for the implementation of chapter ... (Substitute House
34 Bill No. 1237), Laws of 2011 (selective service system). If chapter
35 ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by
36 June 30, 2011, the amount provided in this subsection lapses.

37 (10) \$340,000 of the motor vehicle account--private/local
38 appropriation is provided solely for the implementation of chapter ...

1 (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion
2 reduction charge). If chapter ... (Engrossed Substitute Senate Bill
3 No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount
4 provided in this subsection lapses.

5 ***(11) \$648,000 of the motor vehicle account--federal appropriation***
6 ***is provided solely for the implementation of chapter ... (House Bill***
7 ***No. 1229), Laws of 2011 (commercial drivers' licenses). If chapter ...***
8 ***(House Bill No. 1229), Laws of 2011 is not enacted by June 30, 2011,***
9 ***the amount provided in this subsection lapses.***

10 (12) \$1,738,000 of the department of licensing services account--
11 state appropriation is provided solely for purchasing equipment for
12 field licensing service offices and subagent offices.

**Sec. 208 was partially vetoed. See message at end of chapter.*

13 NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--**
14 **TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

15 High Occupancy Toll Lanes Operations Account--State

16 Appropriation \$1,295,000

17 Motor Vehicle Account--State Appropriation \$550,000

18 Tacoma Narrows Toll Bridge Account--State

19 Appropriation \$23,429,000

20 State Route Number 520 Corridor Account--State

21 Appropriation \$27,295,000

22 State Route Number 520 Civil Penalties

23 Account--State Appropriation \$4,622,000

24 TOTAL APPROPRIATION \$57,191,000

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

27 (1) The department shall make detailed quarterly expenditure
28 reports available to the transportation commission and to the public on
29 the department's web site using current department resources. The
30 reports must include a summary of toll revenue by facility on all
31 operating toll facilities and high occupancy toll lane systems, and an
32 itemized depiction of the use of that revenue.

33 (2) \$4,622,000 of the state route number 520 civil penalties
34 account--state appropriation and \$1,458,000 of the Tacoma Narrows toll
35 bridge account--state appropriation are provided solely for
36 expenditures related to the toll adjudication process. The department
37 shall report quarterly on the civil penalty process to the office of

1 financial management and the house of representatives and senate
2 transportation committees beginning September 30, 2011. The reports
3 must include a summary table for each toll facility that includes: The
4 number of notices of civil penalty issued; the number of recipients who
5 pay before the notice becomes a penalty; the number of recipients who
6 request a hearing and the number who do not respond; workload costs
7 related to hearings; the cost and effectiveness of debt collection
8 activities; and revenues generated from notices of civil penalty.

9 (3) It is the intent of the legislature that transitioning to a
10 statewide tolling operations center and preparing for all-electronic
11 tolling on certain toll facilities will have no adverse revenue or
12 expenditure impact on the Tacoma Narrows toll bridge account. Any
13 increased costs related to this transition shall not be allocated to
14 the Tacoma Narrows toll bridge account. All costs associated with the
15 toll adjudication process are anticipated to be covered by revenue
16 collected from the toll adjudication process.

17 (4) The department shall ensure that, at no cost to the Tacoma
18 Narrows toll bridge account, new electronic tolling tag readers are
19 installed on the Tacoma Narrows bridge as soon as practicable that are
20 able to read existing and new electronic tolling tags.

21 (5) \$17,786,000 of the state route number 520 corridor account--
22 state appropriation is provided solely for nonvendor costs associated
23 with tolling the state route number 520 bridge. Funds from the state
24 route number 520 corridor account--state appropriation shall not be
25 used to pay for items prohibited by Executive Order No. 1057, including
26 subscriptions to technical publications, employee educational expenses,
27 professional membership dues and fees, employee recognition and safety
28 awards, meeting meals and light refreshments, commute trip reduction
29 incentives, and employee travel.

30 ***NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **INFORMATION TECHNOLOGY--PROGRAM C**

32	Motor Vehicle Account--State Appropriation	\$69,107,000
33	Transportation Partnership Account--State	
34	Appropriation	\$1,460,000
35	Multimodal Transportation Account--State	
36	Appropriation	\$363,000
37	Transportation 2003 Account (Nickel Account)--State	

1	Appropriation	\$1,460,000
2	TOTAL APPROPRIATION\$72,390,000

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

5 (1) The department shall consult with the office of financial
6 management and the department of information services to: (a) Ensure
7 that the department's current and future system development is
8 consistent with the overall direction of other key state systems; and
9 (b) when possible, use or develop common statewide information systems
10 to encourage coordination and integration of information used by the
11 department and other state agencies and to avoid duplication.

12 (2) \$1,460,000 of the transportation partnership account--state
13 appropriation and \$1,460,000 of the transportation 2003 account (nickel
14 account)--state appropriation are provided solely for maintaining the
15 department's project management reporting system.

16 (3) \$210,000 of the motor vehicle account--state appropriation is
17 provided solely for the department's compliance with its national
18 pollution discharge elimination system permit.

19 ***(4) Beginning December 1, 2011, and on a quarterly basis***
20 ***thereafter, the department shall report to the office of financial***
21 ***management and the transportation committees of the legislature on the***
22 ***status of the development and integration of the time, leave, and labor***
23 ***distribution system identified in section 601 of this act. The first***
24 ***report must include a detailed work plan for the development and***
25 ***integration of the system, including timelines and budget milestones.***
26 ***At a minimum, the ensuing reports must indicate the status of the work***
27 ***as it compares to the work plan, any discrepancies, and proposed***
28 ***adjustments necessary to bring the project back on schedule or budget***
29 ***if necessary. It is the intent of the legislature that the state***
30 ***auditor will provide advice based on the auditor's technical knowledge***
31 ***and expertise in the implementation and acquisition of the time, leave,***
32 ***and labor distribution system. It is further the intent of the***
33 ***legislature that if any portion of the system is leveraged in the***
34 ***future for the time, leave, and labor distribution of any other***
35 ***agencies, the motor vehicle account will be reimbursed proportionally***
36 ***for the development of the system since the funds from the motor***
37 ***vehicle account must be used exclusively for highway purposes in***
38 ***conformance with Article II, section 40 of the state Constitution.***

1 *This must be accomplished through a loan arrangement with the current*
2 *interest rate under the terms set by the office of the state treasurer*
3 *at the time the system is deployed to additional agencies. If the*
4 *motor vehicle account is not reimbursed for future use of the system,*
5 *it is the intent of the legislature that reductions will be made to*
6 *central service agency charges accordingly.*

7 (5) \$502,000 of the motor vehicle account--state appropriation is
8 provided solely to provide support for the transportation executive
9 information system.

10 (6) *If chapter ... (Substitute House Bill No. 1720), Laws of 2011*
11 *(department of enterprise services) is enacted, the department shall*
12 *work with the department of enterprise services to:*

13 (a) *Make enhancements to the 511 traveler information system to*
14 *provide a more timely and user friendly format; and*

15 (b) *Develop or purchase software that would allow public*
16 *transportation users to enter in their start and end locations using a*
17 *computer or mobile device to determine the public transportation*
18 *options available to them.*

**Sec. 210 was partially vetoed. See message at end of chapter.*

19 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--**
20 **FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**
21 Motor Vehicle Account--State Appropriation \$25,851,000

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

24 (1) The department shall submit a predesign proposal for a new
25 traffic management center to the office of financial management
26 consistent with the process followed by nontransportation capital
27 construction projects. The department shall not award a contract for
28 construction of a new traffic management center until the predesign
29 proposal has been submitted and the office of financial management has
30 completed a budget evaluation study that indicates a new building is
31 the recommended option for accommodating additional traffic management
32 operations.

33 (2) \$850,000 of the motor vehicle account--state appropriation is
34 provided solely for the department's compliance with its national
35 pollution discharge elimination system permit.

1 available at the site. Therefore, pursuant to RCW 47.12.080, the
2 legislature declares that transferring the property to the department
3 of fish and wildlife for recreational use and fish and wildlife
4 restoration efforts is consistent with the public interest in order to
5 preserve the area for the use of the public and the betterment of the
6 natural environment. The department of transportation shall work with
7 the department of fish and wildlife, and shall transfer and convey the
8 Dryden pit site to the department of fish and wildlife as is for an
9 adjusted fair market value reflecting site conditions, the proceeds of
10 which must be deposited in the motor vehicle fund. The department of
11 transportation is not responsible for any costs associated with the
12 cleanup or transfer of this property. By July 1, 2011, and annually
13 thereafter until the entire Dryden pit property has been transferred,
14 the department shall submit a status report regarding the transaction
15 to the chairs of the legislative transportation committees.

16 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **ECONOMIC PARTNERSHIPS--PROGRAM K**

18	Motor Vehicle Account--State Appropriation	\$622,000
19	Multimodal Transportation Account--State Appropriation	\$110,000
20	TOTAL APPROPRIATION	\$732,000

21 The appropriations in this section are subject to the following
22 conditions and limitations: The department shall conduct a study on
23 the potential to generate revenue from off-premise outdoor advertising
24 signs that are erected or maintained adjacent and visible to the
25 interstate system highways, primary system highways, or scenic system
26 highways. The study must provide an evaluation of the market for
27 outdoor advertising signs, including an evaluation of the number of
28 potential advertisers and the amount charged by other jurisdictions for
29 sign permits, and must provide a recommendation for a revised fee
30 structure that recognizes the market value for off-premise signs and
31 considers charging differential fees based on the size, type, and
32 location of the sign.

33 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
34 **HIGHWAY MAINTENANCE--PROGRAM M**

35	Motor Vehicle Account--State Appropriation	\$380,327,000
36	Motor Vehicle Account--Federal Appropriation	\$7,000,000

1 TOTAL APPROPRIATION \$387,327,000

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

4 (1) The department shall request an unanticipated receipt for any
5 federal moneys received for emergency snow and ice removal and shall
6 place an equal amount of the motor vehicle account--state appropriation
7 into unallotted status. This exchange shall not affect the amount of
8 funding available for snow and ice removal.

9 (2) \$7,000,000 of the motor vehicle account--state appropriation is
10 provided solely for third-party damages to the highway system where the
11 responsible party is known and reimbursement is anticipated. The
12 department shall request additional appropriation authority for any
13 funds received for reimbursements of third-party damages that are in
14 excess of this appropriation.

15 (3) \$7,000,000 of the motor vehicle account--federal appropriation
16 is for unanticipated federal funds that may be received during the
17 2011-2013 fiscal biennium. Upon receipt of the funds, the department
18 shall provide a report on the use of the funds to the transportation
19 committees of the legislature and the office of financial management.

20 (4) The department may work with the department of corrections to
21 utilize corrections crews for the purposes of litter pickup on state
22 highways.

23 (5) \$4,530,000 of the motor vehicle account--state appropriation is
24 provided solely for the department's compliance with its national
25 pollution discharge elimination system permit.

26 (6) The department shall continue to report maintenance
27 accountability process (MAP) targets and achievements on an annual
28 basis. The department shall use available funding to target and
29 deliver a minimum MAP grade of C for the activity of roadway striping.

30 (7) \$6,884,000 of the motor vehicle account--state appropriation is
31 provided solely for the high priority maintenance backlog. Addressing
32 the maintenance backlog must result in increased levels of service. If
33 chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011
34 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the
35 appropriation provided in this subsection lapses.

36 (8) \$317,000 of the motor vehicle account--state appropriation is
37 provided solely for maintaining a new active traffic management system
38 on Interstate 5, Interstate 90, and state route number 520. The

1 department shall track the costs associated with these systems on a
2 corridor basis and report to the transportation committees of the
3 legislature on the costs and benefits of the systems by December 1,
4 2011.

5 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
6 **TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

7	Motor Vehicle Account--State Appropriation	\$50,166,000
8	Motor Vehicle Account--Federal Appropriation	\$2,050,000
9	Motor Vehicle Account--Private/Local Appropriation	\$127,000
10	TOTAL APPROPRIATION	\$52,343,000

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

13 (1) \$6,000,000 of the motor vehicle account--state appropriation is
14 provided solely for low-cost enhancements. The department shall give
15 priority to low-cost enhancement projects that improve safety or
16 provide congestion relief. The department shall prioritize low-cost
17 enhancement projects on a statewide rather than regional basis. By
18 September 1st of each even-numbered year, the department shall provide
19 a report to the legislature listing all low-cost enhancement projects
20 prioritized on a statewide rather than regional basis completed in the
21 prior year.

22 (2) \$145,000 of the motor vehicle account--state appropriation is
23 provided solely for the department to continue a pilot tow truck
24 incentive program and to expand the program to other areas of the
25 state. The department may provide incentive payments to towing
26 companies that meet clearance goals on accidents that involve heavy
27 trucks.

28 (3) During the 2011-2013 fiscal biennium, the department shall
29 implement a pilot program that expands private transportation
30 providers' access to high occupancy vehicle lanes. Under the pilot
31 program, when the department reserves a portion of a highway based on
32 the number of passengers in a vehicle, the following vehicles must be
33 authorized to use the reserved portion of the highway if the vehicle
34 has the capacity to carry eight or more passengers, regardless of the
35 number of passengers in the vehicle: (a) Auto transportation company
36 vehicles regulated under chapter 81.68 RCW; (b) passenger charter
37 carrier vehicles regulated under chapter 81.70 RCW, except marked or

1 unmarked stretch limousines and stretch sport utility vehicles as
2 defined under department of licensing rules; (c) private nonprofit
3 transportation provider vehicles regulated under chapter 81.66 RCW; and
4 (d) private employer transportation service vehicles. For purposes of
5 this subsection, "private employer transportation service" means
6 regularly scheduled, fixed-route transportation service that is offered
7 by an employer for the benefit of its employees. By June 30, 2013, the
8 department shall report to the transportation committees of the
9 legislature on whether private transportation provider use of high
10 occupancy vehicle lanes under the pilot program reduces the speeds of
11 high occupancy vehicle lanes. Nothing in this subsection is intended
12 to authorize the conversion of public infrastructure to private, for-
13 profit purposes or to otherwise create an entitlement or other claim by
14 private users to public infrastructure. If chapter ... (Substitute
15 Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this
16 subsection is null and void.

17 (4) \$9,000,000 of the motor vehicle account--state appropriation is
18 provided solely for the department's incident response program.

19 (5) The department, in consultation with the Washington state
20 patrol, must continue a pilot program for the patrol to issue
21 infractions based on information from automated traffic safety cameras
22 in roadway construction zones on state highways. The department must
23 report to the joint transportation committee by January 1, 2012, and
24 January 1, 2013, on the status of this pilot program. For the purpose
25 of this pilot program, during the 2011-2013 fiscal biennium, a roadway
26 construction zone includes areas where public employees or private
27 contractors may be present or where a driving condition exists that
28 would make it unsafe to drive at higher speeds, such as, when the
29 department is redirecting or realigning lanes on any public roadway
30 pursuant to ongoing construction. The department shall use the
31 following guidelines to administer the program:

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

36 (b) The department shall plainly mark the locations where the
37 automated traffic safety cameras are used by placing signs on locations

1 that clearly indicate to a driver that he or she is entering a roadway
2 construction zone where traffic laws are enforced by an automated
3 traffic safety camera;

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

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

12 (e) For purposes of the 2011-2013 fiscal biennium pilot program,
13 infractions detected through the use of automated traffic safety
14 cameras are not part of the registered owner's driving record under RCW
15 46.52.101 and 46.52.120. Additionally, infractions generated by the
16 use of automated traffic safety cameras must be processed in the same
17 manner as parking infractions for the purposes of RCW 3.50.100,
18 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the
19 fine issued under this subsection (5) for an infraction generated
20 through the use of an automated traffic safety camera is one hundred
21 thirty-seven dollars. The court shall remit thirty-two dollars of the
22 fine to the state treasurer for deposit into the state patrol highway
23 account; and

24 (f) If a notice of infraction is sent to the registered owner and
25 the registered owner is a rental car business, the infraction must be
26 dismissed against the business if it mails to the patrol, within
27 fourteen days of receiving the notice, a declaration under penalty of
28 perjury of the name and known mailing address of the individual driving
29 or renting the vehicle when the infraction occurred. If the business
30 is unable to determine who was driving or renting the vehicle at the
31 time the infraction occurred, the business must sign a declaration
32 under penalty of perjury to this effect. The declaration must be
33 mailed to the patrol within fourteen days of receiving the notice of
34 traffic infraction. Timely mailing of this declaration to the issuing
35 agency relieves a rental car business of any liability under this
36 section for the notice of infraction. A declaration form suitable for
37 this purpose must be included with each automated traffic infraction
38 notice issued, along with instructions for its completion and use.

1 (6) The department shall track the costs associated with active
2 traffic management systems on a corridor basis and report to the
3 transportation committees of the legislature on the cost and benefits
4 of the systems by December 1, 2011.

5 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
6 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

7	Motor Vehicle Account--State Appropriation	\$28,430,000
8	Motor Vehicle Account--Federal Appropriation	\$30,000
9	Multimodal Transportation Account--State	
10	Appropriation	\$973,000
11	TOTAL APPROPRIATION	\$29,433,000

12 The appropriations in this section are subject to the following
13 conditions and limitations: The department shall utilize existing
14 resources and customer service staff to develop and implement new
15 policies and procedures to ensure compliance with new federal passenger
16 vessel Americans with disabilities act requirements.

17 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
18 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

19	Motor Vehicle Account--State Appropriation	\$23,394,000
20	Motor Vehicle Account--Federal Appropriation	\$21,885,000
21	Multimodal Transportation Account--State	
22	Appropriation	\$662,000
23	Multimodal Transportation Account--Federal	
24	Appropriation	\$3,559,000
25	Multimodal Transportation Account--Private/Local	
26	Appropriation	\$100,000
27	TOTAL APPROPRIATION	\$49,600,000

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

30 (1) \$70,000 of the motor vehicle account--state appropriation is a
31 reappropriation provided solely for a corridor study of state route
32 number 516 from the eastern border of Maple Valley to state route
33 number 167 to determine whether improvements are needed and the costs
34 of any needed improvements.

35 (2) \$200,000 of the motor vehicle account--state appropriation is
36 provided solely for extending the freight database pilot project that

1 began in 2009. Global positioning system (GPS) data is intended to
2 help guide freight investment decisions and track highway project
3 effectiveness as it relates to freight traffic.

4 (3) Within available resources, the department must collaborate
5 with the affected metropolitan planning organizations, regional
6 transportation planning organizations, transit agencies, and private
7 transportation providers to develop a plan to reduce vehicle demand,
8 increase public transportation options, and reduce vehicle miles
9 traveled on corridors affected by growth at Joint Base Lewis-McChord.

10 (4) As part of their ongoing regional transportation planning, the
11 regional transportation planning organizations across the state shall
12 work together to provide a comprehensive framework for sources and uses
13 of next-stage investments in transportation needed to improve
14 structural conditions and ongoing operations and lay the groundwork for
15 the transportation systems to support the long-term economic vitality
16 of the state. This planning must include all forms of transportation
17 to reflect the state's interests, including: Highways, streets, and
18 roads; ferries; public transportation; systems for freight; and walking
19 and biking systems. The department shall support this planning by
20 providing information on potential state transportation uses and an
21 analysis of potential sources of revenue to implement investments. In
22 carrying out this planning, regional transportation planning
23 organizations must be broadly inclusive of business, civic, labor,
24 governmental, and environmental interests in regional communities
25 across the state.

26 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

28	Motor Vehicle Account--State Appropriation	\$85,209,000
29	Motor Vehicle Account--Federal Appropriation	\$400,000
30	Multimodal Transportation Account--State	
31	Appropriation	\$3,320,000
32	TOTAL APPROPRIATION	\$88,929,000

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

35 (1) The office of financial management must provide a detailed
36 accounting of the revenues and expenditures of the self-insurance fund

1 to the transportation committees of the legislature on December 31st
2 and June 30th of each year.

3 (2) Payments in this section represent charges from other state
4 agencies to the department of transportation.

5 (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
6 DIVISION OF RISK MANAGEMENT FEES \$1,639,000

7 (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE
8 STATE AUDITOR \$937,000

9 (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
10 GENERAL ADMINISTRATION \$6,060,000

11 (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
12 PERSONNEL \$6,347,000

13 (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY
14 PREMIUMS AND ADMINISTRATION \$44,418,000

15 (f) FOR ARCHIVES AND RECORDS MANAGEMENT \$623,000

16 (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS
17 ENTERPRISES \$1,008,000

18 (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS
19 PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT \$1,143,000

20 (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE
21 DEPARTMENT OF INFORMATION SERVICES \$1,980,000

22 (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
23 GENERAL'S OFFICE \$8,526,000

24 (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY
25 GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT
26 LITIGATION \$672,000

27 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
28 **PUBLIC TRANSPORTATION--PROGRAM V**

29 State Vehicle Parking Account--State Appropriation \$452,000

30 Regional Mobility Grant Program Account--State
31 Appropriation \$48,942,000

32 Multimodal Transportation Account--State
33 Appropriation \$41,706,000

34 Multimodal Transportation Account--Federal
35 Appropriation \$2,582,000

36 Multimodal Transportation Account--Private/Local
37 Appropriation \$1,027,000

1 Rural Mobility Grant Program Account--State

2	Appropriation	\$17,000,000
3	TOTAL APPROPRIATION	\$111,709,000

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

6 (1) \$25,000,000 of the multimodal transportation account--state
7 appropriation is provided solely for a grant program for special needs
8 transportation provided by transit agencies and nonprofit providers of
9 transportation.

10 (a) \$5,500,000 of the amount provided in this subsection is
11 provided solely for grants to nonprofit providers of special needs
12 transportation. Grants for nonprofit providers must be based on need,
13 including the availability of other providers of service in the area,
14 efforts to coordinate trips among providers and riders, and the cost
15 effectiveness of trips provided.

16 (b) \$19,500,000 of the amount provided in this subsection is
17 provided solely for grants to transit agencies to transport persons
18 with special transportation needs. To receive a grant, the transit
19 agency must have a maintenance of effort for special needs
20 transportation that is no less than the previous year's maintenance of
21 effort for special needs transportation. Grants for transit agencies
22 must be prorated based on the amount expended for demand response
23 service and route deviated service in calendar year 2009 as reported in
24 the "Summary of Public Transportation - 2009" published by the
25 department of transportation. No transit agency may receive more than
26 thirty percent of these distributions.

27 (2) Funds are provided for the rural mobility grant program as
28 follows:

29 (a) \$8,500,000 of the rural mobility grant program account--state
30 appropriation is provided solely for grants for those transit systems
31 serving small cities and rural areas as identified in the "Summary of
32 Public Transportation - 2009" published by the department of
33 transportation. Noncompetitive grants must be distributed to the
34 transit systems serving small cities and rural areas in a manner
35 similar to past disparity equalization programs. If the funding
36 provided in this subsection (2)(a) exceeds the amount required for
37 recipient counties to reach eighty percent of the average per capita

1 sales tax, funds in excess of that amount may be used for the
2 competitive grant process established in (b) of this subsection.

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

7 (3)(a) \$6,000,000 of the multimodal transportation account--state
8 appropriation is provided solely for a vanpool grant program for: (a)
9 Public transit agencies to add vanpools or replace vans; and (b)
10 incentives for employers to increase employee vanpool use. The grant
11 program for public transit agencies will cover capital costs only;
12 operating costs for public transit agencies are not eligible for
13 funding under this grant program. Additional employees may not be
14 hired from the funds provided in this section for the vanpool grant
15 program, and supplanting of transit funds currently funding vanpools is
16 not allowed. The department shall encourage grant applicants and
17 recipients to leverage funds other than state funds.

18 (b) At least \$1,600,000 of the amount provided in this subsection
19 must be used for vanpool grants in congested corridors.

20 (c) \$520,000 of the amount provided in this subsection is provided
21 solely for the purchase of additional vans for use by vanpools serving
22 soldiers and civilian employees at Joint Base Lewis-McChord.

23 (4) \$8,942,000 of the regional mobility grant program account--
24 state appropriation is reappropriated and provided solely for the
25 regional mobility grant projects identified in LEAP Transportation
26 Document 2007-B, as developed April 20, 2007, or LEAP Transportation
27 Document 2009-B, as developed April 24, 2009. The department shall
28 continue to review all projects receiving grant awards under this
29 program at least semiannually to determine whether the projects are
30 making satisfactory progress. The department shall promptly close out
31 grants when projects have been completed, and any remaining funds must
32 be used only to fund projects identified in: LEAP Transportation
33 Document 2007-B, as developed April 20, 2007; LEAP Transportation
34 Document 2009-B, as developed April 24, 2009; or LEAP Transportation
35 Document 2011-B, as developed April 19, 2011. It is the intent of the
36 legislature to appropriate funds through the regional mobility grant
37 program only for projects that will be completed on schedule and that

1 all funds in the regional mobility grant program be used as soon as
2 practicable to advance eligible projects.

3 (5)(a) \$40,000,000 of the regional mobility grant program account--
4 state appropriation is provided solely for the regional mobility grant
5 projects identified in LEAP Transportation Document 2011-B, as
6 developed April 19, 2011. The department shall review all projects
7 receiving grant awards under this program at least semiannually to
8 determine whether the projects are making satisfactory progress. Any
9 project that has been awarded funds, but does not report activity on
10 the project within one year of the grant award, must be reviewed by the
11 department to determine whether the grant should be terminated. The
12 department shall promptly close out grants when projects have been
13 completed, and any remaining funds must be used only to fund projects
14 identified in LEAP Transportation Document 2011-B, as developed April
15 19, 2011. The department shall provide annual status reports on
16 December 15, 2011, and December 15, 2012, to the office of financial
17 management and the transportation committees of the legislature
18 regarding the projects receiving the grants. It is the intent of the
19 legislature to appropriate funds through the regional mobility grant
20 program only for projects that will be completed on schedule.

21 (b) In order to be eligible to receive a grant under (a) of this
22 subsection during the 2011-2013 fiscal biennium, a transit agency must
23 establish a process for private transportation providers to apply for
24 the use of park and ride facilities. For purposes of this subsection,
25 (i) "private transportation provider" means: An auto transportation
26 company regulated under chapter 81.68 RCW; a passenger charter carrier
27 regulated under chapter 81.70 RCW, except marked or unmarked stretch
28 limousines and stretch sport utility vehicles as defined under
29 department of licensing rules; a private nonprofit transportation
30 provider regulated under chapter 81.66 RCW; or a private employer
31 transportation service provider; and (ii) "private employer
32 transportation service" means regularly scheduled, fixed-route
33 transportation service that is offered by an employer for the benefit
34 of its employees.

35 (6) \$2,309,000 of the multimodal transportation account--state
36 appropriation is provided solely for the tri-county connection service
37 for Island, Skagit, and Whatcom transit agencies.

1 (7) \$200,000 of the multimodal transportation account--state
2 appropriation is contingent on the timely development of an annual
3 report summarizing the status of public transportation systems as
4 identified under RCW 35.58.2796.

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

7 (9) An affected urban growth area that has not previously
8 implemented a commute trip reduction program is exempt from the
9 requirements in RCW 70.94.527 if a solution to address the state
10 highway deficiency that exceeds the person hours of delay threshold has
11 been funded and is in progress during the 2011-2013 fiscal biennium.

12 *NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
13 **MARINE--PROGRAM X**

14 Puget Sound Ferry Operations Account--State
15 Appropriation \$467,773,000

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

18 (1) The office of financial management budget instructions require
19 agencies to recast enacted budgets into activities. The Washington
20 state ferries shall include a greater level of detail in its 2011-2013
21 supplemental and 2013-2015 omnibus transportation appropriations act
22 requests, as determined jointly by the office of financial management,
23 the Washington state ferries, and the transportation committees of the
24 legislature. This level of detail must include the administrative
25 functions in the operating as well as capital programs.

26 (2) When purchasing uniforms that are required by collective
27 bargaining agreements, the department shall contract with the lowest
28 cost provider.

29 (3) *The legislature finds that measuring the performance of the*
30 *Washington state ferries requires the measurement of quality,*
31 *timeliness, and unit cost of services delivered to customers.*
32 *Consequently, the department must develop a set of metrics that measure*
33 *that performance and report to the transportation committees of the*
34 *legislature and the office of financial management on the development*
35 *of these measurements along with recommendations to the 2012*
36 *legislature on which measurements must become a part of the next*

1 *omnibus transportation appropriations act. If chapter ... (Substitute*
2 *House Bill No. 1516), Laws of 2011 (state ferry system management) is*
3 *enacted, the report under this subsection is not required.*

4 *(4) The department shall continue to identify and implement process*
5 *changes that will improve on-time performance on a route-by-route*
6 *basis. These changes must include considering the slowing down of*
7 *vessels for fuel economy purposes and touch-and-go sailings on peak*
8 *runs. The department shall report its findings to the transportation*
9 *committees of the legislature by December 1, 2011.*

10 (5) Until a reservation system is operational on the San Juan
11 islands inner-island route, the department shall provide the same
12 priority loading benefits on the San Juan islands inner-island route to
13 home health care workers as are currently provided to patients
14 traveling for purposes of receiving medical treatment.

15 (6) The department shall request from the United States coast guard
16 variable minimum staffing levels on all of its vessels by December 31,
17 2011.

18 *(7) The department shall provide fiscal year reports to the*
19 *transportation committees of the legislature outlining wages and*
20 *benefits provided to employees.*

21 *(8) The department shall provide support to the legislative*
22 *evaluation and accountability program committee's work of upgrading the*
23 *transportation executive information system to include more detailed*
24 *information for ferry projects.*

25 *(9) Appropriations used for labor costs may be used only for*
26 *obligations under applicable collective bargaining agreements, civil*
27 *service laws, court orders, and judgments.*

28 (10) The department shall continue to provide service to Sidney,
29 British Columbia and shall explore the option of purchasing a foreign
30 built vehicle and passenger ferry vessel either with safety of life at
31 sea (SOLAS) certification or the ability to be retrofitted for SOLAS
32 certification to operate solely on the Anacortes to Sidney, British
33 Columbia route currently served by vessels of the Washington state
34 ferries fleet. The vessel should have the capability of carrying at
35 least one hundred standard vehicles and approximately four hundred to
36 five hundred passengers. Further, the department shall explore the
37 possibilities of contracting a commercial company to operate the vessel
38 exclusively on this route so long as the contractor's employees

1 assigned to the vessel are represented by the same employee
2 organizations as the Washington state ferries. The department shall
3 report back to the transportation committees of the legislature
4 regarding: The availability of a vessel; the cost of the vessel,
5 including transport to the Puget Sound region; and the need for any
6 statutory changes for the operation of the Sydney, British Columbia
7 service by a private company.

8 (11) For the 2011-2013 fiscal biennium, the department of
9 transportation may enter into a distributor controlled fuel hedging
10 program.

11 (12) The department shall target service reductions totaling
12 \$4,000,000, such that the shortening of shoulder seasons and
13 eliminations of off-peak runs on all routes are considered. Prior to
14 implementing the reductions, the department shall consult with ferry
15 employees and ferry advisory committees to determine which reductions
16 would impact the fewest number of riders. The reductions must be
17 identified and implementation must begin no later than the fall 2011
18 schedule.

19 (13) \$135,248,000 of the Puget Sound ferry operations account--
20 state appropriation is provided solely for auto ferry vessel operating
21 fuel in the 2011-2013 fiscal biennium.

22 (14) \$150,000 of the Puget Sound ferry operations account--state
23 appropriation is provided solely for the department to increase
24 recreation and tourist ridership by entering into agreements for
25 marketing and outreach strategies with local economic development
26 agencies. The department shall identify the number of tourist and
27 recreation riders on the applicable ferry routes both before and after
28 implementation of marketing and outreach strategies developed through
29 the agreements. The department shall report results of the marketing
30 and outreach strategies to the transportation committees of the
31 legislature by October 15, 2012.

32 (15) The Washington state ferries shall participate in the
33 facilities plan included in section 604 of this act and shall include
34 an investigation and identification of less costly relocation options
35 for the Seattle headquarters office. The department shall include
36 relocation options for the Washington state ferries Seattle
37 headquarters office in the facilities plan. Until September 1, 2012,

1 the department may not enter into a lease renewal for the Seattle
2 headquarters office.

3 (16) The department, office of financial management, and
4 transportation committees of the legislature shall make recommendations
5 regarding an appropriate budget structure for the Washington state
6 ferries. The recommendation may include a potential restructuring of
7 the Washington state ferries budget. The recommendation must
8 facilitate transparency in reporting and budgeting as well as provide
9 the opportunity to link revenue sources with expenditures. Findings
10 and recommendations must be reported to the office of financial
11 management and the joint transportation committee by September 1, 2011.

12 (17) Two Kwa-di-tabil class ferry vessels must be placed on the
13 Port Townsend/Coupeville (Keystone) route to provide service at the
14 same levels provided when the steel electric vessels were in service.
15 After the vessels as funded under section 308(7) of this act are in
16 service, the two most appropriate of these vessels for the Port
17 Townsend/Coupeville (Keystone) route must be placed on the route.
18 \$100,000 of the Puget Sound ferry operations account--state
19 appropriation is provided solely for the additional staffing required
20 to maintain a reservation system at this route when the second vessel
21 is in service.

22 ***(18) The department shall link all vessel asset condition reports***
23 ***with its vessel life-cycle cost model in such a way that it will lend***
24 ***itself to integration with a vessel asset management system. Each***
25 ***quarter the department shall complete the activity of linking the asset***
26 ***condition of one class of vessels to the life-cycle cost model,***
27 ***beginning with the jumbo mark II class, followed by the Issaquah class,***
28 ***the jumbo mark I class, the super class, and finally the Kwa-di-tabil***
29 ***class. The department shall continue to regularly inspect life-cycle***
30 ***cost model assets and link the resulting asset condition reports with***
31 ***its vessel life-cycle cost model as the assessments are completed. The***
32 ***department shall provide the transportation committees of the***
33 ***legislature with progress reports of this activity as the work for each***
34 ***class of vessels has been completed. This activity must be completed***
35 ***with the results reported to the transportation committees of the***
36 ***legislature by June 1, 2012. The department's 2013-2015 budget request***
37 ***must be developed using the updated life-cycle cost model and must also***

1 **provide a project scope for implementing a vessel asset management**
2 **system.**

3 (19) \$706,000 of the Puget Sound ferry operations account--state
4 appropriation is provided solely for terminal operations to implement
5 new federal passenger vessel Americans with disabilities act
6 requirements.

7 (20) \$152,000 of the Puget Sound ferry operations account--state
8 appropriation is provided solely for the department's compliance with
9 its national pollution discharge elimination system permit.

10 (21) If chapter ... (Substitute House Bill No. 2053), Laws of 2011
11 (additive transportation funding) is not enacted by June 30, 2011, the
12 \$4,000,000 in service reductions identified in subsection (12) of this
13 section must be restored and an identical amount must be reduced from
14 the amount provided for the second 144-car vessel identified in section
15 308(8) of this act.

**Sec. 221 was partially vetoed. See message at end of chapter.*

16 **NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **RAIL--PROGRAM Y--OPERATING**

18	Multimodal Transportation Account--State	
19	Appropriation	\$29,688,000
20	Multimodal Transportation Account--Federal	
21	Appropriation	\$300,000
22	TOTAL APPROPRIATION	\$29,988,000

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

25 (1) \$24,091,000 of the multimodal transportation account--state
26 appropriation is provided solely for the Amtrak service contract and
27 Talgo maintenance contract associated with providing and maintaining
28 state-supported passenger rail service. The department is directed to
29 continue to pursue efforts to reduce costs, increase ridership, and
30 review fares or fare schedules. Within thirty days of each annual
31 cost/revenue reconciliation under the Amtrak service contract, the
32 department shall report annual credits to the office of financial
33 management and the legislative transportation committees. Annual
34 credits from Amtrak to the department including, but not limited to,
35 credits for increased revenue due to higher ridership, and fare or fare
36 schedule adjustments, must be used to offset corresponding amounts of
37 the multimodal transportation account--state appropriation, which must

1 be placed in reserve. Upon completion of the rail platform project in
2 the city of Stanwood, the department shall continue to provide daily
3 Amtrak Cascades service to the city.

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

5 (3) The department shall plan for a third roundtrip Cascades train
6 between Seattle and Vancouver, B.C.

7 (4) The department shall conduct a pilot program by partnering with
8 the travel industry on the Amtrak Cascades service between Vancouver,
9 British Columbia, and Seattle to test opportunities for increasing
10 ridership, maximizing farebox recovery, and stimulating private
11 investment. The pilot program must run from July 1, 2011, to June 30,
12 2012. The department shall report on the results of the pilot program
13 to the office of financial management and the legislature by September
14 30, 2012.

15 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
16 **LOCAL PROGRAMS--PROGRAM Z--OPERATING**

17	Motor Vehicle Account--State Appropriation	\$8,853,000
18	Motor Vehicle Account--Federal Appropriation	\$2,567,000
19	TOTAL APPROPRIATION	\$11,420,000

20 The appropriations in this section are subject to the following
21 conditions and limitations: The department shall submit a report to
22 the transportation committees of the legislature by December 1, 2011,
23 on the implementation of the recommendations that resulted from the
24 evaluation of efficiencies in the delivery of transportation funding
25 and services to local governments that was required under section
26 204(8), chapter 247, Laws of 2010. The report must include a
27 description of how recommendations were implemented, what efficiencies
28 were achieved, and an explanation of any recommendations that were not
29 implemented.

30 **TRANSPORTATION AGENCIES--CAPITAL**

31 NEW SECTION. **Sec. 301. FOR THE WASHINGTON STATE PATROL**

32	State Patrol Highway Account--State Appropriation	\$6,487,000
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33 The appropriation in this section is subject to the following
34 conditions and limitations:

1 (1) \$653,000 of the state patrol highway account--state
2 appropriation is provided solely for the following minor works
3 projects: \$200,000 for emergency infrastructure repairs; \$75,000 for
4 water and sewer upgrades; \$210,000 for emergency backup system
5 replacement; \$85,000 for chiller replacement; and \$83,000 for roof
6 replacements.

7 (2) \$3,226,000 of the state patrol highway account--state
8 appropriation is provided solely for the Shelton academy of the
9 Washington state patrol for the new waste water treatment lines, waste
10 water plants, water lines, and water systems. However, \$2,129,000 of
11 this amount is contingent on the department of corrections receiving
12 funding for its portion of the regional water project in the 2011-2013
13 omnibus capital appropriations act. If this funding is not provided by
14 June 30, 2011, \$2,129,000 of the appropriation provided in this
15 subsection lapses.

16 (3) \$421,000 of the state patrol highway account--state
17 appropriation is provided solely for the reappropriation of the Shelton
18 regional water project.

19 (4) \$2,187,000 of the total appropriation is provided solely for
20 mobile office platforms.

21 (5) It is the intent of the legislature that the omnibus operating
22 appropriations act provide funding for the portion of any applicable
23 debt service payments, resulting from financial contracts identified
24 under section 601 of this act, that are attributable to the general
25 fund as identified in the Washington state patrol's cost allocation
26 model.

27 **NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

28 Motor Vehicle Account--State Appropriation	\$874,000
29 Rural Arterial Trust Account--State Appropriation	\$37,417,000
30 County Arterial Preservation Account--State	
31 Appropriation	\$29,360,000
32 TOTAL APPROPRIATION	\$67,651,000

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

35 (1) \$874,000 of the motor vehicle account--state appropriation may
36 be used for county ferry projects as developed pursuant to RCW
37 47.56.725(4).

1 (2) \$37,417,000 of the rural arterial trust account--state
2 appropriation is provided solely for county road preservation grant
3 projects as approved by the county road administration board. These
4 funds may be used to assist counties recovering from federally declared
5 emergencies by providing capitalization advances and local match for
6 federal emergency funding, and may only be made using existing fund
7 balances. It is the intent of the legislature that the rural arterial
8 trust account be managed based on cash flow. The county road
9 administration board shall specifically identify any of the selected
10 projects and shall include information concerning the selected projects
11 in its next annual report to the legislature.

12 **NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**
13 Small City Pavement and Sidewalk Account--State
14 Appropriation \$3,812,000
15 Transportation Improvement Account--State
16 Appropriation \$201,050,000
17 TOTAL APPROPRIATION \$204,862,000

18 The appropriations in this section are subject to the following
19 conditions and limitations: The transportation improvement
20 account--state appropriation includes up to \$22,143,000 in proceeds
21 from the sale of bonds authorized in RCW 47.26.500.

22 **NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--**
23 **PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**
24 Motor Vehicle Account--State Appropriation \$5,433,000

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

27 (1) \$1,364,000 of the motor vehicle account--state appropriation is
28 provided solely for the Olympic region site acquisition debt service
29 payments and administrative costs associated with capital improvement
30 and preservation project and financial management.

31 (2) \$3,669,000 of the motor vehicle account--state appropriation is
32 provided solely for high priority safety projects that are directly
33 linked to employee safety, environmental risk, or minor works that
34 prevent facility deterioration.

35 (3) \$400,000 of the motor vehicle account--state appropriation is

1 provided solely for the department's compliance with its national
2 pollution discharge elimination system permit.

3 *NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **IMPROVEMENTS--PROGRAM I**

5	Multimodal Transportation Account--State	
6	Appropriation	\$1,000
7	Transportation Partnership Account--State	
8	Appropriation	\$1,991,547,000
9	Motor Vehicle Account--State Appropriation	\$86,139,000
10	Motor Vehicle Account--Federal Appropriation	\$450,691,000
11	Motor Vehicle Account--Private/Local	
12	Appropriation	\$50,485,000
13	Transportation 2003 Account (Nickel Account)--State	
14	Appropriation	\$436,005,000
15	State Route Number 520 Corridor Account--State	
16	Appropriation	\$1,019,460,000
17	TOTAL APPROPRIATION	\$4,034,328,000

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

20 (1) Except as provided otherwise in this section, the entire
21 transportation 2003 account (nickel account) appropriation and the
22 entire transportation partnership account appropriation are provided
23 solely for the projects and activities as listed by fund, project, and
24 amount in LEAP Transportation Document 2011-1 as developed April 19,
25 2011, Program - Highway Improvement Program (I). However, limited
26 transfers of specific line-item project appropriations may occur
27 between projects for those amounts listed subject to the conditions and
28 limitations in section 603 of this act.

29 (2) The department shall, on a quarterly basis beginning July 1,
30 2011, provide to the office of financial management and the legislature
31 reports providing the status on each active project funded in part or
32 whole by the transportation 2003 account (nickel account) or the
33 transportation partnership account. Funding provided at a programmatic
34 level for transportation partnership account and transportation 2003
35 account (nickel account) projects relating to bridge rail, guard rail,
36 fish passage barrier removal, and roadside safety projects must be
37 reported on a programmatic basis. Projects within this programmatic

1 level funding must be completed on a priority basis and scoped to be
2 completed within the current programmatic budget. Report formatting
3 and elements must be consistent with the October 2009 quarterly project
4 report. The department shall also provide the information required
5 under this subsection on a quarterly basis.

6 (3) Within the motor vehicle account--state appropriation and motor
7 vehicle account--federal appropriation, the department may transfer
8 funds between programs I and P, except for funds that are otherwise
9 restricted in this act.

10 (4) The department shall apply for surface transportation program
11 enhancement funds to be expended in lieu of or in addition to state
12 funds for eligible costs of projects in programs I and P including, but
13 not limited to, the state route number 518, state route number 520,
14 Columbia river crossing, and Alaskan Way viaduct projects.

15 (5) The department shall apply for the competitive portion of
16 federal transit administration funds for eligible transit-related costs
17 of the state route number 520 bridge replacement and HOV project and
18 the Columbia river crossing project. The federal funds described in
19 this subsection must not include those federal transit administration
20 funds distributed by formula. The department shall provide a report
21 regarding this effort to the legislature by October 1, 2011.

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

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

37 (8) For highway construction projects where the department
38 considers agricultural lands of long-term commercial significance, as

1 defined in RCW 36.70A.030, in reviewing and selecting sites to meet
2 environmental mitigation requirements under the national environmental
3 policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental
4 policy act (chapter 43.21C RCW), the department shall, to the greatest
5 extent possible, consider using public land first. If public lands are
6 not available that meet the required environmental mitigation needs,
7 the department may use other sites while making every effort to avoid
8 any net loss of agricultural lands that have a designation of long-term
9 commercial significance.

10 (9) \$361,000 of the transportation partnership account--state
11 appropriation and \$1,245,000 of the transportation 2003 account (nickel
12 account)--state appropriation are provided solely for project OBI4ENV,
13 Environmental Mitigation Reserve - Nickel/TPA project, as indicated in
14 the LEAP transportation document referenced in subsection (1) of this
15 section. Funds may be used only for environmental mitigation work that
16 is required by permits that were issued for projects funded by the
17 transportation partnership account or transportation 2003 account
18 (nickel account). As part of the 2012 budget submittal, the department
19 shall provide a list of all projects and associated amounts that are
20 being charged to project OBI4ENV during the 2011-2013 fiscal biennium.

21 (10) The transportation 2003 account (nickel account)--state
22 appropriation includes up to \$361,005,000 in proceeds from the sale of
23 bonds authorized by RCW 47.10.861.

24 (11) The transportation partnership account--state appropriation
25 includes up to \$1,427,696,000 in proceeds from the sale of bonds
26 authorized in RCW 47.10.873.

27 (12) The motor vehicle account--state appropriation includes up to
28 \$66,373,000 in proceeds from the sale of bonds authorized in RCW
29 47.10.843.

30 (13) The state route number 520 corridor account--state
31 appropriation includes up to \$987,717,000 in proceeds from the sale of
32 bonds authorized in RCW 47.10.879.

33 (14) \$391,000 of the motor vehicle account--state appropriation and
34 \$4,027,000 of the motor vehicle account--federal appropriation are
35 provided solely for the US 2 High Priority Safety project (100224I).
36 Expenditure of these funds is for safety projects on state route number
37 2 between Monroe and Gold Bar, which may include median rumble strips,
38 traffic cameras, and electronic message signs.

1 (15) \$687,000 of the motor vehicle account--federal appropriation,
2 \$16,308,000 of the motor vehicle account--private/local appropriation,
3 and \$22,000 of the motor vehicle account--state appropriation are
4 provided solely for the US 2/Bickford Avenue - Intersection Safety
5 Improvements project (100210E).

6 (16) \$435,000 of the motor vehicle account--state appropriation is
7 provided solely for environmental work on the Belfair Bypass project
8 (300344C).

9 (17) \$108,000 of the motor vehicle account--federal appropriation
10 and \$3,000 of the motor vehicle account--state appropriation are
11 provided solely for the I-5/Vicinity of Joint Base Lewis-McChord -
12 Install Ramp Meters project (300596M).

13 (18) \$253,444,000 of the transportation partnership account--state
14 appropriation and \$66,034,000 of the transportation 2003 account
15 (nickel account)--state appropriation are provided solely for the I-
16 5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of
17 funds in this subsection to renovate any buildings is subject to the
18 requirements of section 604 of this act. The department shall report
19 to the legislature and the office of financial management on any costs
20 associated with building renovations funded in this subsection.

21 (19)(a) \$8,321,000 of the transportation partnership account--state
22 appropriation and \$31,380,000 of the motor vehicle account--federal
23 appropriation are provided solely for the I-5/Columbia River Crossing
24 project (400506A). Of this amount, \$200,000 of the transportation
25 partnership account--state appropriation is provided solely for the
26 department to work with the department of archaeology and historic
27 preservation to ensure that the cultural resources investigation is
28 properly conducted on the Columbia river crossing project. This
29 project must be conducted with active archaeological management and
30 result in one report that spans the single cultural area in Oregon and
31 Washington. Additionally, the department shall establish a scientific
32 peer review of independent archaeologists that are knowledgeable about
33 the region and its cultural resources. No funding from any account may
34 be expended until written confirmation has been received by the
35 department that the state of Oregon is providing an equal amount of
36 additional funding to the project.

37 (b) Consistent with the draft environmental impact statement and
38 the Columbia river crossing project's independent review panel report,

1 the Columbia river crossing project's financial plan must include
2 recognition of state transportation funding contributions from both
3 Washington and Oregon, federal transportation funding, and a funding
4 contribution from toll bond proceeds. Following the refinement of the
5 finance plan as recommended by the independent review panel, the
6 department may seek authorization from the legislature to collect tolls
7 on the existing Columbia river crossing or on a replacement crossing
8 over Interstate 5.

9 (20) \$107,000 of the motor vehicle account--federal appropriation
10 and \$27,000 of the motor vehicle account--state appropriation are
11 provided solely for the SR 9/SR 204 Intersection Improvement project
12 (L2000040).

13 (21) \$2,134,000 of the motor vehicle account--federal appropriation
14 and \$47,000 of the motor vehicle account--state appropriation are
15 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
16 Build New Highway project (501210T).

17 (22) \$294,000 of the motor vehicle account--federal appropriation
18 and \$13,000 of the motor vehicle account--state appropriation are
19 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
20 Road project (301639C). The frontage road must be built for driving
21 speeds of no more than thirty-five miles per hour.

22 (23) \$1,000,000 of the motor vehicle account--federal appropriation
23 is provided solely for the SR 20/Race Road to Jacob's Road safety
24 project (L2200042).

25 (24) \$24,002,000 of the transportation partnership account--state
26 appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont
27 Avenue Extension project (202800D).

28 (25) \$569,000 of the motor vehicle account--federal appropriation
29 and \$9,000 of the motor vehicle account--state appropriation are
30 provided solely for design and right-of-way work on the I-82/Red
31 Mountain Vicinity project (508208M). The department shall continue to
32 work with the local partners in developing transportation solutions
33 necessary for the economic growth in the Red Mountain American
34 viticulture area of Benton county.

35 (26) \$1,500,000 of the motor vehicle account--federal appropriation
36 is provided solely for the I-90 Comprehensive Tolling Study project
37 (100067T).

1 (27) \$9,422,000 of the motor vehicle account--federal appropriation
2 and \$193,000 of the motor vehicle account--state appropriation are
3 provided solely for the I-90/Sullivan Road to Barker Road - Additional
4 Lanes project (609049N).

5 (28) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie
6 Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be
7 used for design work on the next two-mile segment of the corridor. Any
8 additional savings on this project must remain on the corridor.
9 \$590,000 of the funds appropriated for this project may be used to
10 purchase land currently owned by the state parks department. Project
11 funds may not be used to build or improve buildings until the plan
12 described in section 604 of this act is complete.

13 (29) \$932,000 of the motor vehicle account--federal appropriation
14 is provided solely for the US 97A/North of Wenatchee - Wildlife Fence
15 project (209790B).

16 (30) The department shall reconvene an expert review panel of no
17 more than three members as described under RCW 47.01.400 for the
18 purpose of updating the work that was previously completed by the panel
19 on the Alaskan Way viaduct replacement project and to ensure that an
20 appropriate and viable financial plan is created and regularly
21 reviewed. The expert review panel must be selected cooperatively by
22 the chairs of the senate and house of representatives transportation
23 committees, the secretary of transportation, and the governor. The
24 expert review panel must report findings and recommendations to the
25 transportation committees of the legislature, the governor's Alaskan
26 Way viaduct project oversight committee, and the transportation
27 commission by October 2011, and annually thereafter until the project
28 is operationally complete.

29 (31) It is important that the public and policymakers have accurate
30 and timely access to information related to the Alaskan Way viaduct
31 replacement project as it proceeds to, and during, the construction of
32 all aspects of the project including, but not limited to, information
33 regarding costs, schedules, contracts, project status, and neighborhood
34 impacts. Therefore, it is the intent of the legislature that the
35 state, city, and county departments of transportation establish a
36 single source of accountability for integration, coordination,
37 tracking, and information of all requisite components of the
38 replacement project, which must include, at a minimum:

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

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

5 (32) Within the amounts provided in this section, \$20,000 of the
6 motor vehicle account--state appropriation and \$980,000 of the motor
7 vehicle account--federal appropriation are provided solely for the
8 department to continue work on a comprehensive tolling study of the
9 state route number 167 corridor (project 316718S). As funding allows,
10 the department shall also continue work on a comprehensive tolling
11 study of the state route number 509 corridor.

12 (33)(a) \$131,303,000 of the transportation partnership
13 account--state appropriation, \$51,410,000 of the transportation 2003
14 account (nickel account)--state appropriation, and \$10,000,000 of the
15 motor vehicle account--federal appropriation are provided solely for
16 the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This
17 project must be completed as soon as practicable as a design-build
18 project and must be constructed with a footprint that would accommodate
19 potential future express toll lanes.

20 (b) As part of the project, the department shall conduct a traffic
21 and revenue analysis and complete a financial plan to provide
22 additional information on the revenues, expenditures, and financing
23 options available for active traffic management and congestion relief
24 in the Interstate 405 and state route number 167 corridors. A report
25 must be provided to the transportation committees of the legislature
26 and the office of financial management by January 2012. However, this
27 subsection (33)(b) is null and void if chapter . . . (Engrossed House
28 Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by
29 June 30, 2011.

30 (34) Funding for a signal at state route number 507 and Yew Street
31 is included in the appropriation for intersection and spot improvements
32 (0BI2002).

33 (35) \$226,809,000 of the transportation partnership account--state
34 appropriation and \$1,019,460,000 of the state route number 520 corridor
35 account--state appropriation are provided solely for the state route
36 number 520 bridge replacement and HOV program (8BI1003). When
37 developing the financial plan for the program, the department shall

1 assume that all maintenance and operation costs for the new facility
2 are to be covered by tolls collected on the toll facility, and not by
3 the motor vehicle account.

4 (36) \$650,000 of the motor vehicle account--federal appropriation
5 is provided solely for the SR 522 Improvements/61st Avenue NE and NE
6 181st Street project (L1000055).

7 (37) \$300,000 of the motor vehicle account--federal appropriation
8 is provided solely for the SR 523 Corridor study (L1000059).

9 (38) The department shall consider using the city of Mukilteo's
10 off-site mitigation program in the event any projects on state route
11 number 525 or 526 require environmental mitigation.

12 (39) Any savings on projects on the state route number 532 corridor
13 must be used within the corridor to begin work on flood prevention and
14 raising portions of the highway above flood and storm influences.

**Sec. 305 was partially vetoed. See message at end of chapter.*

15 *NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--**
16 **PRESERVATION--PROGRAM P**

17 Transportation Partnership Account--State

18 Appropriation	\$34,182,000
19 Motor Vehicle Account--State Appropriation	\$67,790,000
20 Motor Vehicle Account--Federal Appropriation	\$632,489,000
21 Motor Vehicle Account--Private/Local Appropriation	\$19,253,000
22 TOTAL APPROPRIATION	\$753,714,000

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

25 (1) Except as provided otherwise in this section, the entire
26 transportation 2003 account (nickel account) appropriation and the
27 entire transportation partnership account appropriation are provided
28 solely for the projects and activities as listed by fund, project, and
29 amount in LEAP Transportation Document 2011-1 as developed April 19,
30 2011, Program - Highway Preservation Program (P). However, limited
31 transfers of specific line-item project appropriations may occur
32 between projects for those amounts listed subject to the conditions and
33 limitations in section 603 of this act.

34 (2) The department shall, on a quarterly basis beginning July 1,
35 2011, provide to the office of financial management and the legislature
36 reports providing the status on each active project funded in part or
37 whole by the transportation 2003 account (nickel account) or the

1 transportation partnership account. Funding provided at a programmatic
2 level for transportation partnership account projects relating to
3 seismic bridges must be reported on a programmatic basis. Projects
4 within this programmatic level funding must be completed on a priority
5 basis and scoped to be completed within the current programmatic
6 budget. The department shall work with the office of financial
7 management and the transportation committees of the legislature to
8 agree on report formatting and elements. Elements must include, but
9 not be limited to, project scope, schedule, and costs. The department
10 shall also provide the information required under this subsection on a
11 quarterly basis.

12 (3) The department of transportation shall continue to implement
13 the lowest life-cycle cost planning approach to pavement management
14 throughout the state to encourage the most effective and efficient use
15 of pavement preservation funds. Emphasis should be placed on
16 increasing the number of roads addressed on time and reducing the
17 number of roads past due.

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

26 (5) Within the motor vehicle account--state appropriation and motor
27 vehicle account--federal appropriation, the department may transfer
28 funds between programs I and P, except for funds that are otherwise
29 restricted in this act.

30 (6) The department shall apply for surface transportation program
31 enhancement funds to be expended in lieu of or in addition to state
32 funds for eligible costs of projects in programs I and P.

33 (7) The motor vehicle account--state appropriation includes up to
34 \$17,652,000 in proceeds from the sale of bonds authorized in RCW
35 47.10.843.

36 (8) The department must work with cities and counties to develop a
37 comparison of direct and indirect labor costs, overhead rates, and

1 other costs for high-cost bridge inspections charged by the state,
2 counties, and other entities. The comparison is due to the
3 transportation committees of the legislature on September 1, 2011.

4 (9) \$277,000 of the motor vehicle account--federal appropriation
5 and \$10,000 of the motor vehicle account--state appropriation are
6 provided solely for the environmental impact statement and preliminary
7 planning for the replacement of the state route number 9 Snohomish
8 river bridge (project L2000018).

9 (10) \$9,641,000 of the motor vehicle account--federal
10 appropriation, \$2,000,000 of the motor vehicle account--private/local
11 appropriation, and \$361,000 of the motor vehicle account--state
12 appropriation are provided solely for the SR 21/Keller Ferry - Replace
13 Boat project (602110J).

14 (11) \$3,093,000 of the motor vehicle account--federal appropriation
15 is provided solely for the I-90/Ritzville to Tokio - Paving of Outside
16 Lanes project (609041G).

17 (12) \$2,733,000 of the motor vehicle account--federal appropriation
18 and \$114,000 of the motor vehicle account--state appropriation are
19 provided solely for the SR 167/Puyallup River Bridge Replacement
20 project (316725A). This project must be completed as a design-build
21 project. The department must work with local jurisdictions and the
22 community during the environmental review process to develop
23 appropriate esthetic design elements, at no additional cost to the
24 department, and traffic management plans pertaining to this project.
25 The department must report to the transportation committees of the
26 legislature on estimated cost and/or time savings realized as a result
27 of using the design-build process.

28 (13) \$295,000 of the motor vehicle account--federal appropriation
29 and \$5,000 of the motor vehicle account--state appropriation are
30 provided solely for the SR 906/Travelers Rest - Building Renovation
31 project (090600A).

**Sec. 306 was partially vetoed. See message at end of chapter.*

32 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--**
33 **TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

34	Motor Vehicle Account--State Appropriation	\$6,439,000
35	Motor Vehicle Account--Federal Appropriation	\$5,600,000
36	TOTAL APPROPRIATION	\$12,039,000

1 The appropriations in this section are subject to the following
2 conditions and limitations: \$1,000,000 of the motor vehicle account--
3 state appropriation for project 000005Q is provided solely for state
4 matching funds for federally selected competitive grants or
5 congressional earmark projects. These moneys must be placed into
6 reserve status until such time as federal funds are secured that
7 require a state match.

8 ***NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--**
9 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

10	Puget Sound Capital Construction Account--State	
11	Appropriation	\$68,013,000
12	Puget Sound Capital Construction Account--Federal	
13	Appropriation	\$41,500,000
14	Transportation 2003 Account (Nickel Account)--State	
15	Appropriation	\$118,027,000
16	Transportation Partnership Account--State	
17	Appropriation	\$12,536,000
18	Multimodal Transportation Account--State	
19	Appropriation	\$43,265,000
20	TOTAL APPROPRIATION	\$283,341,000

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

23 (1) \$68,013,000 of the Puget Sound capital construction
24 account--state appropriation, \$41,500,000 of the Puget Sound capital
25 construction account--federal appropriation, \$12,536,000 of the
26 transportation partnership account--state appropriation, \$118,027,000
27 of the transportation 2003 account (nickel account)--state
28 appropriation, and \$43,265,000 of the multimodal transportation
29 account--state appropriation are provided solely for ferry projects, as
30 listed in LEAP Transportation Document 2011-2 ALL PROJECTS as developed
31 April 19, 2011, Program - Washington State Ferries Capital Program (W).

32 (2) The department shall work with the department of archaeology
33 and historic preservation to ensure that the cultural resources
34 investigation is properly conducted on all large ferry terminal
35 projects. These projects must be conducted with active archaeological
36 management.

1 (3) The multimodal transportation account--state appropriation
2 includes up to \$43,265,000 in proceeds from the sale of bonds
3 authorized in RCW 47.10.867.

4 (4) The transportation 2003 account (nickel account)--state
5 appropriation includes up to \$82,143,000 in proceeds from the sale of
6 bonds authorized in RCW 47.10.861.

7 (5) The Puget Sound capital construction account--state
8 appropriation includes up to \$52,516,000 in proceeds from the sale of
9 bonds authorized in RCW 47.10.843.

10 **(6) Appropriations used for labor costs may be used only for**
11 **obligations under applicable collective bargaining agreements, civil**
12 **service laws, court orders, and judgments.**

13 (7) \$20,906,000 of the transportation 2003 account (nickel
14 account)--state appropriation, \$9,711,000 of the multimodal
15 transportation account--state appropriation, and \$1,537,000 of the
16 Puget Sound capital construction account--state appropriation are
17 provided solely for the acquisition of new Kwa-di-tabil class ferry
18 vessels subject to the conditions of RCW 47.56.780.

19 (8) \$33,404,000 of the multimodal transportation account--state
20 appropriation, \$2,000,000 of the Puget Sound capital construction
21 account--state appropriation, \$11,500,000 of the transportation
22 partnership account--state appropriation, and \$81,085,000 of the
23 transportation 2003 account (nickel account)--state appropriation are
24 provided solely for the acquisition of two 144-car vessels contingent
25 upon new and sufficient resources. Of these amounts, \$123,828,000 is
26 provided solely for the first 144-car vessel. The department shall use
27 as much already procured equipment as practicable on the 144-car
28 vessel. The vendor must present to the joint transportation committee
29 and the office of financial management, by August 15, 2011, a list of
30 options that will result in significant cost savings changes in terms
31 of construction or the long-term maintenance and operations of the
32 vessel. The vendor must allow for exercising the options without a
33 penalty. If neither chapter ... (Engrossed Substitute Senate Bill No.
34 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011
35 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003
36 account (nickel account)--state appropriation in this subsection
37 lapses.

1 (9) The department shall provide to the office of financial
2 management and the legislature quarterly reports providing the status
3 on each project listed in this section and in the project lists
4 submitted pursuant to this act and on any additional projects for which
5 the department has expended funds during the 2011-2013 fiscal biennium.
6 Elements must include, but not be limited to, project scope, schedule,
7 and costs. The department shall also provide the information required
8 under this subsection via the transportation executive information
9 system. The quarterly report regarding the status of projects
10 identified on the list referenced in subsection (1) of this section
11 must be developed according to an earned value method of project
12 monitoring.

13 ***(10) The department shall review and adjust its capital program***
14 ***staffing levels to ensure staffing is at the most efficient level***
15 ***necessary to implement the capital program in the omnibus***
16 ***transportation appropriations act. The review must include a***
17 ***comparison to the findings of the 2009 capital staffing levels report.***
18 ***The Washington state ferries shall report this review and adjustment to***
19 ***the office of financial management and the house and senate***
20 ***transportation committees of the legislature by July 2012.***

21 (11) \$3,932,000 of the total appropriation is provided solely for
22 continued permitting work on the Mukilteo ferry terminal (project
23 952515P). The department shall seek additional federal funding for
24 this project. Prior to beginning terminal improvements, the department
25 shall report to the legislature on the final environmental impact
26 statement by December 31, 2012. The report must include an overview of
27 the costs and benefits of each of the alternatives considered, as well
28 as an identification of costs and a funding plan for the preferred
29 alternative.

30 ***(12) The department shall conduct an analysis of the Eagle Harbor***
31 ***slips to determine the cost benefit of replacing or repairing existing***
32 ***structures with new structures including, but not limited to, dolphins***
33 ***and wingwalls. A report on this analysis is due to the legislature by***
34 ***December 31, 2011.***

35 (13) The department shall review all terminal project cost
36 estimates to identify projects where similar design requirements could
37 result in reduced preliminary engineering or miscellaneous items costs.
38 The department shall report to the legislature by September 1, 2011.

1 The report must use programmatic design and include estimated cost
2 savings by reducing repetitive design costs or miscellaneous costs, or
3 both, applied to projects.

4 (14) \$2,000,000 of the Puget Sound capital construction account--
5 state appropriation is provided solely for emergency capital repair
6 costs. Funds may be spent only after approval from the office of
7 financial management.

8 (15) \$7,167,000 of the Puget Sound capital construction account--
9 state appropriation is provided solely for the reservation and
10 communications system project.

**Sec. 308 was partially vetoed. See message at end of chapter.*

11 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--**
12 **RAIL--PROGRAM Y--CAPITAL**

13	Essential Rail Assistance Account--State	
14	Appropriation	\$1,000,000
15	Transportation Infrastructure Account--State	
16	Appropriation	\$5,838,000
17	Multimodal Transportation Account--State	
18	Appropriation	\$52,000,000
19	Multimodal Transportation Account--Federal	
20	Appropriation	\$366,314,000
21	Multimodal Transportation Account--Private/Local	
22	Appropriation	\$1,292,000
23	TOTAL APPROPRIATION	\$426,444,000

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

26 (1)(a) Except as provided otherwise in this section, the entire
27 appropriations in this section are provided solely for the projects and
28 activities as listed by project and amount in LEAP Transportation
29 Document 2011-2 ALL PROJECTS as developed April 19, 2011, Program -
30 Rail Capital Program (Y).

31 (b) Within the amounts provided in this section, \$2,903,000 of the
32 transportation infrastructure account--state appropriation is for low-
33 interest loans through the freight rail investment bank program for
34 specific projects listed as recipients of these loans in the LEAP
35 transportation document identified in (a) of this subsection. The
36 department shall issue freight rail investment bank program loans with

1 a repayment period of no more than ten years, and only so much interest
2 as is necessary to recoup the department's costs to administer the
3 loans.

4 (c) Within the amounts provided in this section, \$1,754,000 of the
5 multimodal transportation account--state appropriation and \$1,000,000
6 of the essential rail assistance account--state appropriation are for
7 statewide emergent freight rail assistance projects identified in the
8 LEAP transportation document identified in (a) of this subsection.

9 (2)(a) If any funds remain in the program reserves (F01001A &
10 F01000A) for the program and projects listed in subsection (1)(b) and
11 (c) of this section, the department shall issue a call for projects for
12 the freight rail investment bank (FRIB) loan program and the emergent
13 freight rail assistance program (FRAP) grants, and shall evaluate the
14 applications according to the cost-benefit methodology developed during
15 the 2008 interim using the legislative priorities specified in (c) of
16 this subsection. Unsuccessful FRAP grant applicants should be
17 encouraged to apply to the FRIB loan program, if eligible. By November
18 1, 2011, the department shall submit a prioritized list of recommended
19 projects to the office of financial management and the transportation
20 committees of the legislature.

21 (b) When the department identifies a prospective rail project that
22 may have strategic significance for the state, or at the request of a
23 proponent of a prospective rail project or a member of the legislature,
24 the department shall evaluate the prospective project according to the
25 cost-benefit methodology developed during the 2008 interim using the
26 legislative priorities specified in (c) of this subsection. The
27 department shall report its cost-benefit evaluation of the prospective
28 rail project, as well as the department's best estimate of an
29 appropriate construction schedule and total project costs, to the
30 office of financial management and the transportation committees of the
31 legislature.

32 (c) The legislative priorities to be used in the cost-benefit
33 methodology are, in order of relative importance:

34 (i) Economic, safety, or environmental advantages of freight
35 movement by rail compared to alternative modes;

36 (ii) Self-sustaining economic development that creates family-wage
37 jobs;

1 (iii) Preservation of transportation corridors that would otherwise
2 be lost;

3 (iv) Increased access to efficient and cost-effective transport to
4 market for Washington's agricultural and industrial products;

5 (v) Better integration and cooperation within the regional,
6 national, and international systems of freight distribution; and

7 (vi) Mitigation of impacts of increased rail traffic on
8 communities.

9 (3) The department is directed to expend unallocated federal rail
10 crossing funds in lieu of or in addition to state funds for eligible
11 costs of projects in program Y.

12 (4) The department shall provide quarterly reports to the office of
13 financial management and the transportation committees of the
14 legislature regarding applications that the department submits for
15 federal funds and the status of such applications.

16 (5) The department shall, on a quarterly basis, provide to the
17 office of financial management and the legislature reports providing
18 the status on active projects identified in the LEAP transportation
19 document described in subsection (1)(a) of this section. Report
20 formatting and elements must be consistent with the October 2009
21 quarterly project report.

22 (6) The multimodal transportation account--state appropriation
23 includes up to \$19,684,000 in proceeds from the sale of bonds
24 authorized in RCW 47.10.867.

25 (7) When the balance of that portion of the miscellaneous program
26 account apportioned to the department for the grain train program
27 reaches \$1,180,000, the department shall acquire additional grain train
28 railcars.

29 (8) \$1,087,000 of the multimodal transportation account--state
30 appropriation is provided solely as state matching funds for successful
31 grant applications to either the federal rail line relocation and
32 improvement program (project 798999D) or new federal high-speed rail
33 grants.

34 (9) The Burlington Northern Santa Fe Skagit river bridge is an
35 integral part of the rail system. Constructed in 1916, the bridge does
36 not meet current design standards and is at risk during flood events
37 that occur on the Skagit river. The department shall work with

1 Burlington Northern Santa Fe and local jurisdictions to secure federal
2 funding for the Skagit river bridge and to develop an appropriate
3 replacement plan and schedule.

4 (10) \$339,139,000 of the multimodal transportation account--federal
5 appropriation and \$5,099,000 of the multimodal transportation account--
6 state appropriation are provided solely for expenditures related to
7 passenger high-speed rail grants. At one and one-half percent of the
8 total project funds, the multimodal transportation account--state funds
9 are provided solely for expenditures that are not federally
10 reimbursable. Funding in this subsection is the initial portion of
11 multiyear high-speed rail program grants awarded to Washington state
12 for high-speed intercity passenger rail investments. Funding will
13 allow for two additional round trips between Seattle and Portland and
14 other rail improvements.

15 (11) \$750,000 of the multimodal transportation account--state
16 appropriation is provided solely for the Port of Royal Slope
17 rehabilitation project (L1000053). Funding is contingent upon the
18 project completing the rail cost-benefit methodology process developed
19 during the 2008 interim using the legislative priorities outlined in
20 subsection (2)(c) of this section.

21 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--**
22 **LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

23	Highway Infrastructure Account--State Appropriation	\$207,000
24	Highway Infrastructure Account--Federal	
25	Appropriation	\$1,602,000
26	Motor Vehicle Account--State Appropriation	\$3,754,000
27	Motor Vehicle Account--Federal Appropriation	\$31,856,000
28	Freight Mobility Investment Account--State	
29	Appropriation	\$11,278,000
30	Transportation Partnership Account--State	
31	Appropriation	\$6,035,000
32	Freight Mobility Multimodal Account--State	
33	Appropriation	\$15,117,000
34	Freight Mobility Multimodal Account--Local	
35	Appropriation	\$4,752,000
36	Multimodal Transportation Account--State	
37	Appropriation	\$18,453,000

1 Passenger Ferry Account--State Appropriation \$1,115,000
2 TOTAL APPROPRIATION \$94,169,000

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

5 (1) The department shall, on a quarterly basis beginning July 1,
6 2011, provide to the office of financial management and the legislature
7 reports providing the status on each active project funded in part or
8 whole by the transportation 2003 account (nickel account) or the
9 transportation partnership account. Report formatting and elements
10 must be consistent with the October 2009 quarterly project report. The
11 department shall also provide the information required under this
12 subsection on a quarterly basis via the transportation executive
13 information system.

14 (2) \$1,115,000 of the passenger ferry account--state appropriation
15 is provided solely for near and long-term costs of capital improvements
16 and operating expenses that are consistent with the business plan
17 approved by the governor for passenger ferry service.

18 (3) The department shall apply for surface transportation program
19 enhancement funds to be expended in lieu of or in addition to state
20 funds for eligible costs of projects in local programs, program
21 Z--capital.

22 (4) Federal funds may be transferred from program Z to programs I
23 and P and state funds must be transferred from programs I and P to
24 program Z to replace those federal funds in a dollar-for-dollar match.
25 Fund transfers authorized under this subsection shall not affect
26 project prioritization status. Appropriations must initially be
27 allotted as appropriated in this act. The department may not transfer
28 funds as authorized under this subsection without approval of the
29 office of financial management. The department shall submit a report
30 on those projects receiving fund transfers to the office of financial
31 management and the transportation committees of the legislature by
32 December 1, 2011, and December 1, 2012.

33 (5) The city of Winthrop may utilize a design-build process for the
34 Winthrop bike path project.

35 (6) \$11,557,000 of the multimodal transportation account--state
36 appropriation, \$12,136,000 of the motor vehicle account--federal
37 appropriation, and \$5,195,000 of the transportation partnership
38 account--state appropriation are provided solely for the pedestrian and

1 bicycle safety program projects and safe routes to schools program
2 projects identified in: LEAP Transportation Document 2011-A,
3 pedestrian and bicycle safety program projects and safe routes to
4 schools program projects, as developed April 19, 2011; LEAP
5 Transportation Document 2009-A, pedestrian and bicycle safety program
6 projects and safe routes to schools program projects, as developed
7 March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and
8 bicycle safety program projects and safe routes to schools program
9 projects, as developed April 20, 2007; and LEAP Transportation Document
10 2006-B, pedestrian and bicycle safety program projects and safe routes
11 to schools program projects, as developed March 8, 2006. Projects must
12 be allocated funding based on order of priority. The department shall
13 review all projects receiving grant awards under this program at least
14 semiannually to determine whether the projects are making satisfactory
15 progress. Any project that has been awarded funds, but does not report
16 activity on the project within one year of the grant award must be
17 reviewed by the department to determine whether the grant should be
18 terminated. The department shall promptly close out grants when
19 projects have been completed, and identify where unused grant funds
20 remain because actual project costs were lower than estimated in the
21 grant award.

22 (7) Except as provided otherwise in this section, the entire
23 appropriations in this section are provided solely for the projects and
24 activities as listed by project and amount in LEAP Transportation
25 Document 2011-2 ALL PROJECTS as developed April 19, 2011, Program -
26 Local Program (Z).

27 (8) For the 2011-2013 project appropriations, unless otherwise
28 provided in this act, the director of the office of financial
29 management may authorize a transfer of appropriation authority between
30 projects managed by the freight mobility strategic investment board in
31 order for the board to manage project spending and efficiently deliver
32 all projects in the respective program.

33 (9) With each department budget submittal, the department shall
34 provide an update on the status of the repayment of the twenty million
35 dollars of unobligated federal funds authority advanced by the
36 department in September 2010 to the city of Tacoma for the Murray
37 Morgan/11th Street bridge project.

1 (10) The department shall prepare a list of main street projects,
2 consistent with chapter ... (Engrossed Substitute House Bill No. 1071),
3 Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order
4 to ensure that any proposed list of projects is consistent with
5 legislative intent, the department shall provide a report to the joint
6 transportation committee by December 1, 2011. The report must identify
7 the eligible segments of main streets highways, the department's
8 proposed project selection and ranking method, criteria to be
9 considered, and a plan for soliciting project proposals.

10 (11) \$267,000 of the motor vehicle account--state appropriation and
11 \$2,859,000 of the motor vehicle account--federal appropriation are
12 provided solely for completion of the US 101 northeast peninsula safety
13 rest area and associated roadway improvements east of Port Angeles at
14 the Deer Park scenic view point (3LP187A). The department must surplus
15 any right-of-way previously purchased for this project near Sequim.
16 Approval to proceed with construction is contingent on surplus of
17 previously purchased right-of-way.

18 (12) Up to \$3,650,000 of the motor vehicle account--federal
19 appropriation and \$23,000 of the motor vehicle account--state
20 appropriation are provided solely to reimburse the cities of Kirkland
21 and Redmond for pavement and bridge deck rehabilitation on state route
22 number 908 (1LP611A). These funds may not be expended unless the
23 cities sign an agreement stating that the cities agree to take
24 ownership of state route number 908 in its entirety and agree that the
25 payment of these funds represents the entire state commitment to the
26 cities for state route number 908 expenditures.

27 (13) \$225,000 of the multimodal transportation account--state
28 appropriation is provided solely for the Shell Valley emergency road
29 and bicycle/pedestrian path (L1000036).

30 (14) \$150,000 of the motor vehicle account--state appropriation is
31 provided solely for flood reduction solutions on state route number 522
32 caused by the lower McAleer and Lyon creek basins (L1000041).

33 (15) \$896,000 of the multimodal transportation account--state
34 appropriation is provided solely for realignment of Parker Road and
35 construction of secondary access off of state route number 20
36 (L2200040).

37 (16) An additional \$2,500,000 of the motor vehicle account--federal
38 appropriation is provided solely for the Strander Blvd/SW 27th St

1 Connection project (1LP902F), which amount is reflected in the LEAP
2 transportation document identified in subsection (7) of this section.
3 These funds may only be committed if needed, may not be used to
4 supplant any other committed project partnership funding, and must be
5 the last funds expended.

6 (17) \$500,000 of the motor vehicle account--federal appropriation
7 is provided solely for safety improvements at the intersection of South
8 Wapato and McDonald Road (L1000052).

9 (18) \$2,000,000 of the multimodal transportation account--state
10 appropriation is provided solely for the state route number 432 rail
11 realignment and highway improvements project (L1000056).

12 (19) \$500,000 of the multimodal transportation account--state
13 appropriation is provided solely for a multimodal corridor plan on
14 state route number 520 between Interstate 405 and Avondale Road in
15 Redmond (L1000054).

16 (20) \$100,000 of the motor vehicle account--federal appropriation
17 is provided solely for state route number 164 and Auburn Way South
18 pedestrian improvements (L1000057).

19 (21) \$115,000 of the motor vehicle account--federal appropriation
20 is provided solely for median street lighting on state route number 410
21 (L1000058).

22 (22) \$60,000 of the multimodal transportation account--state
23 appropriation is provided solely for a cross docking study for the port
24 of Douglas county (L1000060).

25 (23) \$100,000 of the motor vehicle account--federal appropriation
26 is provided solely for city of Auburn - 8th and R Street NE
27 intersection improvements (L2200043).

28 (24) \$65,000 of the multimodal transportation account--state
29 appropriation is provided solely for the Puget Sound regional council
30 to further the implementation of multimodal concurrency practice
31 through a transit service overlay zone implemented at the local level
32 (L1000061). This approach will improve the linkage of land use and
33 transportation investment decisions, improve the efficiency of transit
34 service by encouraging transit-supportive development, provide
35 incentives for developers, and support integrated regional growth,
36 economic development, and transportation plans. In carrying out this
37 work, the council shall involve representatives from cities and
38 counties, developers, transit agencies, and other interested

1 stakeholders, and shall consult with other regional transportation
2 planning organizations across the state. The council shall report the
3 results of their work and recommendations to the joint transportation
4 committee by December 2011, with a final report to the transportation
5 committees of the legislature by January 31, 2012.

6 NEW SECTION. **Sec. 311. FEDERAL FUNDS RECEIVED FOR CAPITAL**
7 **PROJECT EXPENDITURES**

8 To the greatest extent practicable, the department of
9 transportation shall expend federal funds received for capital project
10 expenditures before state funds.

11 **TRANSFERS AND DISTRIBUTIONS**

12 NEW SECTION. **Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT**
13 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
14 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**
15 **TRANSPORTATION FUND REVENUE**

16	Highway Bond Retirement Account--State Appropriation . . .	\$920,560,000
17	Ferry Bond Retirement Account--State Appropriation	\$31,801,000
18	State Route Number 520 Corridor Account--State	
19	Appropriation	\$1,075,000
20	Transportation Improvement Board Bond Retirement	
21	Account--State Appropriation	\$16,544,000
22	Nondebt-Limit Reimbursable Account Appropriation	\$25,200,000
23	Transportation Partnership Account--State	
24	Appropriation	\$3,142,000
25	Motor Vehicle Account--State Appropriation	\$333,000
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation	\$1,140,000
28	Transportation Improvement Account--State Appropriation	\$29,000
29	Multimodal Transportation Account--State	
30	Appropriation	\$138,000
31	Toll Facility Bond Retirement Account--State	
32	Appropriation	\$33,792,000
33	Toll Facility Bond Retirement Account--Federal	
34	Appropriation	\$14,649,000

1 TOTAL APPROPRIATION \$1,048,403,000

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

4 (1) \$4,610,000 of the highway bond retirement account--state
5 appropriation is provided solely for debt service on bonds issued to
6 construct a ferry boat vessel with a carrying capacity of one hundred
7 forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of
8 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is
9 enacted by June 30, 2011, the amount provided in this subsection
10 lapses.

11 (2) \$165,000 of the transportation 2003 account (nickel account)--
12 state appropriation is provided solely for discounts on bonds sold to
13 construct a ferry boat vessel with a carrying capacity of one hundred
14 forty-four cars. If neither chapter ... (House Bill No. 2083), Laws of
15 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is
16 enacted by June 30, 2011, the amount provided in this subsection
17 lapses.

18 NEW SECTION. **Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT**
19 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
20 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

21	State Route Number 520 Corridor Account--State	
22	Appropriation	\$68,000
23	Transportation Partnership Account--State	
24	Appropriation	\$608,000
25	Motor Vehicle Account--State Appropriation	\$60,000
26	Transportation 2003 Account (Nickel Account)--State	
27	Appropriation	\$219,000
28	Transportation Improvement Account--State Appropriation	\$5,000
29	Multimodal Transportation Account--State	
30	Appropriation	\$26,000
31	TOTAL APPROPRIATION	\$986,000

32 The appropriations in this section are subject to the following
33 conditions and limitations: \$30,000 of the transportation 2003 account
34 (nickel account)--state appropriation is provided solely for expenses
35 associated with bonds sold to construct a ferry boat vessel with a
36 carrying capacity of one hundred forty-four cars. If neither chapter

1 ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed
2 Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the
3 amount provided in this subsection lapses.

4 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT**
5 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
6 **MVFT BONDS AND TRANSFERS**

7 Motor Vehicle Account--State Appropriation: For
8 transfer to the Puget Sound Capital Construction
9 Account \$52,516,000

10 The department of transportation is authorized to sell up to
11 \$52,516,000 in bonds authorized by RCW 47.10.843 for vessel and
12 terminal acquisition, major and minor improvements, and long lead-time
13 materials acquisition for the Washington state ferries. Of the
14 authorized amounts, \$14,500,000 is provided solely for expenditures
15 made during the fiscal biennium ending June 30, 2011.

16 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
17 **FOR DISTRIBUTION**

18 Motor Vehicle Account--State Appropriation for motor
19 vehicle fuel tax distributions to cities and
20 counties \$478,155,000

21 NEW SECTION. **Sec. 405. FOR THE STATE TREASURER--TRANSFERS**

22 Motor Vehicle Account--State Appropriation: For
23 motor vehicle fuel tax refunds and statutory
24 transfers \$1,246,357,000

25 NEW SECTION. **Sec. 406. FOR THE DEPARTMENT OF LICENSING--**
26 **TRANSFERS**

27 Motor Vehicle Account--State Appropriation: For
28 motor vehicle fuel tax refunds and transfers \$127,984,000

29 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE**
30 **TRANSFERS**

31 (1) Tacoma Narrows Toll Bridge Account--State
32 Appropriation: For transfer to the Motor Vehicle
33 Account--State \$543,000

1 (2) Motor Vehicle Account--State Appropriation:
 2 For transfer to the Puget Sound Ferry Operations
 3 Account--State \$46,500,000
 4 (3) Recreational Vehicle Account--State
 5 Appropriation: For transfer to the Motor Vehicle
 6 Account--State \$1,450,000
 7 (4) License Plate Technology Account--State
 8 Appropriation: For transfer to the Highway Safety
 9 Account--State \$3,200,000
 10 (5) Multimodal Transportation Account--State
 11 Appropriation: For transfer to the Puget Sound
 12 Ferry Operations Account--State \$43,000,000
 13 (6) Highway Safety Account--State Appropriation:
 14 For transfer to the Motor Vehicle Account--State \$23,000,000
 15 (7) Department of Licensing Services Account--State
 16 Appropriation: For transfer to the Motor Vehicle
 17 Account--State \$400,000
 18 (8) Advanced Right-of-Way Revolving Fund: For transfer
 19 to the Motor Vehicle Account--State \$5,000,000
 20 (9) State Route Number 520 Civil Penalties
 21 Account--State Appropriation: For transfer to the
 22 State Route Number 520 Corridor Account--State \$754,000
 23 (10) Rural Mobility Grant Program Account--State
 24 Appropriation: For transfer to the Multimodal
 25 Transportation Account--State \$3,000,000
 26 (11) Motor Vehicle Account--State Appropriation:
 27 For transfer to the State Patrol Highway Account--
 28 State \$14,000,000
 29 (12) State Route Number 520 Corridor Account--State Appropriation:
 30 For transfer to the Motor Vehicle Account--State, in an amount equal to
 31 funds dispersed during the 2009-2011 fiscal biennium authorized under
 32 section 805(7) of this act.
 33 (13) Motor Vehicle Account--State Appropriation:
 34 For transfer to the Special Category C Account--State . . . \$1,500,000
 35 (14) Regional Mobility Grant Program Account--State
 36 Appropriation: For transfer to the Multimodal
 37 Transportation Account--State \$1,000,000
 38 (15) State Patrol Highway Account--State

1 Appropriation: For transfer to the Vehicle
2 Licensing Fraud Account \$100,000
3 (16) State Route Number 520 Corridor Account--State

4 Appropriation: For transfer to the Motor Vehicle
5 Account \$2,435,000

6 (17) The transfers identified in this section are subject to the
7 following conditions and limitations:

8 (a) The amount transferred in subsection (1) of this section
9 represents repayment of operating loans and reserve payments provided
10 to the Tacoma Narrows toll bridge account from the motor vehicle
11 account in the 2005-2007 fiscal biennium.

12 (b) The transfer in subsection (9) of this section represents toll
13 revenue collected from toll violations.

14 NEW SECTION. **Sec. 408. STATUTORY APPROPRIATIONS**

15 In addition to the amounts appropriated in this act for revenue for
16 distribution, state contributions to the law enforcement officers' and
17 firefighters' retirement system, and bond retirement and interest
18 including ongoing bond registration and transfer charges, transfers,
19 interest on registered warrants, and certificates of indebtedness,
20 there is also appropriated such further amounts as may be required or
21 available for these purposes under any statutory formula or under any
22 proper bond covenant made under law.

23 NEW SECTION. **Sec. 409.** The department of transportation is
24 authorized to undertake federal advance construction projects under the
25 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
26 meeting approved highway construction and preservation objectives. The
27 legislature recognizes that the use of state funds may be required to
28 temporarily fund expenditures of the federal appropriations for the
29 highway construction and preservation programs for federal advance
30 construction projects prior to conversion to federal funding.

31 **COMPENSATION**

32 NEW SECTION. **Sec. 501. COLLECTIVE BARGAINING AGREEMENTS**

33 Provisions or terms and conditions of collective bargaining

1 agreements contained in this act are described in general terms. The
2 collective bargaining agreements or terms and conditions contained in
3 this section and sections 502 through 505 of this act may also be
4 funded by expenditures from nonappropriated accounts. If positions are
5 funded with lidded grants or dedicated fund sources with insufficient
6 revenue, additional funding from other sources is not provided.

7 NEW SECTION. **Sec. 502. COLLECTIVE BARGAINING AGREEMENTS--WSP**
8 **TROOPERS ASSOCIATION**

9 No agreement has been reached between the governor and the
10 Washington state patrol trooper's association under chapter 41.56 RCW
11 for the 2011-2013 fiscal biennium. Appropriations for the Washington
12 state patrol in this act are sufficient to fund the provisions of the
13 2009-2011 agreement.

14 NEW SECTION. **Sec. 503. COLLECTIVE BARGAINING AGREEMENTS--WSP**
15 **LIEUTENANTS ASSOCIATION**

16 No agreement has been reached between the governor and the
17 Washington state patrol lieutenant's association under chapter 41.56
18 RCW for the 2011-2013 fiscal biennium. Appropriations for the
19 Washington state patrol in this act are sufficient to fund the
20 provisions of the 2009-2011 agreement.

21 NEW SECTION. **Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE**
22 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU, METAL TRADES, OPEIU,**
23 **MEBA-UL, MEBA-L, MM&P, FASSPA, SEIU LOCAL NO. 6**

24 (1) Agreements have been reached between the governor and the
25 following unions effective July 1, 2011: Inlandboatmen's union of the
26 pacific; Puget Sound metal trades council; office and professional
27 employees international union local No. 8; marine engineers' beneficial
28 association (unlicensed engine room employees); marine engineers'
29 beneficial association (licensed engineer officers); masters, mates,
30 and pilots; ferry agents, supervisors, and project administrators
31 association and service employees international union local No. 6 under
32 chapter 47.64 RCW for the 2011-2013 fiscal biennium.

33 (2) Funding is reduced to reflect a reduction to overtime
34 calculation, travel pay for relief employees, and reduced vacation
35 leave accruals.

1 (3) Except for office and professional employees international
2 union local No. 8, funding is reduced to reflect a three percent
3 temporary salary reduction for all employees for fiscal years 2012 and
4 2013 through June 29, 2013. Entry level rates for employees under the
5 inlandboatmen's union of the pacific and service employees
6 international union local No. 6 are not subject to the three percent
7 temporary salary reduction.

8 (4) For employees covered under the office and professional
9 employees international union local No. 8 agreement, funding is reduced
10 to reflect a three percent temporary salary reduction for all employees
11 whose monthly full-time equivalent salary is two thousand five hundred
12 dollars or more per month for fiscal years 2012 and 2013 through June
13 29, 2013. Temporary salary reduction leave is granted for employees
14 covered under the office and professional employees international union
15 local No. 8 agreement for the term of the 2011-2013 agreement.

16 (5) Effective June 30, 2013, the salary schedules effective July 1,
17 2009, through June 29, 2011, will be reinstated for all of the
18 agreements.

19 (6) Appropriations in this act reflect funding to staff vessels
20 according to United States coast guard certificates of inspection per
21 the agreement noted in subsection (1) of this section.

22 (7) Appropriations in this act do not reflect funding to fund state
23 employee health benefits for employees represented by the super
24 coalition on health benefits or employees outside of the super
25 coalition on health benefits. Acceptance of the super coalition on
26 health benefits agreement will be contingent upon sufficient funding in
27 the 2011-2013 omnibus operating appropriations act. Funding for health
28 benefits for employees outside of the super coalition on health
29 benefits will be in accordance with appropriations in the 2011-2013
30 omnibus operating appropriations act.

31 NEW SECTION. **Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE**
32 **DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

33 No agreement has been reached between the governor and the masters,
34 mates, and pilots marine operations watch supervisors under chapter
35 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this
36 act reflect funding to maintain the provisions or terms and conditions

1 of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013
2 appropriations are reduced to reflect management priorities in
3 collective bargaining.

4 **IMPLEMENTING PROVISIONS**

5 **NEW SECTION. Sec. 601. ACQUISITION OF PROPERTIES AND FACILITIES**
6 **THROUGH FINANCIAL CONTRACTS**

7 (1) The following agencies may enter into financial contracts, paid
8 from any funds of an agency, appropriated or nonappropriated, for the
9 purposes indicated and in not more than the principal amounts
10 indicated, plus financing expenses and required reserves pursuant to
11 chapter 39.94 RCW. When securing properties under this section,
12 agencies shall use the most economical financial contract option
13 available, including long-term leases, lease-purchase agreements,
14 lease-development with option to purchase agreements, or financial
15 contracts using certificates of participation. Expenditures made by an
16 agency for one of the indicated purposes before the issue date of the
17 authorized financial contract and any certificates of participation
18 therein are intended to be reimbursed from proceeds of the financial
19 contract and any certificates of participation therein to the extent
20 provided in the agency's financing plan approved by the state finance
21 committee.

22 (2) State agencies may enter into agreements with the department of
23 general administration and the state treasurer's office to develop
24 requests to the legislature for the acquisition of properties and
25 facilities through financial contracts. The agreements may include
26 charges for services rendered.

27 (a) Department of transportation: Enter into a financing contract
28 for up to \$10,824,000 plus financing expenses and required reserves
29 pursuant to chapter 39.94 RCW for the acquisition and implementation of
30 a time, leave, and labor distribution system that is integrated with
31 the state's accounting and human resource management systems.

32 (b) Department of licensing: Enter into a financing contract for
33 up to \$7,414,000 plus financing expenses and required reserves pursuant
34 to chapter 39.94 RCW for the purchase of a prorate and fuel tax system.

1 (c) Washington state patrol: (i) Enter into a financing contract
2 for up to \$8,241,000 plus financing expenses and required reserves
3 pursuant to chapter 39.94 RCW to purchase and install mobile office
4 platforms in state patrol and pursuit vehicles.

5 (ii) Enter into a financing contract for up to \$40,100,000 plus
6 financing expenses and required reserves pursuant to chapter 39.94 RCW
7 to purchase equipment and engineering services to convert to a
8 narrowband digital system.

9 NEW SECTION. **Sec. 602. MEGA-PROJECT REPORTING**

10 Mega-projects are defined as individual or groups of related
11 projects that cost \$1,000,000,000 or more. These projects include, but
12 are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North
13 Spokane corridor, I-5 Tacoma HOV, I-90 Snoqualmie Pass, and the
14 Columbia river crossing. The department of transportation shall track
15 mega-projects and report the financial status and schedule of these
16 projects at least once a year to the transportation committees of the
17 legislature and the office of financial management. The design of
18 mega-projects must be evaluated considering cost, capacity, safety,
19 mobility needs, and how well the design of the facility fits within its
20 urban environment.

21 NEW SECTION. **Sec. 603. FUND TRANSFERS**

22 (1) The transportation 2003 projects or improvements and the 2005
23 transportation partnership projects or improvements are listed in LEAP
24 Transportation Document 2011-1 as developed April 19, 2011, which
25 consists of a list of specific projects by fund source and amount over
26 a sixteen-year period. Current fiscal biennium funding for each
27 project is a line-item appropriation, while the outer year funding
28 allocations represent a sixteen-year plan. The department is expected
29 to use the flexibility provided in this section to assist in the
30 delivery and completion of all transportation partnership account and
31 transportation 2003 account (nickel account) projects on the LEAP
32 transportation documents referenced in this act. For the 2009-2011 and
33 2011-2013 project appropriations, unless otherwise provided in this
34 act, the director of financial management may authorize a transfer of
35 appropriation authority between projects funded with transportation
36 2003 account (nickel account) appropriations, or transportation

1 partnership account appropriations, in order to manage project spending
2 and efficiently deliver all projects in the respective program under
3 the following conditions and limitations:

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

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

9 (c) Each transfer between projects may only occur if the director
10 of financial management finds that any resulting change will not hinder
11 the completion of the projects as approved by the legislature. Until
12 the legislature reconvenes to consider the 2012 supplemental
13 transportation budget, any unexpended 2009-2011 appropriation balance
14 as approved by the office of financial management, in consultation with
15 the legislative staff of the house of representatives and senate
16 transportation committees, may be considered when transferring funds
17 between projects;

18 (d) Transfers from a project may be made if the funds appropriated
19 to the project are in excess of the amount needed to complete the
20 project;

21 (e) Transfers may not occur for projects not identified on the
22 applicable project list;

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

25 (g) Transfers between projects may be made by the department of
26 transportation until the transfer amount by project exceeds two hundred
27 fifty thousand dollars, or ten percent of the total project, whichever
28 is less. These transfers must be reported quarterly to the director of
29 financial management and the chairs of the house of representatives and
30 senate transportation committees.

31 (2) At the time the department submits a request to transfer funds
32 under this section, a copy of the request must be submitted to the
33 transportation committees of the legislature.

34 (3) The office of financial management shall work with legislative
35 staff of the house of representatives and senate transportation
36 committees to review the requested transfers in a timely manner.

37 (4) The office of financial management shall document approved
38 transfers and schedule changes in the transportation executive

1 information system, compare changes to the legislative baseline funding
2 and schedules identified by project identification number identified in
3 the LEAP transportation documents referenced in this act, and transmit
4 revised project lists to chairs of the transportation committees of the
5 legislature on a quarterly basis.

6 NEW SECTION. **Sec. 604.** (1) The department of transportation shall
7 prepare a plan to improve the oversight of real estate procurement and
8 management practices across all departmental programs and regions,
9 including the Washington state ferries. The plan must be submitted to
10 the governor and the joint transportation committee by September 1,
11 2012. The plan must include:

12 (a) An inventory of all currently owned and leased office space,
13 tunnel and bridge operations and maintenance facilities, and traffic
14 management centers;

15 (b) A list of all facilities that will be needed for tunnel and
16 bridge operations or maintenance in the next ten years and the funding
17 source that is assumed for these facilities;

18 (c) A prioritized list of all buildings that are planned to be
19 constructed, renovated, or remodeled in the next ten years and the
20 funding source that is assumed for these facility improvements;

21 (d) A list of options for consolidating staff, equipment, and
22 operations activities to reduce costs. This list must include an
23 evaluation of the costs and benefits of owning properties as compared
24 to leasing them using a life-cycle cost analysis; and

25 (e) A process and plan for regularly evaluating needs for office
26 space, tunnel and bridge operations and maintenance facilities, and
27 traffic management.

28 (2) Except as provided otherwise in the act, until September 1,
29 2012, the department of transportation may not enter into new leases,
30 equal value exchanges, or property acquisitions for office needs
31 without first consulting with the office of financial management and
32 the joint transportation committee.

33 NEW SECTION. **Sec. 605.** Executive Order number 05-05,
34 archaeological and cultural resources, was issued effective November
35 10, 2005. Agencies and higher education institutions that issue grants

1 or loans for capital projects shall comply with the requirements set
2 forth in this executive order.

3 NEW SECTION. **Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION**

4 As part of its annual budget submittal, the department shall
5 provide an annual update to the legislature and the office of financial
6 management that:

7 (1) Compares the original project cost estimates approved in the
8 transportation 2003 and 2005 transportation partnership project lists
9 to the completed cost of the project, or the most recent legislatively
10 approved budget and total project costs for projects not yet completed;

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

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

15 (4) Identifies highway projects that have lost significant local or
16 regional contributions that were essential to completing the project;
17 and

18 (5) Identifies contingency amounts allocated to projects.

19 NEW SECTION. **Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION**

20 As part of its 2012 supplemental budget submittal, the department
21 shall provide a report to the legislature and the office of financial
22 management that:

23 (1) Identifies, by capital project, the amount of state funding
24 that has been reappropriated from the 2009-2011 fiscal biennium into
25 the 2011-2013 fiscal biennium; and

26 (2) Identifies, for each project, the amount of cost savings or
27 increases in funding that have been identified as compared to the 2011
28 enacted transportation budget.

29 NEW SECTION. **Sec. 608. STAFFING LEVELS**

30 (1) As the department of transportation completes delivery of the
31 projects funded by the 2003 and 2005 transportation revenue packages,
32 it is clear that the current staffing levels necessary to deliver these
33 projects are not sustainable into the future. Therefore, the
34 department is directed to quickly move forward to develop and implement
35 new business practices so that a smaller, more nimble state workforce

1 can effectively and efficiently deliver transportation improvement
2 programs as they are approved in the future, in strong partnership with
3 the private sector, while protecting the public's interests and assets.

4 (2) To this end, the department of transportation is directed to
5 reduce the size of its engineering and technical workforce to a level
6 sustained by current law revenue levels currently estimated at two
7 thousand FTEs by the end of the 2013-2015 fiscal biennium. The
8 department's current two thousand eight hundred FTE engineering and
9 technical workforce levels for highway construction will be reduced in
10 the 2011-2013 fiscal biennium, with a target of two thousand four
11 hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by
12 June 30, 2015.

13 (3) In order to successfully deliver the highway construction
14 program as funded, the department of transportation may continue to
15 contract out engineering and technical services. In addition, the
16 department may continue the incentive program for retirements and
17 employee separations. The department shall report quarterly to the
18 office of financial management and the transportation committees of the
19 legislature on its progress and plans to reduce highway construction
20 workforce levels to two thousand FTEs by June 2015. This report must
21 also be posted on the department's web site.

22 NEW SECTION. **Sec. 609. VOLUNTARY RETIREMENT, SEPARATION, AND**
23 **DOWNSHIFTING INCENTIVES**

24 As a management tool to reduce costs and make more effective use of
25 resources, while improving employee productivity and morale, agencies
26 may implement a voluntary retirement, separation, and/or downshifting
27 incentive program that is cost neutral or results in cost savings over
28 a two-year period following the commencement of the program, provided
29 that such a program is approved by the director of financial
30 management.

31 Agencies participating in this authorization may offer voluntary
32 retirement, separation, and/or downshifting incentives and options
33 according to procedures and guidelines established by the office of
34 financial management, in consultation with the department of personnel
35 and the department of retirement systems. The options may include, but
36 are not limited to, financial incentives for: Voluntary separation or
37 retirement, voluntary leave-without-pay, voluntary workweek or work

1 hour reduction, voluntary downward movement, or temporary separation
2 for development purposes. An employee does not have a contractual
3 right to a financial incentive offered pursuant to this section.

4 Offers must be reviewed and monitored jointly by the department of
5 personnel and the department of retirement systems. Agencies are
6 required to submit a report by June 30, 2013, to the legislature and
7 the office of financial management on the outcome of their approved
8 incentive program. The report must include information on the details
9 of the program, including resulting service delivery changes, agency
10 efficiencies, the cost of the incentive per participant, the total cost
11 to the state, and the projected or actual net dollar savings over the
12 2011-2013 fiscal biennium.

13 ****NEW SECTION. Sec. 610. (1) The department of transportation shall***
14 ***provide a report to the joint transportation committee by August 1,***
15 ***2011, providing recommendations on the department's future business***
16 ***model, staffing scenarios, and methods of program and project delivery.***
17 ***The report must:***

18 ***(a) Detail the sustainable staffing level by program to deliver***
19 ***core functions of the department in the context of forecasted resources***
20 ***as of March 2011;***

21 ***(b) Analyze the effect new funding scenarios would have on the***
22 ***sustainable staffing levels for core functions and recommend***
23 ***appropriate staffing levels;***

24 ***(c) Describe how the department's sustainable staffing levels would***
25 ***be affected by new funding scenarios and any other actions the***
26 ***department would need to deliver the program associated with the new***
27 ***funding; and***

28 ***(d) Evaluate alternative program and project delivery methods to***
29 ***improve efficiency and effectiveness and provide recommendations on***
30 ***legislative changes, if necessary, for their implementation.***

31 ***(2) The department shall provide stakeholder involvement***
32 ***opportunities in the development of the report. There must be a***
33 ***minimum of two such meetings: One for the purpose of providing***
34 ***contextual and background information; and a second for review and***
35 ***comment of conclusions and recommendations. Stakeholders must include***
36 ***labor, private engineering contractors, general business interests,***

1 *representatives of various transportation modes, and others groups as*
2 *appropriate.*

**Sec. 610 was vetoed. See message at end of chapter.*

3 NEW SECTION. **Sec. 611. FOR THE DEPARTMENT OF TRANSPORTATION**

4 The department is given the authority to provide up to \$3,000,000
5 in toll credits to Kitsap transit for its role in new passenger-only
6 ferry service and ferry corridor-related projects. The number of toll
7 credits provided to Kitsap transit must be equal to, but no more than,
8 the number sufficient to meet federal match requirements for grant
9 funding for passenger-only ferry service, but shall not exceed the
10 amount authorized in this section.

11 **MISCELLANEOUS 2011-2013 FISCAL BIENNIUM**

12 **Sec. 701.** RCW 47.29.170 and 2009 c 470 s 702 are each amended to
13 read as follows:

14 Before accepting any unsolicited project proposals, the commission
15 must adopt rules to facilitate the acceptance, review, evaluation, and
16 selection of unsolicited project proposals. These rules must include
17 the following:

18 (1) Provisions that specify unsolicited proposals must meet
19 predetermined criteria;

20 (2) Provisions governing procedures for the cessation of
21 negotiations and consideration;

22 (3) Provisions outlining that unsolicited proposals are subject to
23 a two-step process that begins with concept proposals and would only
24 advance to the second step, which are fully detailed proposals, if the
25 commission so directed;

26 (4) Provisions that require concept proposals to include at least
27 the following information: Proposers' qualifications and experience;
28 description of the proposed project and impact; proposed project
29 financing; and known public benefits and opposition; and

30 (5) Provisions that specify the process to be followed if the
31 commission is interested in the concept proposal, which must include
32 provisions:

33 (a) Requiring that information regarding the potential project

1 would be published for a period of not less than thirty days, during
2 which time entities could express interest in submitting a proposal;

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

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

9 The commission may adopt other rules as necessary to avoid
10 conflicts with existing laws, statutes, or contractual obligations of
11 the state.

12 The commission may not accept or consider any unsolicited proposals
13 before July 1, (~~2011~~) 2013.

14 NEW SECTION. **Sec. 702.** To the extent that any appropriation
15 authorizes expenditures of state funds from the motor vehicle account,
16 special category C account, Tacoma Narrows toll bridge account,
17 transportation 2003 account (nickel account), transportation
18 partnership account, transportation improvement account, Puget Sound
19 capital construction account, multimodal transportation account, state
20 route number 520 corridor account, or other transportation capital
21 project account in the state treasury for a state transportation
22 program that is specified to be funded with proceeds from the sale of
23 bonds authorized in chapter 47.10 RCW, the legislature declares that
24 any such expenditures made prior to the issue date of the applicable
25 transportation bonds for that state transportation program are intended
26 to be reimbursed from proceeds of those transportation bonds in a
27 maximum amount equal to the amount of such appropriation.

28 **Sec. 703.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161
29 s 604 are each reenacted and amended to read as follows:

30 (1) The department must review and either approve or reject special
31 license plate applications submitted by sponsoring organizations.

32 (2) Duties of the department include, but are not limited to, the
33 following:

34 (a) Review and approve the annual financial reports submitted by
35 sponsoring organizations with active special license plate series and

1 present those annual financial reports to the (~~senate and house~~
2 ~~transportation committees~~) joint transportation committee;

3 (b) Report annually to the (~~senate and house of representatives~~
4 ~~transportation committees~~) joint transportation committee on the
5 special license plate applications that were considered by the
6 department;

7 (c) Issue approval and rejection notification letters to sponsoring
8 organizations, the department, the (~~chairs of the senate and house of~~
9 ~~representatives transportation committees~~) executive committee of the
10 joint transportation committee, and the legislative sponsors identified
11 in each application. The letters must be issued within seven days of
12 making a determination on the status of an application; and

13 (d) Review annually the number of plates sold for each special
14 license plate series created after January 1, 2003. The department may
15 submit a recommendation to discontinue a special plate series to the
16 (~~chairs of the senate and house of representatives transportation~~
17 ~~committees~~) executive committee of the joint transportation committee.

18 (3) Except as provided in RCW 46.18.245, in order to assess the
19 effects and impact of the proliferation of special license plates, the
20 legislature declares a temporary moratorium on the issuance of any
21 additional plates until July 1, (~~2011~~) 2013. During this period of
22 time, the department is prohibited from accepting, reviewing,
23 processing, or approving any applications. Additionally, a special
24 license plate may not be enacted by the legislature during the
25 moratorium, unless the proposed license plate has been approved by the
26 former special license plate review board before February 15, 2005.

27 **Sec. 704.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
28 read as follows:

29 (1) The use of automated traffic safety cameras for issuance of
30 notices of infraction is subject to the following requirements:

31 (a) The appropriate local legislative authority must first enact an
32 ordinance allowing for their use to detect one or more of the
33 following: Stoplight, railroad crossing, or school speed zone
34 violations. At a minimum, the local ordinance must contain the
35 restrictions described in this section and provisions for public notice
36 and signage. Cities and counties using automated traffic safety

1 cameras before July 24, 2005, are subject to the restrictions described
2 in this section, but are not required to enact an authorizing
3 ordinance.

4 (b) Use of automated traffic safety cameras is restricted to two-
5 arterial intersections, railroad crossings, and school speed zones
6 only.

7 (c) During the ((2009-2011)) 2011-2013 fiscal biennium, automated
8 traffic safety cameras may be used to detect speed violations for the
9 purposes of ((~~section 201(2), chapter 470, Laws of 2009~~)) section
10 201(2) of this act if the local legislative authority first enacts an
11 ordinance authorizing the use of cameras to detect speed violations.

12 (d) Automated traffic safety cameras may only take pictures of the
13 vehicle and vehicle license plate and only while an infraction is
14 occurring. The picture must not reveal the face of the driver or of
15 passengers in the vehicle.

16 (e) A notice of infraction must be mailed to the registered owner
17 of the vehicle within fourteen days of the violation, or to the renter
18 of a vehicle within fourteen days of establishing the renter's name and
19 address under subsection (3)(a) of this section. The law enforcement
20 officer issuing the notice of infraction shall include with it a
21 certificate or facsimile thereof, based upon inspection of photographs,
22 microphotographs, or electronic images produced by an automated traffic
23 safety camera, stating the facts supporting the notice of infraction.
24 This certificate or facsimile is prima facie evidence of the facts
25 contained in it and is admissible in a proceeding charging a violation
26 under this chapter. The photographs, microphotographs, or electronic
27 images evidencing the violation must be available for inspection and
28 admission into evidence in a proceeding to adjudicate the liability for
29 the infraction. A person receiving a notice of infraction based on
30 evidence detected by an automated traffic safety camera may respond to
31 the notice by mail.

32 (f) The registered owner of a vehicle is responsible for an
33 infraction under RCW 46.63.030(1)(e) unless the registered owner
34 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
35 car business, satisfies the conditions under subsection (3) of this
36 section. If appropriate under the circumstances, a renter identified
37 under subsection (3)(a) of this section is responsible for an
38 infraction.

1 (g) Notwithstanding any other provision of law, all photographs,
2 microphotographs, or electronic images prepared under this section are
3 for the exclusive use of law enforcement in the discharge of duties
4 under this section and are not open to the public and may not be used
5 in a court in a pending action or proceeding unless the action or
6 proceeding relates to a violation under this section. No photograph,
7 microphotograph, or electronic image may be used for any purpose other
8 than enforcement of violations under this section nor retained longer
9 than necessary to enforce this section.

10 (h) All locations where an automated traffic safety camera is used
11 must be clearly marked by placing signs in locations that clearly
12 indicate to a driver that he or she is entering a zone where traffic
13 laws are enforced by an automated traffic safety camera.

14 (i) If a county or city has established an authorized automated
15 traffic safety camera program under this section, the compensation paid
16 to the manufacturer or vendor of the equipment used must be based only
17 upon the value of the equipment and services provided or rendered in
18 support of the system, and may not be based upon a portion of the fine
19 or civil penalty imposed or the revenue generated by the equipment.

20 (2) Infractions detected through the use of automated traffic
21 safety cameras are not part of the registered owner's driving record
22 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
23 by the use of automated traffic safety cameras under this section shall
24 be processed in the same manner as parking infractions, including for
25 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
26 However, the amount of the fine issued for an infraction generated
27 through the use of an automated traffic safety camera shall not exceed
28 the amount of a fine issued for other parking infractions within the
29 jurisdiction.

30 (3) If the registered owner of the vehicle is a rental car
31 business, the law enforcement agency shall, before a notice of
32 infraction being issued under this section, provide a written notice to
33 the rental car business that a notice of infraction may be issued to
34 the rental car business if the rental car business does not, within
35 eighteen days of receiving the written notice, provide to the issuing
36 agency by return mail:

37 (a) A statement under oath stating the name and known mailing

1 address of the individual driving or renting the vehicle when the
2 infraction occurred; or

3 (b) A statement under oath that the business is unable to determine
4 who was driving or renting the vehicle at the time the infraction
5 occurred because the vehicle was stolen at the time of the infraction.
6 A statement provided under this subsection must be accompanied by a
7 copy of a filed police report regarding the vehicle theft; or

8 (c) In lieu of identifying the vehicle operator, the rental car
9 business may pay the applicable penalty.

10 Timely mailing of this statement to the issuing law enforcement
11 agency relieves a rental car business of any liability under this
12 chapter for the notice of infraction.

13 (4) Nothing in this section prohibits a law enforcement officer
14 from issuing a notice of traffic infraction to a person in control of
15 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
16 (b), or (c).

17 (5) For the purposes of this section, "automated traffic safety
18 camera" means a device that uses a vehicle sensor installed to work in
19 conjunction with an intersection traffic control system, a railroad
20 grade crossing control system, or a speed measuring device, and a
21 camera synchronized to automatically record one or more sequenced
22 photographs, microphotographs, or electronic images of the rear of a
23 motor vehicle at the time the vehicle fails to stop when facing a
24 steady red traffic control signal or an activated railroad grade
25 crossing control signal, or exceeds a speed limit in a school speed
26 zone as detected by a speed measuring device. During the ((2009-2011))
27 2011-2013 fiscal biennium, an automated traffic safety camera includes
28 a camera used to detect speed violations for the purposes of ((~~section~~
29 ~~201(2), chapter 470, Laws of 2009~~)) section 201(2) of this act.

30 (6) During the ((2009-2011)) 2011-2013 fiscal biennium, this
31 section does not apply to automated traffic safety cameras for the
32 purposes of ((~~section 218(2), chapter 470, Laws of 2009~~)) section
33 216(5) of this act.

34 **Sec. 705.** RCW 46.63.160 and 2010 c 249 s 6 are each amended to
35 read as follows:

36 (1) This section applies only to civil penalties for nonpayment of
37 tolls detected through use of photo toll systems.

1 (2) Nothing in this section prohibits a law enforcement officer
2 from issuing a notice of traffic infraction to a person in control of
3 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
4 (b), or (c).

5 (3) A notice of civil penalty may be issued by the department of
6 transportation when a toll is assessed through use of a photo toll
7 system and the toll is not paid by the toll payment due date, which is
8 eighty days from the date the vehicle uses the toll facility and incurs
9 the toll charge.

10 (4) Any registered owner or renter of a vehicle traveling upon a
11 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
12 a civil penalty governed by the administrative procedures set forth in
13 this section when the vehicle incurs a toll charge and the toll is not
14 paid by the toll payment due date, which is eighty days from the date
15 the vehicle uses the toll facility and incurs the toll charge.

16 (5) Consistent with chapter 34.05 RCW, the department of
17 transportation shall develop an administrative adjudication process to
18 review appeals of civil penalties issued by the department of
19 transportation for toll nonpayment detected through the use of a photo
20 toll system under this section.

21 (6) The use of a photo toll system is subject to the following
22 requirements:

23 (a) Photo toll systems may take photographs, digital photographs,
24 microphotographs, videotapes, or other recorded images of the vehicle
25 and vehicle license plate only.

26 (b) A notice of civil penalty must include with it a certificate or
27 facsimile thereof, based upon inspection of photographs,
28 microphotographs, videotape, or other recorded images produced by a
29 photo toll system, stating the facts supporting the notice of civil
30 penalty. This certificate or facsimile is prima facie evidence of the
31 facts contained in it and is admissible in a proceeding established
32 under subsection (5) of this section. The photographs, digital
33 photographs, microphotographs, videotape, or other recorded images
34 evidencing the toll nonpayment civil penalty must be available for
35 inspection and admission into evidence in a proceeding to adjudicate
36 the liability for the civil penalty.

37 (c) Notwithstanding any other provision of law, all photographs,
38 digital photographs, microphotographs, videotape, other recorded

1 images, or other records identifying a specific instance of travel
2 prepared under this chapter are for the exclusive use of the tolling
3 agency for toll collection and enforcement purposes and are not open to
4 the public and may not be used in a court in a pending action or
5 proceeding unless the action or proceeding relates to a civil penalty
6 under this chapter. No photograph, digital photograph,
7 microphotograph, videotape, other recorded image, or other record
8 identifying a specific instance of travel may be used for any purpose
9 other than toll collection or enforcement of civil penalties under this
10 section. Records identifying a specific instance of travel by a
11 specific person or vehicle must be retained only as required to ensure
12 payment and enforcement of tolls and to comply with state records
13 retention policies.

14 (d) All locations where a photo toll system is used must be clearly
15 marked by placing signs in locations that clearly indicate to a driver
16 that he or she is entering a zone where tolls are assessed and enforced
17 by a photo toll system.

18 (e) Within existing resources, the department of transportation
19 shall conduct education and outreach efforts at least six months prior
20 to activating an all-electronic photo toll system. Methods of outreach
21 shall include a department presence at community meetings in the
22 vicinity of a toll facility, signage, and information published in
23 local media. Information provided shall include notice of when all
24 electronic photo tolling shall begin and methods of payment.
25 Additionally, the department shall provide quarterly reporting on
26 education and outreach efforts and other data related to the issuance
27 of civil penalties.

28 (7) Civil penalties for toll nonpayment detected through the use of
29 photo toll systems must be issued to the registered owner of the
30 vehicle identified by the photo toll system, but are not part of the
31 registered owner's driving record under RCW 46.52.101 and 46.52.120.

32 (8) The civil penalty for toll nonpayment detected through the use
33 of a photo toll system is forty dollars plus the photo toll and
34 associated fees.

35 (9) Except as provided otherwise in this subsection, all civil
36 penalties, including the photo toll and associated fees, collected
37 under this section must be deposited into the toll facility account of
38 the facility on which the toll was assessed. However, (~~beginning on~~

1 ~~July 1, 2011~~) through June 30, 2013, civil penalties deposited into
2 the Tacoma Narrows toll bridge account created under RCW 47.56.165 that
3 are in excess of amounts necessary to support the toll adjudication
4 process applicable to toll collection on the Tacoma Narrows bridge must
5 first be allocated toward repayment of operating loans and reserve
6 payments provided to the account from the motor vehicle account under
7 section 1005(15), chapter 518, Laws of 2007. Additionally, all civil
8 penalties, resulting from nonpayment of tolls on the state route number
9 520 corridor, shall be deposited into the state route number 520 civil
10 penalties account created under section 4, chapter 248, Laws of 2010
11 but only if chapter 248, Laws of 2010 is enacted by June 30, 2010.

12 (10) If the registered owner of the vehicle is a rental car
13 business, the department of transportation shall, before a toll bill is
14 issued, provide a written notice to the rental car business that a toll
15 bill may be issued to the rental car business if the rental car
16 business does not, within thirty days of the mailing of the written
17 notice, provide to the issuing agency by return mail:

18 (a) A statement under oath stating the name and known mailing
19 address of the individual driving or renting the vehicle when the toll
20 was assessed; or

21 (b) A statement under oath that the business is unable to determine
22 who was driving or renting the vehicle at the time the toll was
23 assessed because the vehicle was stolen at the time the toll was
24 assessed. A statement provided under this subsection must be
25 accompanied by a copy of a filed police report regarding the vehicle
26 theft; or

27 (c) In lieu of identifying the vehicle operator, the rental car
28 business may pay the applicable toll and fee.

29 Timely mailing of this statement to the issuing agency relieves a
30 rental car business of any liability under this section for the payment
31 of the toll.

32 (11) Consistent with chapter 34.05 RCW, the department of
33 transportation shall develop rules to implement this section.

34 (12) For the purposes of this section, "photo toll system" means
35 the system defined in RCW 47.56.010 and 47.46.020.

36 ***Sec. 706. RCW 43.19.642 and 2010 c 247 s 701 are each amended to**
37 **read as follows:**

1 (1) *Effective June 1, 2006, for agencies complying with the ultra-*
2 *low sulfur diesel mandate of the United States environmental protection*
3 *agency for on-highway diesel fuel, agencies shall use biodiesel as an*
4 *additive to ultra-low sulfur diesel for lubricity, provided that the*
5 *use of a lubricity additive is warranted and that the use of biodiesel*
6 *is comparable in performance and cost with other available lubricity*
7 *additives. The amount of biodiesel added to the ultra-low sulfur*
8 *diesel fuel shall be not less than two percent.*

9 (2) *Effective June 1, 2009, state agencies are required to use a*
10 *minimum of twenty percent biodiesel as compared to total volume of all*
11 *diesel purchases made by the agencies for the operation of the*
12 *agencies' diesel-powered vessels, vehicles, and construction equipment.*

13 (3) *All state agencies using biodiesel fuel shall, beginning on*
14 *July 1, 2006, file biannual reports with the department of general*
15 *administration documenting the use of the fuel and a description of how*
16 *any problems encountered were resolved.*

17 (4) *For the 2009-2011 fiscal biennium, all fuel purchased by the*
18 *Washington state ferries at Harbor Island for the operation of the*
19 *Washington state ferries diesel powered vessels must be a minimum of*
20 *five percent biodiesel blend so long as the per gallon price of diesel*
21 *containing a five percent biodiesel blend level does not exceed the per*
22 *gallon price of diesel by more than five percent. If the per gallon*
23 *price of diesel containing a five percent biodiesel blend level exceeds*
24 *the per gallon price of diesel by more than five percent, the*
25 *requirements of this section do not apply to vessel fuel purchases by*
26 *the Washington state ferries.*

27 (5) *By December 1, 2009, the department of general administration*
28 *shall:*

29 (a) *Report to the legislature on the average true price*
30 *differential for biodiesel by blend and location; and*

31 (b) *Examine alternative fuel procurement methods that work to*
32 *address potential market barriers for in-state biodiesel producers and*
33 *report these findings to the legislature.*

34 (6) *During the 2011-2013 fiscal biennium, this section does not*
35 *apply to fuel purchased by the Washington state ferries.*

*Sec. 706 was vetoed. See message at end of chapter.

36 **Sec. 707.** RCW 43.19.534 and 2009 c 470 s 717 are each amended to
37 read as follows:

1 (1) State agencies, the legislature, and departments shall purchase
2 for their use all goods and services required by the legislature,
3 agencies, or departments that are produced or provided in whole or in
4 part from class II inmate work programs operated by the department of
5 corrections through state contract. These goods and services shall not
6 be purchased from any other source unless, upon application by the
7 department or agency: (a) The department of general administration
8 finds that the articles or products do not meet the reasonable
9 requirements of the agency or department, (b) are not of equal or
10 better quality, or (c) the price of the product or service is higher
11 than that produced by the private sector. However, the criteria
12 contained in (a), (b), and (c) of this section for purchasing goods and
13 services from sources other than correctional industries do not apply
14 to goods and services produced by correctional industries that
15 primarily replace goods manufactured or services obtained from outside
16 the state. The department of corrections and department of general
17 administration shall adopt administrative rules that implement this
18 section.

19 (2) During the 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia,
20 and in conformance with section 223(11), chapter 470, Laws of 2009 and
21 section 221(2) of this act, this section does not apply to the purchase
22 of uniforms by the Washington state ferries.

23 **Sec. 708.** RCW 47.01.380 and 2009 c 470 s 705 are each amended to
24 read as follows:

25 The department shall not commence construction on any part of the
26 state route number 520 bridge replacement and HOV project until a
27 record of decision has been reached providing reasonable assurance that
28 project impacts will be avoided, minimized, or mitigated as much as
29 practicable to protect against further adverse impacts on neighborhood
30 environmental quality as a result of repairs and improvements made to
31 the state route number 520 bridge and its connecting roadways, and that
32 any such impacts will be addressed through engineering design choices,
33 mitigation measures, or a combination of both. The requirements of
34 this section shall not apply to off-site pontoon construction
35 supporting the state route number 520 bridge replacement and HOV
36 project. The requirements of this section shall not apply during the
37 2009-2011 and 2011-2013 fiscal (~~(biennium)~~) biennia.

1 **Sec. 709.** RCW 47.56.403 and 2005 c 312 s 3 are each amended to
2 read as follows:

3 (1) The department may provide for the establishment, construction,
4 and operation of a pilot project of high occupancy toll lanes on state
5 route 167 high occupancy vehicle lanes within King county. The
6 department may issue, buy, and redeem bonds, and deposit and expend
7 them; secure and remit financial and other assistance in the
8 construction of high occupancy toll lanes, carry insurance, and handle
9 any other matters pertaining to the high occupancy toll lane pilot
10 project.

11 (2) Tolls for high occupancy toll lanes will be established as
12 follows:

13 (a) The schedule of toll charges for high occupancy toll lanes must
14 be established by the transportation commission and collected in a
15 manner determined by the commission.

16 (b) Toll charges shall not be assessed on transit buses and vanpool
17 vehicles owned or operated by any public agency.

18 (c) The department shall establish performance standards for the
19 state route 167 high occupancy toll lane pilot project. The department
20 must automatically adjust the toll charge, using dynamic tolling, to
21 ensure that toll-paying single-occupant vehicle users are only
22 permitted to enter the lane to the extent that average vehicle speeds
23 in the lane remain above forty-five miles per hour at least ninety
24 percent of the time during peak hours. The toll charge may vary in
25 amount by time of day, level of traffic congestion within the highway
26 facility, vehicle occupancy, or other criteria, as the commission may
27 deem appropriate. The commission may also vary toll charges for
28 single-occupant inherently low-emission vehicles such as those powered
29 by electric batteries, natural gas, propane, or other clean burning
30 fuels.

31 (d) The commission shall periodically review the toll charges to
32 determine if the toll charges are effectively maintaining travel time,
33 speed, and reliability on the highway facilities.

34 (3) The department shall monitor the state route 167 high occupancy
35 toll lane pilot project and shall annually report to the transportation
36 commission and the legislature on operations and findings. At a
37 minimum, the department shall provide facility use data and review the
38 impacts on:

- 1 (a) Freeway efficiency and safety;
2 (b) Effectiveness for transit;
3 (c) Person and vehicle movements by mode;
4 (d) Ability to finance improvements and transportation services
5 through tolls; and

6 (e) The impacts on all highway users. The department shall analyze
7 aggregate use data and conduct, as needed, separate surveys to assess
8 usage of the facility in relation to geographic, socioeconomic, and
9 demographic information within the corridor in order to ascertain
10 actual and perceived questions of equitable use of the facility.

11 (4) The department shall modify the pilot project to address
12 identified safety issues and mitigate negative impacts to high
13 occupancy vehicle lane users.

14 (5) Authorization to impose high occupancy vehicle tolls for the
15 state route 167 high occupancy toll pilot project expires if either of
16 the following two conditions apply:

17 (a) If no contracts have been let by the department to begin
18 construction of the toll facilities associated with this pilot project
19 within four years of July 24, 2005; or

20 (b) (~~Four years after toll collection begins under this section~~)
21 If high occupancy vehicle tolls are being collected on June 30, 2013.

22 (6) The department of transportation shall adopt rules that allow
23 automatic vehicle identification transponders used for electronic toll
24 collection to be compatible with other electronic payment devices or
25 transponders from the Washington state ferry system, other public
26 transportation systems, or other toll collection systems to the extent
27 that technology permits.

28 (7) The conversion of a single existing high occupancy vehicle lane
29 to a high occupancy toll lane as proposed for SR-167 must be taken as
30 the exception for this pilot project.

31 (8) A violation of the lane restrictions applicable to the high
32 occupancy toll lanes established under this section is a traffic
33 infraction.

34 (9) Procurement activity associated with this pilot project shall
35 be open and competitive in accordance with chapter 39.29 RCW.

36 **Sec. 710.** RCW 47.28.030 and 2010 c 283 s 9 and 2010 c 5 s 11 are
37 each reenacted and amended to read as follows:

1 (1)(a) A state highway shall be constructed, altered, repaired, or
2 improved, and improvements located on property acquired for
3 right-of-way purposes may be repaired or renovated pending the use of
4 such right-of-way for highway purposes, by contract or state forces.
5 The work or portions thereof may be done by state forces when the
6 estimated costs thereof are less than fifty thousand dollars and
7 effective July 1, 2005, sixty thousand dollars.

8 (b) When delay of performance of such work would jeopardize a state
9 highway or constitute a danger to the traveling public, the work may be
10 done by state forces when the estimated cost thereof is less than
11 eighty thousand dollars and effective July 1, 2005, one hundred
12 thousand dollars.

13 (c) When the department of transportation determines to do the work
14 by state forces, it shall enter a statement upon its records to that
15 effect, stating the reasons therefor.

16 (d) To enable a larger number of small businesses and veteran,
17 minority, and women contractors to effectively compete for department
18 of transportation contracts, the department may adopt rules providing
19 for bids and award of contracts for the performance of work, or
20 furnishing equipment, materials, supplies, or operating services
21 whenever any work is to be performed and the engineer's estimate
22 indicates the cost of the work would not exceed eighty thousand dollars
23 and effective July 1, 2005, one hundred thousand dollars.

24 (2) The rules adopted under this section:

25 (a) Shall provide for competitive bids to the extent that
26 competitive sources are available except when delay of performance
27 would jeopardize life or property or inconvenience the traveling
28 public; and

29 (b) Need not require the furnishing of a bid deposit nor a
30 performance bond, but if a performance bond is not required then
31 progress payments to the contractor may be required to be made based on
32 submittal of paid invoices to substantiate proof that disbursements
33 have been made to laborers, material suppliers, mechanics, and
34 subcontractors from the previous partial payment; and

35 (c) May establish prequalification standards and procedures as an
36 alternative to those set forth in RCW 47.28.070, but the
37 prequalification standards and procedures under RCW 47.28.070 shall
38 always be sufficient.

1 (3) The department of transportation shall comply with such goals
2 and rules as may be adopted by the office of minority and women's
3 business enterprises to implement chapter 39.19 RCW with respect to
4 contracts entered into under this chapter. The department may adopt
5 such rules as may be necessary to comply with the rules adopted by the
6 office of minority and women's business enterprises under chapter 39.19
7 RCW.

8 (4)(a) For the period of March 15, 2010, through June 30, (~~2011~~)
9 2013, work for less than one hundred twenty thousand dollars may be
10 performed on ferry vessels and terminals by state forces.

11 (b) The department shall hire a disinterested, third party to
12 conduct an independent analysis to identify methods of reducing out-of-
13 service times for vessel maintenance, preservation, and improvement
14 projects. The analysis must include options that consider
15 consolidating work while vessels are at shipyards by having state
16 forces perform services traditionally performed at Eagle Harbor at the
17 shipyard and decreasing the allowable time at shipyards. The analysis
18 must also compare the out-of-service vessel times of performing
19 services by state forces versus contracting out those services which in
20 turn must be used to form a recommendation as to what the threshold of
21 work performed on ferry vessels and terminals by state forces should
22 be. This analysis must be presented to the transportation committees
23 of the senate and house of representatives by December 1, 2010.

24 (c) The department shall develop a proposed ferry vessel
25 maintenance, preservation, and improvement program and present it to
26 the transportation committees of the senate and house of
27 representatives by December 1, 2010. The proposed program must:

28 (i) Improve the basis for budgeting vessel maintenance,
29 preservation, and improvement costs and for projecting those costs into
30 a sixteen-year financial plan;

31 (ii) Limit the amount of planned out-of-service time to the
32 greatest extent possible, including options associated with department
33 staff as well as commercial shipyards; and

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

36 (d) In developing the proposed ferry vessel maintenance,
37 preservation, and improvement program, the department shall consider
38 the following, related to reducing vessel out-of-service time:

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

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

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

9 (iv) A review of the department's vessel maintenance, preservation,
10 and improvement program contracting process and contractual
11 requirements;

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

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

17 (vii) Coordination with required United States coast guard dry
18 dockings;

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

22 (ix) A method for evaluating the ongoing maintenance and
23 preservation costs associated with proposed improvement projects.

24 **Sec. 711.** RCW 43.105.330 and 2006 c 76 s 2 are each amended to
25 read as follows:

26 (1) The board shall appoint a state interoperability executive
27 committee, the membership of which must include, but not be limited to,
28 representatives of the military department, the Washington state
29 patrol, the department of transportation, the department of information
30 services, the department of natural resources, city and county
31 governments, state and local fire chiefs, police chiefs, and sheriffs,
32 and state and local emergency management directors. The chair and
33 legislative members of the board will serve as nonvoting ex officio
34 members of the committee. Voting membership may not exceed fifteen
35 members.

36 (2) The chair of the board shall appoint the chair of the committee
37 from among the voting members of the committee.

1 (3) The state interoperability executive committee has the
2 following responsibilities:

3 (a) Develop policies and make recommendations to the board for
4 technical standards for state wireless radio communications systems,
5 including emergency communications systems. The standards must
6 address, among other things, the interoperability of systems, taking
7 into account both existing and future systems and technologies;

8 (b) Coordinate and manage on behalf of the board the licensing and
9 use of state-designated and state-licensed radio frequencies, including
10 the spectrum used for public safety and emergency communications, and
11 serve as the point of contact with the federal communications
12 commission on matters relating to allocation, use, and licensing of
13 radio spectrum;

14 ~~((c)) ((Coordinate the purchasing of all state wireless radio
15 communications system equipment to ensure that:~~

16 ~~((i)) After the transition from a radio over internet protocol
17 network, any new trunked system shall be, at a minimum, project 25;~~

18 ~~((ii)) Any new system that requires advanced digital features shall
19 be, at a minimum, project 25; and~~

20 ~~((iii)) Any new system or equipment purchases shall be, at a minimum,
21 upgradeable to project 25;~~

22 ~~((d))~~ Seek support, including possible federal or other funding,
23 for state-sponsored wireless communications systems;

24 ~~((e))~~ (d) Develop recommendations for legislation that may be
25 required to promote interoperability of state wireless communications
26 systems;

27 ~~((f))~~ (e) Foster cooperation and coordination among public safety
28 and emergency response organizations;

29 ~~((g))~~ (f) Work with wireless communications groups and
30 associations to ensure interoperability among all public safety and
31 emergency response wireless communications systems; and

32 ~~((h))~~ (g) Perform such other duties as may be assigned by the
33 board to promote interoperability of wireless communications systems.

34 (4) During the 2011-2013 fiscal biennium, the requirement that any
35 state or local entity must purchase radios or communication systems
36 that are the P25 communication standard is suspended.

1 **Sec. 712.** RCW 47.64.170 and 2010 c 283 s 11 are each amended to
2 read as follows:

3 (1) Any ferry employee organization certified as the bargaining
4 representative shall be the exclusive representative of all ferry
5 employees in the bargaining unit and shall represent all such employees
6 fairly.

7 (2) A ferry employee organization or organizations and the governor
8 may each designate any individual as its representative to engage in
9 collective bargaining negotiations.

10 (3) Negotiating sessions, including strategy meetings of the
11 employer or employee organizations, mediation, and the deliberative
12 process of arbitrators are exempt from the provisions of chapter 42.30
13 RCW. Hearings conducted by arbitrators may be open to the public by
14 mutual consent of the parties.

15 (4) Terms of any collective bargaining agreement may be enforced by
16 civil action in Thurston county superior court upon the initiative of
17 either party.

18 (5) Ferry system employees or any employee organization shall not
19 negotiate or attempt to negotiate directly with anyone other than the
20 person who has been appointed or authorized a bargaining representative
21 for the purpose of bargaining with the ferry employees or their
22 representative.

23 (6)(a) Within ten working days after the first Monday in September
24 of every odd-numbered year, the parties shall attempt to agree on an
25 interest arbitrator to be used if the parties are not successful in
26 negotiating a comprehensive collective bargaining agreement. If the
27 parties cannot agree on an arbitrator within the ten-day period, either
28 party may request a list of seven arbitrators from the federal
29 mediation and conciliation service. The parties shall select an
30 interest arbitrator using the coin toss/alternate strike method within
31 thirty calendar days of receipt of the list. Immediately upon
32 selecting an interest arbitrator, the parties shall cooperate to
33 reserve dates with the arbitrator for potential arbitration between
34 August 1st and September 15th of the following even-numbered year. The
35 parties shall also prepare a schedule of at least five negotiation
36 dates for the following year, absent an agreement to the contrary. The
37 parties shall execute a written agreement before November 1st of each
38 odd-numbered year setting forth the name of the arbitrator and the

1 dates reserved for bargaining and arbitration. This subsection (6)(a)
2 imposes minimum obligations only and is not intended to define or limit
3 a party's full, good faith bargaining obligation under other sections
4 of this chapter.

5 (b) The negotiation of a proposed collective bargaining agreement
6 by representatives of the employer and a ferry employee organization
7 shall commence on or about February 1st of every even-numbered year.

8 (c) For negotiations covering the 2009-2011 biennium and subsequent
9 biennia, the time periods specified in this section, and in RCW
10 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of
11 all agreements on or before October 1st of the even-numbered year next
12 preceding the biennial budget period during which the agreement should
13 take effect. These time periods may only be altered by mutual
14 agreement of the parties in writing. Any such agreement and any
15 impasse procedures agreed to by the parties under RCW 47.64.200 must
16 include an agreement regarding the new time periods that will allow
17 final resolution by negotiations or arbitration by October 1st of each
18 even-numbered year.

19 (7) It is the intent of this section that the collective bargaining
20 agreement or arbitrator's award shall commence on July 1st of each odd-
21 numbered year and shall terminate on June 30th of the next odd-numbered
22 year to coincide with the ensuing biennial budget year, as defined by
23 RCW 43.88.020(7), to the extent practical. It is further the intent of
24 this section that all collective bargaining agreements be concluded by
25 October 1st of the even-numbered year before the commencement of the
26 biennial budget year during which the agreements are to be in effect.
27 After the expiration date of a collective bargaining agreement
28 negotiated under this chapter, except to the extent provided in
29 subsection (11) of this section and RCW 47.64.270(4), all of the terms
30 and conditions specified in the collective bargaining agreement remain
31 in effect until the effective date of a subsequently negotiated
32 agreement, not to exceed one year from the expiration date stated in
33 the agreement. Thereafter, the employer may unilaterally implement
34 according to law.

35 (8) The office of financial management shall conduct a salary
36 survey, for use in collective bargaining and arbitration, which must be
37 conducted through a contract with a firm nationally recognized in the
38 field of human resources management consulting.

1 (9) Except as provided in subsection (11) of this section:

2 (a) The governor shall submit a request either for funds necessary
3 to implement the collective bargaining agreements including, but not
4 limited to, the compensation and fringe benefit provisions or for
5 legislation necessary to implement the agreement, or both. Requests
6 for funds necessary to implement the collective bargaining agreements
7 shall not be submitted to the legislature by the governor unless such
8 requests:

9 (i) Have been submitted to the director of the office of financial
10 management by October 1st before the legislative session at which the
11 requests are to be considered; and

12 (ii) Have been certified by the director of the office of financial
13 management as being feasible financially for the state.

14 (b) The governor shall submit a request either for funds necessary
15 to implement the arbitration awards or for legislation necessary to
16 implement the arbitration awards, or both. Requests for funds
17 necessary to implement the arbitration awards shall not be submitted to
18 the legislature by the governor unless such requests:

19 (i) Have been submitted to the director of the office of financial
20 management by October 1st before the legislative session at which the
21 requests are to be considered; and

22 (ii) Have been certified by the director of the office of financial
23 management as being feasible financially for the state.

24 (c) The legislature shall approve or reject the submission of the
25 request for funds necessary to implement the collective bargaining
26 agreements or arbitration awards as a whole for each agreement or
27 award. The legislature shall not consider a request for funds to
28 implement a collective bargaining agreement or arbitration award unless
29 the request is transmitted to the legislature as part of the governor's
30 budget document submitted under RCW 43.88.030 and 43.88.060. If the
31 legislature rejects or fails to act on the submission, either party may
32 reopen all or part of the agreement and award or the exclusive
33 bargaining representative may seek to implement the procedures provided
34 for in RCW 47.64.210 and 47.64.300.

35 (10) If, after the compensation and fringe benefit provisions of an
36 agreement are approved by the legislature, a significant revenue
37 shortfall occurs resulting in reduced appropriations, as declared by

1 proclamation of the governor or by resolution of the legislature, both
2 parties shall immediately enter into collective bargaining for a
3 mutually agreed upon modification of the agreement.

4 (11)(a) For the collective bargaining agreements negotiated for the
5 2011-2013 fiscal biennium, the legislature may consider a request for
6 funds to implement a collective bargaining agreement even if the
7 request for funds was not received by the office of financial
8 management by October 1st and was not transmitted to the legislature as
9 part of the governor's budget document submitted under RCW 43.88.030
10 and 43.88.060.

11 (b) For the 2011-2013 fiscal biennium, a collective bargaining
12 agreement related to employee health care benefits negotiated between
13 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
14 dollar amount expended on behalf of each employee must be a separate
15 agreement for which the governor may request funds necessary to
16 implement the agreement. If such an agreement is negotiated and funded
17 by the legislature, this agreement will supersede any terms and
18 conditions of an expired 2009-2011 biennial master collective
19 bargaining agreement under this chapter regarding health care benefits.

20 **Sec. 713.** RCW 47.64.270 and 2010 c 283 s 13 are each amended to
21 read as follows:

22 (1) The employer and one coalition of all the exclusive bargaining
23 representatives subject to this chapter and chapter 41.80 RCW shall
24 conduct negotiations regarding the dollar amount expended on behalf of
25 each employee for health care benefits.

26 (2) Absent a collective bargaining agreement to the contrary, the
27 department of transportation shall provide contributions to insurance
28 and health care plans for ferry system employees and dependents, as
29 determined by the state health care authority, under chapter 41.05 RCW.

30 (3) The employer and employee organizations may collectively
31 bargain for insurance plans other than health care benefits, and
32 employer contributions may exceed that of other state agencies as
33 provided in RCW 41.05.050.

34 (4) For the 2011-2013 fiscal biennium, a collective bargaining
35 agreement related to employee health care benefits negotiated between
36 the employer and coalition pursuant to RCW 41.80.020(3) regarding the
37 dollar amount expended on behalf of each employee must be a separate

1 agreement for which the governor may request funds necessary to
2 implement the agreement. If such an agreement is negotiated and funded
3 by the legislature, this agreement will supersede any terms and
4 conditions of an expired 2009-2011 biennial collective bargaining
5 agreement under this chapter regarding health care benefits.

6 *Sec. 714. RCW 47.64.280 and 2010 c 283 s 14 are each amended to
7 read as follows:

8 (1) There is created the marine employees' commission. The
9 governor shall appoint the commission with the consent of the senate.
10 The commission shall consist of three members: One member to be
11 appointed from labor, one member from industry, and one member from the
12 public who has significant knowledge of maritime affairs. The public
13 member shall be chair of the commission. One of the original members
14 shall be appointed for a term of three years, one for a term of four
15 years, and one for a term of five years. Their successors shall be
16 appointed for terms of five years each, except that any person chosen
17 to fill a vacancy shall be appointed only for the unexpired term of the
18 member whom he or she succeeds. Commission members are eligible for
19 reappointment. Any member of the commission may be removed by the
20 governor, upon notice and hearing, for neglect of duty or malfeasance
21 in office, but for no other cause. Commission members are not eligible
22 for state retirement under chapter 41.40 RCW by virtue of their service
23 on the commission. Members of the commission shall be compensated in
24 accordance with RCW 43.03.250 and shall receive reimbursement for
25 official travel and other expenses at the same rate and on the same
26 terms as provided for the transportation commission by RCW 47.01.061.
27 The payments shall be made from the Puget Sound ferry operations
28 account.

29 (2) The commission shall: (a) Adjust all complaints, grievances,
30 and disputes between labor and management arising out of the operation
31 of the ferry system as provided in RCW 47.64.150; (b) provide for
32 impasse mediation as required in RCW 47.64.210; and (c) perform those
33 duties required in RCW 47.64.300. However, through June 30, 2013, the
34 commission's duties identified in this subsection are subject to the
35 availability of amounts appropriated for these specific purposes.

36 (3)(a) In adjudicating all complaints, grievances, and disputes,
37 the party claiming labor disputes shall, in writing, notify the

1 *commission, which shall make careful inquiry into the cause thereof and*
2 *issue an order advising the ferry employee, or the ferry employee*
3 *organization representing him or her, and the department of*
4 *transportation, as to the decision of the commission.*

5 *(b) The parties are entitled to offer evidence relating to disputes*
6 *at all hearings conducted by the commission. The orders and awards of*
7 *the commission are final and binding upon any ferry employee or*
8 *employees or their representative affected thereby and upon the*
9 *department.*

10 *(c) The commission shall adopt rules of procedure under chapter*
11 *34.05 RCW.*

12 *(d) The commission has the authority to subpoena any ferry employee*
13 *or employees, or their representatives, and any member or*
14 *representative of the department, and any witnesses. The commission*
15 *may require attendance of witnesses and the production of all pertinent*
16 *records at any hearings held by the commission. The subpoenas of the*
17 *commission are enforceable by order of any superior court in the state*
18 *of Washington for the county within which the proceeding may be*
19 *pending. The commission may hire staff as necessary, appoint*
20 *consultants, enter into contracts, and conduct studies as reasonably*
21 *necessary to carry out this chapter.*

**Sec. 714 was vetoed. See message at end of chapter.*

22 **Sec. 715.** RCW 46.68.170 and 2009 c 470 s 701 are each amended to
23 read as follows:

24 There is hereby created in the motor vehicle fund the RV account.
25 All moneys hereafter deposited in said account shall be used by the
26 department of transportation for the construction, maintenance, and
27 operation of recreational vehicle sanitary disposal systems at safety
28 rest areas in accordance with the department's highway system plan as
29 prescribed in chapter 47.06 RCW. During the ((2007-2009-and))
30 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer
31 from the RV account to the motor vehicle fund such amounts as reflect
32 the excess fund balance of the RV account to accomplish the purposes
33 identified in this section.

34 **Sec. 716.** RCW 46.68.370 and 2010 c 161 s 818 are each amended to
35 read as follows:

36 The license plate technology account is created in the state

1 treasury. All receipts collected under RCW 46.17.015 must be deposited
2 into this account. Expenditures from this account must support current
3 and future license plate technology and systems integration upgrades
4 for both the department and correctional industries. Moneys in the
5 account may be spent only after appropriation. Additionally, the
6 moneys in this account may be used to reimburse the motor vehicle
7 account for any appropriation made to implement the digital license
8 plate system. During the (~~2009-2011~~) 2011-2013 fiscal biennium, the
9 legislature may transfer from the license plate technology account to
10 the highway safety account such amounts as reflect the excess fund
11 balance of the license plate technology account.

12 **Sec. 717.** RCW 47.12.244 and 2009 c 470 s 709 are each amended to
13 read as follows:

14 There is created the "advance right-of-way revolving fund" in the
15 custody of the treasurer, into which the department is authorized to
16 deposit directly and expend without appropriation:

17 (1) An initial deposit of ten million dollars from the motor
18 vehicle fund included in the department of transportation's 1991-93
19 budget;

20 (2) All moneys received by the department as rental income from
21 real properties that are not subject to federal aid reimbursement,
22 except moneys received from rental of capital facilities properties as
23 defined in chapter 47.13 RCW; and

24 (3) Any federal moneys available for acquisition of right-of-way
25 for future construction under the provisions of section 108 of Title
26 23, United States Code.

27 During the (~~2007-2009-and~~) 2009-2011 and 2011-2013 fiscal
28 biennia, the legislature may transfer from the advance right-of-way
29 revolving fund to the motor vehicle account amounts as reflect the
30 excess fund balance of the advance right-of-way revolving fund.

31 **Sec. 718.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to
32 read as follows:

33 There is hereby created in the state treasury a fund to be known as
34 the highway safety fund to the credit of which shall be deposited all
35 moneys directed by law to be deposited therein. This fund shall be
36 used for carrying out the provisions of law relating to driver

1 licensing, driver improvement, financial responsibility, cost of
2 furnishing abstracts of driving records and maintaining such case
3 records, and to carry out the purposes set forth in RCW 43.59.010.
4 During the ((2007-2009 and)) 2009-2011 and 2011-2013 fiscal biennia,
5 the legislature may transfer from the highway safety fund to the motor
6 vehicle fund and the multimodal transportation account such amounts as
7 reflect the excess fund balance of the highway safety fund.

8 **Sec. 719.** RCW 46.68.220 and 2010 c 161 s 807 are each amended to
9 read as follows:

10 The department of licensing services account is created in the
11 motor vehicle fund. All receipts from service fees received under RCW
12 46.17.025 must be deposited into the account. Moneys in the account
13 may be spent only after appropriation. Expenditures from the account
14 may be used only for:

- 15 (1) Information and service delivery systems for the department;
- 16 (2) Reimbursement of county licensing activities; and
- 17 (3) County auditor or other agent and subagent support including,
18 but not limited to, the replacement of department-owned equipment in
19 the possession of county auditors or other agents and subagents
20 appointed by the director. During the ((2007-2009 and 2009-2011))
21 2011-2013 fiscal ((biennia)) biennium, the legislature may transfer
22 from the department of licensing services account such amounts as
23 reflect the excess fund balance of the account.

24 **Sec. 720.** RCW 47.56.876 and 2010 c 248 s 5 are each amended to
25 read as follows:

- 26 (1) A special account to be known as the state route number 520
27 civil penalties account is created in the state treasury. All state
28 route number 520 bridge replacement and HOV program civil penalties
29 generated from the nonpayment of tolls on the state route number 520
30 corridor must be deposited into the account, as provided under RCW
31 47.56.870(4)(b)(vii). Moneys in the account may be spent only after
32 appropriation. Expenditures from the account may be used to fund any
33 project within the state route number 520 bridge replacement and HOV
34 program, including mitigation. During the 2011-2013 fiscal biennium,
35 the legislature may transfer from the state route number 520 civil
36 penalties account to the state route number 520 corridor account such

1 amounts as reflect the excess fund balance of the state route number
2 520 civil penalties account. Funds transferred must be used solely for
3 capital expenditures for the state route number 520 bridge replacement
4 and HOV project (8BI1003).

5 (2) This section is contingent on the enactment by June 30, 2010,
6 of either chapter 249, Laws of 2010 or chapter . . . (Substitute House
7 Bill No. 2897), Laws of 2010, but if the enacted bill does not
8 designate the department as the toll penalty adjudicating agency, this
9 section is null and void.

10 **Sec. 721.** RCW 46.68.--- and 2011 c ... (SHB 1897) s 1 are each
11 amended to read as follows:

12 (1) The rural mobility grant program account is created in the
13 state treasury. Moneys in the account may be spent only after
14 appropriation. Expenditures from the account may be used only for the
15 grants provided under section 2 (~~of this act~~), chapter ... (SHB
16 1897), Laws of 2011.

17 (2) Beginning September 2011, by the last day of September,
18 December, March, and June of each year, the state treasurer shall
19 transfer from the multimodal transportation account to the rural
20 mobility grant program account two million five hundred thousand
21 dollars.

22 (3) During the 2011-2013 fiscal biennium, the legislature may
23 transfer from the rural mobility grant program account to the
24 multimodal transportation account such amounts as reflect the excess
25 fund balance of the rural mobility grant program account.

26 ***NEW SECTION. Sec. 722. 2010 c 161 s 1126 is repealed.**
**Sec. 722 was vetoed. See message at end of chapter.*

27 **2009-2011 FISCAL BIENNIUM**
28 **TRANSPORTATION AGENCIES--OPERATING**

29 **Sec. 801.** 2010 c 247 s 205 (uncodified) is amended to read as
30 follows:

31 **FOR THE TRANSPORTATION COMMISSION**

32 Motor Vehicle Account--State Appropriation	(\$2,328,000)
33	<u>\$2,157,000</u>

1	Multimodal Transportation Account--State Appropriation . . .	(((\$112,000)))
2		<u>\$111,000</u>
3	TOTAL APPROPRIATION	(((\$2,440,000)))
4		<u>\$2,268,000</u>

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

7 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
8 the transportation commission shall periodically review and, if
9 necessary, modify the schedule of fares for the Washington state ferry
10 system. The transportation commission may increase ferry fares,
11 except no fare schedule modifications may be made prior to September 1,
12 2009. For purposes of this subsection, "modify" includes increases or
13 decreases to the schedule.

14 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
15 the transportation commission shall periodically review and, if
16 necessary, modify a schedule of toll charges applicable to the state
17 route number 167 high occupancy toll lane pilot project, as required
18 under RCW 47.56.403. For purposes of this subsection, "modify"
19 includes increases or decreases to the schedule.

20 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
21 the transportation commission shall periodically review and, if
22 necessary, modify the schedule of toll charges applicable to the Tacoma
23 Narrows bridge, taking into consideration the recommendations of the
24 citizen advisory committee created under RCW 47.46.091. For purposes
25 of this subsection, "modify" includes increases or decreases to the
26 schedule.

27 (4) The commission may name state ferry vessels consistent with its
28 authority to name state transportation facilities under RCW 47.01.420.
29 When naming or renaming state ferry vessels, the commission shall
30 investigate selling the naming rights and shall make recommendations to
31 the legislature regarding this option.

32 (5) \$350,000 of the motor vehicle account--state appropriation is
33 provided solely for consultant support services to assist the
34 commission in updating the statewide transportation plan. The updated
35 plan must be submitted to the legislature by December 1, 2010.

36 (6) If the commission considers implementing a ferry fuel
37 surcharge, it must first submit an analysis and business plan to the
38 office of financial management and either the joint transportation

1 committee or the transportation committees of the legislature. The
2 commission may impose a ferry fuel surcharge effective July 1, 2011.
3 When implementing a ferry fuel surcharge, the commission must regard
4 ferry fuel surcharges as fare policy changes and thus, ferry fuel
5 surcharges should be included in all public procedures and processes
6 currently used for fare pricing per RCW 47.60.290.

7 (7) The commission shall work with the department of
8 transportation's economic partnerships (Program K) in conducting a best
9 practices review of nontoll, public-private partnerships. The purpose
10 of this review is to identify the policies and procedures that would be
11 appropriate for application in Washington state. The commission must
12 report its findings and recommendations, including draft legislation if
13 warranted, to the house of representatives and senate transportation
14 committees by January 2011.

15 (8) As part of its development of the statewide transportation
16 plan, the commission shall review prioritized projects, including
17 preservation and maintenance projects, from regional transportation and
18 metropolitan planning organizations to identify statewide
19 transportation needs. The review should include a brief description
20 and status of each project along with the funding required and
21 associated timeline from start to completion. The commission shall
22 submit the review, along with recommendations, to the house of
23 representatives and senate transportation committees by January 2011.

24 **Sec. 802.** 2010 c 247 s 207 (uncodified) is amended to read as
25 follows:

26	FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU	
27	State Patrol Highway Account--State	
28	Appropriation	((\$227,958,000))
29		<u>\$224,558,000</u>
30	State Patrol Highway Account--Federal	
31	Appropriation	\$10,903,000
32	State Patrol Highway Account--Private/Local	
33	Appropriation	((\$867,000))
34		<u>\$939,000</u>
35	TOTAL APPROPRIATION	((\$239,728,000))
36		<u>\$236,400,000</u>

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

3 (1) Washington state patrol officers engaged in off-duty uniformed
4 employment providing traffic control services to the department of
5 transportation or other state agencies may use state patrol vehicles
6 for the purpose of that employment, subject to guidelines adopted by
7 the chief of the Washington state patrol. The Washington state patrol
8 shall be reimbursed for the use of the vehicle at the prevailing state
9 employee rate for mileage and hours of usage, subject to guidelines
10 developed by the chief of the Washington state patrol, and Cessna
11 pilots funded from the state patrol highway account who are certified
12 to fly the King Airs may pilot those aircraft for general fund purposes
13 with the general fund reimbursing the state patrol highway account an
14 hourly rate to cover the costs incurred during the flights since the
15 aviation section will no longer be part of the Washington state patrol
16 cost allocation system as of July 1, 2009.

17 (2) The patrol shall not account for or record locally provided DUI
18 cost reimbursement payments as expenditure credits to the state patrol
19 highway account. The patrol shall report the amount of expected
20 locally provided DUI cost reimbursements to the office of financial
21 management and transportation committees of the legislature by
22 September 30th of each year.

23 (3) During the 2009-11 fiscal biennium, the Washington state patrol
24 shall continue to perform traffic accident investigations on Thurston
25 county roads, and shall work with the county to transition the traffic
26 accident investigations on Thurston county roads to the county by July
27 1, 2011.

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

32 (5) The Washington state patrol shall collaborate with the
33 Washington traffic safety commission to develop and implement the
34 target zero trooper pilot program referenced in section 201 of this
35 act.

36 (6) \$370,000 of the state patrol highway account--state
37 appropriation is provided solely for costs associated with the pilot
38 program described under section 218(2) of this act. The Washington

1 state patrol may incur costs related only to the assignment of cadets
2 and necessary computer equipment and to the reimbursement of the
3 Washington state department of transportation for contract costs. The
4 appropriation in this subsection must be funded from the portion of the
5 automated traffic safety camera fines deposited into the state patrol
6 highway account; however, if the fines deposited into the state patrol
7 highway account from automated traffic safety camera infractions do not
8 reach three hundred seventy thousand dollars, the department of
9 transportation shall remit funds necessary to the Washington state
10 patrol to ensure the completion of the pilot program. The Washington
11 state patrol may not incur overtime as a result of this pilot program.
12 The Washington state patrol shall not assign troopers to operate or
13 deploy the pilot program equipment used in the roadway construction
14 zones.

15 (7) If, as a result of lower than average rate of attrition among
16 troopers, the Washington state patrol postpones the year 2011 training
17 for trooper cadets beyond June 30, 2011, funding provided in section
18 207, chapter 470, Laws of 2009 for the class must be used to fund the
19 salaries and benefits associated with the existing commissioned
20 Washington state patrol troopers that are funded within the field
21 operations bureau.

22 (8) \$2,832,000 of the state patrol highway account--state
23 appropriation is provided solely for the aerial traffic enforcement
24 program. The Washington state patrol shall evaluate the costs
25 associated with aerial traffic highway enforcement to determine if the
26 costs are accurately apportioned between the state patrol highway
27 account and the general fund. It is the intent of the legislature that
28 the state patrol highway account incurs costs that result only from
29 highway enforcement activities and that the general fund incurs costs
30 associated with the King Airs. The Washington state patrol shall
31 report the results of the evaluation to the legislature by June 30,
32 2010.

33 (9) For the remainder of the 2009-11 fiscal biennium, the
34 Washington state patrol shall continue to work with Island county on
35 traffic accident investigations.

36 (10) \$3,601,000 of the state patrol highway account--state
37 appropriation is provided solely for the costs associated with a basic
38 trooper class.

1 (11) After May 1, 2011, unless specifically prohibited, the
2 Washington state patrol may transfer state patrol highway account--
3 state appropriations for the 2009-2011 fiscal biennium between
4 operating programs after approval by the director of the office of
5 financial management. However, the state patrol shall not transfer
6 state moneys that are provided solely for a specified purpose.

7 **Sec. 803.** 2010 c 247 s 208 (uncodified) is amended to read as
8 follows:

9 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

10 State Patrol Highway Account--State Appropriation . . . ((\$1,648,000))
11 \$1,196,000

12 The appropriation in this section is subject to the following
13 conditions and limitations: After May 1, 2011, unless specifically
14 prohibited, the Washington state patrol may transfer state patrol
15 highway account--state appropriations for the 2009-2011 fiscal biennium
16 between operating programs after approval by the director of the office
17 of financial management. However, the state patrol shall not transfer
18 state moneys that are provided solely for a specified purpose.

19 **Sec. 804.** 2010 c 247 s 209 (uncodified) is amended to read as
20 follows:

21 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

22 State Patrol Highway Account--State Appropriation . . ((\$108,560,000))
23 \$105,488,000

24 State Patrol Highway Account--Private/Local
25 Appropriation \$2,510,000

26 TOTAL APPROPRIATION ((\$111,070,000))
27 \$107,998,000

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

30 (1) The Washington state patrol shall work with the risk management
31 division in the office of financial management in compiling the
32 Washington state patrol's data for establishing the agency's risk
33 management insurance premiums to the tort claims account. The office
34 of financial management and the Washington state patrol shall submit a
35 report to the legislative transportation committees by December 31st of

1 each year on the number of claims, estimated claims to be paid, method
2 of calculation, and the adjustment in the premium.

3 (2) (~~(\$10,425,000)~~) \$10,676,000 of the total appropriation is
4 provided solely for automobile fuel in the 2009-11 fiscal biennium.

5 (3) \$7,421,000 of the total appropriation is provided solely for
6 the purchase of pursuit vehicles.

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

10 (5) \$1,724,000 of the total appropriation is provided solely for
11 the purchase of mission vehicles used for highway purposes in the
12 commercial vehicle and traffic investigation sections of the Washington
13 state patrol.

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

18 (7) (~~(\$345,000 — of — the — state — patrol — highway — account — state~~
19 ~~appropriation is provided solely for the implementation of Engrossed~~
20 ~~Substitute House Bill No. 1445 — (domestic partners/Washington state~~
21 ~~patrol retirement system). — If Engrossed Substitute House Bill No. 1445~~
22 ~~is not enacted by June 30, 2009, the amount provided in this subsection~~
23 ~~shall lapse)) After May 1, 2011, unless specifically prohibited, the
24 Washington state patrol may transfer state patrol highway account--
25 state appropriations for the 2009-2011 fiscal biennium between
26 operating programs after approval by the director of the office of
27 financial management. However, the state patrol shall not transfer
28 state moneys that are provided solely for a specified purpose.~~

29 **Sec. 805.** 2010 c 247 s 211 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**
32 **MAINTENANCE--PROGRAM B**

33 High Occupancy Toll Lanes Operations Account--State	
34 Appropriation	((\$2,852,000))
	<u>\$2,732,000</u>
36 Motor Vehicle Account--State Appropriation	((\$575,000))
37	<u>\$2,945,000</u>

1	Tacoma Narrows Toll Bridge Account--State	
2	Appropriation	\$26,543,000
3	State Route Number 520 Corridor Account--State	
4	Appropriation	((\$28,000,000))
5		<u>\$736,000</u>
6	State Route Number 520 Civil Penalties	
7	Account--State Appropriation	((\$2,130,000))
8		<u>\$130,000</u>
9	TOTAL APPROPRIATION	((\$60,100,000))
10		<u>\$33,086,000</u>

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

13 (1) The department shall make detailed quarterly expenditure
14 reports available to the transportation commission and to the public on
15 the department's web site using current department resources. The
16 reports must include a summary of revenue generated by tolls on the
17 Tacoma Narrows bridge and an itemized depiction of the use of that
18 revenue.

19 (2) The department shall work with the office of financial
20 management to review insurance coverage, deductibles, and limitations
21 on tolled facilities to assure that the assets are well protected at a
22 reasonable cost. Results from this review must be used to negotiate
23 any future new or extended insurance agreements.

24 (3) ((~~\$28,000,000~~)) \$736,000 of the state route number 520 corridor
25 account--state appropriation is provided solely for the costs directly
26 related to tolling the state route number 520 floating bridge. ((~~Of~~
27 ~~this amount, \$8,000,000 must be retained in unallotted status, and may~~
28 ~~only be released by the office of financial management after~~
29 ~~consultation with the joint transportation committee.))~~

30 (4) The department shall consider transitioning to all electronic
31 tolling on the Tacoma Narrows bridge toll facility and discontinuing a
32 cash toll option.

33 (5) ((~~\$2,130,000~~)) \$130,000 of the state route number 520 civil
34 penalties account--state appropriation and \$140,000 of the Tacoma
35 Narrows toll bridge account--state appropriation are provided solely
36 for expenditures related to the toll adjudication process. The amount
37 provided in this subsection is contingent on the enactment by June 30,
38 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute

1 House Bill No. 2897; however, if the enacted bill does not specify the
2 department as the toll penalty adjudicating agency, the amounts
3 provided in this subsection lapse.

4 (6) The department shall review, and revise where appropriate,
5 current signage and ingress/egress locations on the state route number
6 167 high occupancy toll lanes pilot project. The department shall
7 continue to work with the Washington state patrol on educating the
8 public on the rules of the road related to crossing a double white
9 line. The department shall continue to monitor the performance of the
10 high occupancy toll lanes to ensure that driving conditions for high
11 occupancy vehicles that share these lanes are not significantly
12 changed.

13 (7) Up to \$2,435,000 of the motor vehicle account--state
14 appropriation is provided solely as an expenditure reserve in the event
15 that toll revenue collection on the state route number 520 floating
16 bridge is delayed beyond April 2, 2011. This appropriation must remain
17 in unallotted status and may be released by the office of financial
18 management only to cover shortfalls in the state route number 520
19 corridor account due to delayed toll revenue collection in order to
20 support the activities funded in subsection (3) of this section.
21 Repayment from the state route number 520 corridor account to the motor
22 vehicle account regarding this appropriation is assumed in the
23 2011-2013 biennial transportation budget.

24 **Sec. 806.** 2010 c 247 s 212 (uncodified) is amended to read as
25 follows:

26 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**
27 **C**

28	Transportation Partnership Account--State	
29	Appropriation	((\$2,675,000))
30		<u>\$2,425,000</u>
31	Motor Vehicle Account--State Appropriation	((\$68,650,000))
32		<u>\$67,546,000</u>
33	Motor Vehicle Account--Federal Appropriation	\$240,000
34	Multimodal Transportation Account--State	
35	Appropriation	\$363,000
36	Transportation 2003 Account (Nickel Account)--State	
37	Appropriation	((\$2,676,000))

1 \$2,426,000
 2 TOTAL APPROPRIATION ((~~\$74,604,000~~))
 3 \$73,000,000

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

6 (1) The department shall consult with the office of financial
 7 management and the department of information services to: (a) Ensure
 8 that the department's current and future system development is
 9 consistent with the overall direction of other key state systems; and
 10 (b) when possible, use or develop common statewide information systems
 11 to encourage coordination and integration of information used by the
 12 department and other state agencies and to avoid duplication.

13 (2) ((~~\$1,216,000~~)) \$966,000 of the transportation partnership
 14 account--state appropriation and ((~~\$1,216,000~~)) \$966,000 of the
 15 transportation 2003 account (nickel account)--state appropriation are
 16 provided solely for the department to develop a project management and
 17 reporting system which is a collection of integrated tools for capital
 18 construction project managers to use to perform all the necessary tasks
 19 associated with project management. The department shall integrate
 20 commercial off-the-shelf software with existing department systems and
 21 enhanced approaches to data management to provide web-based access for
 22 multi-level reporting and improved business work flows and reporting.
 23 On a quarterly basis, the department shall report to the office of
 24 financial management and the transportation committees of the
 25 legislature on the status of the development and integration of the
 26 system. At a minimum, the reports shall indicate the status of the
 27 work as it compares to the work plan, any discrepancies, and proposed
 28 adjustments necessary to bring the project back on schedule or budget
 29 if necessary.

30 (3) The department may submit information technology-related
 31 requests for funding only if the department has coordinated with the
 32 department of information services as required under section 601 of
 33 this act.

34 (4) \$573,000 of the motor vehicle account--state appropriation is
 35 provided solely for the department to maintain the investment in the
 36 electronic fare system at Washington's ferry terminals. Investment in
 37 the electronic fare system must include the following: Replacement of
 38 critical hardware components that are at risk of failure;

1 implementation of software to allow ORCA cards to be used for vehicles;
2 repair of the turnstiles to ensure that the turnstiles properly record
3 ORCA credit and debit card charges; and dedication of a communication
4 line for transmission of ORCA data to the clearinghouse.

5 **Sec. 807.** 2010 c 247 s 213 (uncodified) is amended to read as
6 follows:

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

9 Motor Vehicle Account--State Appropriation (~~(\$25,292,000)~~)
10 \$24,639,000

11 **Sec. 808.** 2010 c 247 s 214 (uncodified) is amended to read as
12 follows:

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

14 Aeronautics Account--State Appropriation (~~(\$5,960,000)~~)
15 \$5,761,000

16 Aeronautics Account--Federal Appropriation \$2,150,000

17 TOTAL APPROPRIATION (~~(\$8,110,000)~~)
18 \$7,911,000

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

21 (1) \$50,000 of the aeronautics account--state appropriation is a
22 reappropriation provided solely to pay any outstanding obligations of
23 the aviation planning council, which expires July 1, 2009.

24 (2) \$150,000 of the aeronautics account--state appropriation is a
25 reappropriation provided solely to complete runway preservation
26 projects.

27 (3) Within the amounts provided in this section, the department
28 shall develop guidelines setting forth consultation procedures and a
29 process to assist counties and cities to identify land uses that may be
30 incompatible with airports and aircraft operations, and to encourage
31 and facilitate the adoption and implementation of comprehensive plan
32 policies and development regulations consistent with RCW 36.70.547 and
33 36.70A.510.

34 **Sec. 809.** 2010 c 247 s 215 (uncodified) is amended to read as
35 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
2 **SUPPORT--PROGRAM H**

3	Motor Vehicle Account--State Appropriation	((\$49,331,000))
4		<u>\$45,219,000</u>
5	Motor Vehicle Account--Federal Appropriation	\$.500,000
6	Multimodal Transportation Account--State	
7	Appropriation	\$250,000
8	TOTAL APPROPRIATION	((\$50,081,000))
9		<u>\$45,969,000</u>

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

12 (1) The department shall develop a plan for all current and future
13 surplus property parcels based on the recommendations from the surplus
14 property legislative work group that were presented to the senate
15 transportation committee on February 26, 2009. The plan must include,
16 at a minimum, strategies for maximizing the number of parcels sold, a
17 schedule that optimizes proceeds, a recommended cash discount, a plan
18 to report to the joint transportation committee, a recommendation for
19 regional incentives, and a recommendation for equivalent value
20 exchanges. This plan must accompany the department's 2010 supplemental
21 budget request. If the department determines that all or a portion of
22 real property or an interest in real property that was acquired through
23 condemnation within the previous ten years is no longer necessary for
24 a transportation purpose, the former owner has a right of repurchase as
25 described in this subsection. For the purposes of this subsection,
26 "former owner" means the person or entity from whom the department
27 acquired title. At least ninety days prior to the date on which the
28 property is intended to be sold by the department, the department must
29 mail notice of the planned sale to the former owner of the property at
30 the former owner's last known address or to a forwarding address if
31 that owner has provided the department with a forwarding address. If
32 the former owner of the property's last known address, or forwarding
33 address if a forwarding address has been provided, is no longer the
34 former owner of the property's address, the right of repurchase is
35 extinguished. If the former owner notifies the department within
36 thirty days of the date of the notice that the former owner intends to
37 repurchase the property, the department shall proceed with the sale of
38 the property to the former owner for fair market value and shall not

1 list the property for sale to other owners. If the former owner does
2 not provide timely written notice to the department of the intent to
3 exercise a repurchase right, or if the sale to the former owner is not
4 completed within seven months of the date of notice that the former
5 owner intends to repurchase the property, the right of repurchase is
6 extinguished. By December 1, 2010, the department shall report to the
7 legislative transportation committees on the individuals and entities
8 eligible to receive surplus property provided in RCW 47.12.063 to
9 determine the frequency with which the department transfers property to
10 those individuals and entities and the implications to the department.
11 It is the intent of the legislature that the list of individuals and
12 entities eligible to receive surplus property be periodically evaluated
13 to determine whether the list is appropriate and provides utility to
14 the department.

15 (2) The legislature recognizes that the Dryden pit site (WSDOT
16 Inventory Control (IC) No. 2-04-00103) is unused state-owned real
17 property under the jurisdiction of the department of transportation,
18 and that the public would benefit significantly from the complete
19 enjoyment of the natural scenic beauty and recreational opportunities
20 available at the site. Therefore, pursuant to RCW 47.12.080, the
21 legislature declares that transferring the property to the department
22 of fish and wildlife for recreational use and fish and wildlife
23 restoration efforts is consistent with the public interest in order to
24 preserve the area for the use of the public and the betterment of the
25 natural environment. The department of transportation shall work with
26 the department of fish and wildlife, and shall transfer and convey the
27 Dryden pit site to the department of fish and wildlife as is for an
28 adjusted fair market value reflecting site conditions, the proceeds of
29 which must be deposited in the motor vehicle fund. The department of
30 transportation is not responsible for any costs associated with the
31 cleanup or transfer of this property. By July 1, 2010, and annually
32 thereafter until the entire Dryden pit property has been transferred,
33 the department shall submit a status report regarding the transaction
34 to the chairs of the legislative transportation committees.

35 (3) \$3,175,000 of the motor vehicle account--state appropriation is
36 provided solely for the department's compliance with its national
37 pollution discharge elimination system permit.

1 (4) The department shall provide updated information on six project
2 milestones for all active projects, funded in part or in whole with
3 2005 transportation partnership account funds or 2003 nickel account
4 funds, on a quarterly basis in the transportation executive information
5 system (TEIS). The department shall also provide updated information
6 on six project milestones for projects, funded with preexisting funds
7 and that are agreed to by the legislature, office of financial
8 management, and the department, on a quarterly basis in TEIS.

9 **Sec. 810.** 2010 c 247 s 216 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
12 **K**

13	Motor Vehicle Account--State Appropriation	((\$673,000))
14		<u>\$643,000</u>
15	Multimodal Transportation Account--State	
16	Appropriation	((\$200,000))
17		<u>\$90,000</u>
18	TOTAL APPROPRIATION	((\$873,000))
19		<u>\$733,000</u>

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

22 (1) \$200,000 of the multimodal transportation account--state
23 appropriation is provided solely for the department to develop and
24 implement public private partnerships at high priority terminals as
25 identified in the January 12, 2009, final report on joint development
26 opportunities at Washington state ferries terminals. The department
27 shall first consider a mutually beneficial agreement at the Edmonds
28 terminal.

29 (2) \$50,000 of the motor vehicle account--state appropriation is
30 provided solely for the department to investigate the potential to
31 generate revenue from web site sponsorships and similar ventures and,
32 if feasible, pursue partnership opportunities.

33 (3) ((~~\$75,000~~)) \$45,000 of the motor vehicle account--state
34 appropriation is provided solely for the implementation of a pilot
35 project allowing advertisements and sponsorships on select web pages.
36 The pilot project must be organized under the partnership model
37 described in the department's web site monetizing feasibility study,

1 which was prepared under subsection (2) of this section. Once
2 operational, the pilot project must operate for at least twelve
3 consecutive months. After twelve months of continuous operation, the
4 department shall provide a report with recommendations on whether to
5 continue project operations to the office of financial management and
6 the chairs of the transportation committees. The department may end
7 the pilot project after less than twelve consecutive months of
8 operation if insufficient bids or proposals are received from potential
9 sponsors or advertisers. For the purpose of this subsection, if a
10 consultant contract is warranted, the consultant contract is deemed a
11 revenue generation activity as that term is construed in section
12 602(2), chapter 3, Laws of 2010.

13 **Sec. 811.** 2010 c 247 s 217 (uncodified) is amended to read as
14 follows:

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

16 Motor Vehicle Account--State Appropriation	((\$347,645,000))
17	<u>\$349,778,000</u>
18 Motor Vehicle Account--Federal Appropriation	\$7,000,000
19 Motor Vehicle Account--Private/Local Appropriation	((\$5,797,000))
20	<u>\$7,997,000</u>
21 TOTAL APPROPRIATION	((\$360,442,000))
22	<u>\$364,775,000</u>

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

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

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

35 (3) The department shall request an unanticipated receipt for any
36 private or local funds received for reimbursements of third party

1 damages that are in excess of the motor vehicle account--private/local
2 appropriation.

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

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

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

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

19 (6) The department may work with the department of corrections to
20 utilize corrections crews for the purposes of litter pickup on state
21 highways.

22 (7) \$650,000 of the motor vehicle account--state appropriation is
23 provided solely for increased asphalt costs.

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

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

31 (10) \$317,000 of the motor vehicle account--state appropriation is
32 provided solely for maintaining a new active traffic management system
33 on Interstate 5, Interstate 90, and SR 520. The department shall track
34 the costs associated with these systems on a corridor basis and report
35 to the legislative transportation committees on the cost and benefits
36 of the system.

37 (11) \$286,000 of the motor vehicle account--state appropriation is

1 provided solely for storm water assessment fees charged by local
2 governments.

3 (12) \$835,000 of the motor vehicle account--state appropriation is
4 provided solely for disaster-related maintenance expenditures that the
5 department has incurred since the 2010 supplemental transportation
6 budget on state route number 97A and state route number 401.

7 **Sec. 812.** 2010 c 247 s 218 (uncodified) is amended to read as
8 follows:

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

11 Motor Vehicle Account--State Appropriation	((\$51,128,000))
	<u>\$49,764,000</u>
13 Motor Vehicle Account--Federal Appropriation	\$2,050,000
14 Motor Vehicle Account--Private/Local Appropriation	\$127,000
15 TOTAL APPROPRIATION	((\$53,305,000))
16	<u>\$51,941,000</u>

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

19 (1) \$2,400,000 of the motor vehicle account--state appropriation is
20 provided solely for low-cost enhancements. The department shall give
21 priority to low-cost enhancement projects that improve safety or
22 provide congestion relief. The department shall prioritize low-cost
23 enhancement projects on a statewide rather than regional basis. By
24 September 1st of each even-numbered year, the department shall provide
25 a report to the legislature listing all low-cost enhancement projects
26 prioritized on a statewide rather than regional basis completed in the
27 prior year.

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

1 pursuant to ongoing construction. The department shall use the
2 following guidelines to administer the program:

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

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

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

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

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

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

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

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

16 (4) \$173,000 of the motor vehicle account--state appropriation is
17 provided solely for the department to continue a pilot tow truck
18 incentive program and to expand the program to other areas of the
19 state. The department may provide incentive payments to towing
20 companies that meet clearance goals on accidents that involve heavy
21 trucks. The department shall report to the office of financial
22 management and the transportation committees of the legislature on the
23 effectiveness of the clearance goals and submit recommendations to
24 improve the pilot program with the department's 2010 supplemental
25 omnibus transportation appropriations act submittal. The tow truck
26 incentive program may continue to provide incentives for quick
27 clearance of traffic incidents involving large vehicles. The
28 department shall make recommendations as part of its biennial budget
29 proposal for expanding the use of the incentive program.

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

36 (6) To the extent practicable, the department shall synchronize
37 traffic lights on state route number 161 in the vicinity of Puyallup.

1 (7) During the 2009-11 biennium, the department shall implement a
2 pilot program that expands private transportation providers' access to
3 high occupancy vehicle lanes. Under the pilot program, when the
4 department reserves a portion of a highway based on the number of
5 passengers in a vehicle, the following vehicles must be authorized to
6 use the reserved portion of the highway if the vehicle has the capacity
7 to carry eight or more passengers, regardless of the number of
8 passengers in the vehicle: (a) Auto transportation company vehicles
9 regulated under chapter 81.68 RCW; (b) passenger charter carrier
10 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
11 stretch limousines and stretch sport utility vehicles as defined under
12 department rules; (c) private nonprofit transportation provider
13 vehicles regulated under chapter 81.66 RCW; and (d) private employer
14 transportation service vehicles. For purposes of this subsection,
15 "private employer transportation service" means regularly scheduled,
16 fixed-route transportation service that is offered by an employer for
17 the benefit of its employees. By June 30, 2011, the department shall
18 report to the transportation committees of the legislature on whether
19 private transportation provider use of high occupancy vehicle lanes
20 under the pilot program reduces the speeds of high occupancy vehicle
21 lanes. Nothing in this subsection is intended to authorize the
22 conversion of public infrastructure to private, for-profit purposes or
23 to otherwise create an entitlement or other claim by private users to
24 public infrastructure.

25 **Sec. 813.** 2010 c 247 s 219 (uncodified) is amended to read as
26 follows:

27 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**
28 **SUPPORT--PROGRAM S**

29	Motor Vehicle Account--State Appropriation	((\$28,468,000))
30		<u>\$27,968,000</u>
31	Motor Vehicle Account--Federal Appropriation	\$30,000
32	Multimodal Transportation Account--State	
33	Appropriation	\$971,000
34	State Route Number 520 Corridor Account--State	
35	Appropriation	\$264,000
36	TOTAL APPROPRIATION	((\$29,733,000))
37		<u>\$29,233,000</u>

1 The appropriations in this section are subject to the following
2 conditions and limitations: \$264,000 of the state route number 520
3 corridor account--state appropriation is provided solely for the costs
4 directly related to tolling the state route number 520 floating bridge.
5 This amount must be retained in unallotted status, and may only be
6 released by the office of financial management after consultation with
7 the joint transportation committee.

8 **Sec. 814.** 2010 c 247 s 220 (uncodified) is amended to read as
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**
11 **AND RESEARCH--PROGRAM T**

12	Motor Vehicle Account--State Appropriation	((\$25,955,000))
13		<u>\$25,384,000</u>
14	Motor Vehicle Account--Federal Appropriation	\$22,002,000
15	Multimodal Transportation Account--State	
16	Appropriation	\$1,090,000
17	Multimodal Transportation Account--Federal	
18	Appropriation	\$3,287,000
19	Multimodal Transportation Account--Private/Local	
20	Appropriation	\$99,000
21	TOTAL APPROPRIATION	((\$52,433,000))
22		<u>\$51,862,000</u>

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

25 (1) \$150,000 of the motor vehicle account--federal appropriation is
26 provided solely for the costs to develop an electronic map-based
27 computer application that will enable law enforcement officers and
28 others to more easily locate collisions and other incidents in the
29 field.

30 (2) \$400,000 of the multimodal transportation account--state
31 appropriation is provided solely for a diesel multiple unit feasibility
32 and initial planning study. The study must evaluate potential service
33 on the Stampede Pass line from Maple Valley to Auburn via Covington.
34 The study must evaluate the potential demand for service, the business
35 model and capital needs for launching and running the line, and the
36 need for improvements in switching, signaling, and tracking. The study
37 must also consider the interconnectivity benefits of, and potential

1 for, future Amtrak Cascades stops in south King county and north Pierce
2 county. As part of its consideration, the department shall conduct a
3 thorough market analysis of the potential for adding or changing stops
4 on the Amtrak Cascades route. The department shall amend the scope,
5 schedule, and budget of the current study process to accommodate the
6 market analysis. A report on the study must be submitted to the
7 legislature by September 30, 2010.

8 (3) \$365,000 of the motor vehicle account--state appropriation and
9 \$81,000 of the motor vehicle account--federal appropriation are
10 provided solely for the development of a freight database to help guide
11 freight investment decisions and track project effectiveness. The
12 database must be based on truck movement tracked through geographic
13 information system technology. For the remainder of the biennium, the
14 department may expand data collection to any highways that have high
15 truck volumes. TransNow shall contribute additional federal funds that
16 are not appropriated in this act. The department shall work with the
17 freight mobility strategic investment board to implement this database.

18 (4) \$2,000,000 of the motor vehicle account--state appropriation is
19 provided solely for scoping unfunded state highway projects to ensure
20 that a well-vetted project list is available for future program funding
21 discussions.

22 (a) It is the intent of the legislature that the funding provided
23 in this subsection support the development of transportation solutions
24 that benefit all state residents, including addressing the impacts of
25 traffic diversion from tolled facilities. It is further the intent of
26 the legislature that the buying power of future revenue packages is
27 maximized.

28 (b) Scoping work must be consistent with achieving transportation
29 system policy goals as stated in RCW 47.04.280.

30 (c) The department shall provide cost-effective design solutions
31 that achieve the desired functional outcomes. This may be achieved by
32 providing one or more design alternatives for legislative
33 consideration, based on a reasonable range of assumptions about traffic
34 volume and speeds.

35 (d) Prior to the commencement of the 2011 legislative session, the
36 department shall provide a report to the legislative transportation
37 committees and the office of financial management that includes
38 estimated costs and construction time frames.

1 (5) (~~(\$150,000)~~) \$80,000 of the motor vehicle account--state
2 appropriation is provided solely for a corridor study of state route
3 number 516 from the eastern border of Maple Valley to state route
4 number 167 to determine whether improvements are needed and the costs
5 of any needed improvements.

6 (6) \$500,000 of the multimodal transportation account--federal
7 appropriation is provided solely for continued support of the
8 International Mobility and Trade Corridor project and for the
9 department to work with the Whatcom council of governments to examine
10 potential improvements to international border freight and passenger
11 rail movement and the use of diesel multiple units.

12 (7) \$80,000 of the motor vehicle account--state appropriation is
13 provided solely to continue existing work regarding feasibility of a
14 new interchange between Rochester and Harrison Avenue on Interstate 5.

15 **Sec. 815.** 2010 c 247 s 221 (uncodified) is amended to read as
16 follows:

17 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**
18 **V**

19	Regional Mobility Grant Program Account--State	
20	Appropriation	((\$65,274,000))
21		<u>\$56,332,000</u>
22	Multimodal Transportation Account--State	
23	Appropriation	((\$65,667,000))
24		<u>\$65,547,000</u>
25	Multimodal Transportation Account--Federal	
26	Appropriation	\$2,573,000
27	Multimodal Transportation Account--Private/Local	
28	Appropriation	\$1,025,000
29	TOTAL APPROPRIATION	((\$134,539,000))
30		<u>\$125,477,000</u>

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

33 (1) \$25,000,000 of the multimodal transportation account--state
34 appropriation is provided solely for a grant program for special needs
35 transportation provided by transit agencies and nonprofit providers of
36 transportation.

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

7 (b) \$19,500,000 of the amount provided in this subsection is
8 provided solely for grants to transit agencies to transport persons
9 with special transportation needs. To receive a grant, the transit
10 agency must have a maintenance of effort for special needs
11 transportation that is no less than the previous year's maintenance of
12 effort for special needs transportation. Grants for transit agencies
13 shall be prorated based on the amount expended for demand response
14 service and route deviated service in calendar year 2007 as reported in
15 the "Summary of Public Transportation - 2007" published by the
16 department of transportation. No transit agency may receive more than
17 thirty percent of these distributions.

18 (2) Funds are provided for the rural mobility grant program as
19 follows:

20 (a) \$8,500,000 of the multimodal transportation account--state
21 appropriation is provided solely for grants for those transit systems
22 serving small cities and rural areas as identified in the "Summary of
23 Public Transportation - 2007" published by the department of
24 transportation. Noncompetitive grants must be distributed to the
25 transit systems serving small cities and rural areas in a manner
26 similar to past disparity equalization programs.

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

31 (3) \$7,000,000 of the multimodal transportation account--state
32 appropriation is provided solely for a vanpool grant program for: (a)
33 Public transit agencies to add vanpools or replace vans; and (b)
34 incentives for employers to increase employee vanpool use. The grant
35 program for public transit agencies will cover capital costs only;
36 operating costs for public transit agencies are not eligible for
37 funding under this grant program. Additional employees may not be
38 hired from the funds provided in this section for the vanpool grant

1 program, and supplanting of transit funds currently funding vanpools is
2 not allowed. The department shall encourage grant applicants and
3 recipients to leverage funds other than state funds. At least
4 \$1,600,000 of this amount must be used for vanpool grants in congested
5 corridors.

6 (4) (~~(\$400,000)~~) \$280,000 of the multimodal transportation
7 account--state appropriation is provided solely for a grant for a
8 flexible carpooling pilot project program to be administered and
9 monitored by the department. Funds are appropriated for one time only.
10 The pilot project program must: Test and implement at least one
11 flexible carpooling system in a high-volume commuter area that enables
12 carpooling without prearrangement; utilize technologies that, among
13 other things, allow for transfer of ride credits between participants;
14 and be a membership system that involves prescreening to ensure safety
15 of the participants. The program must include a pilot project that
16 targets commuter traffic on the state route number 520 bridge. The
17 department shall submit to the legislature by December 2010 a report on
18 the program results and any recommendations for additional flexible
19 carpooling programs.

20 (5) \$3,318,000 of the multimodal transportation account--state
21 appropriation and (~~(\$21,248,000)~~) \$17,778,000 of the regional mobility
22 grant program account--state appropriation are reappropriated and
23 provided solely for the regional mobility grant projects identified on
24 the LEAP Transportation Document 2007-B, as developed April 20, 2007,
25 or the LEAP Transportation Document 2006-D, as developed March 8, 2006.
26 The department shall continue to review all projects receiving grant
27 awards under this program at least semiannually to determine whether
28 the projects are making satisfactory progress. The department shall
29 promptly close out grants when projects have been completed, and any
30 remaining funds available to the office of transit mobility must be
31 used only to fund projects on the LEAP Transportation Document 2006-D,
32 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
33 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
34 as developed April 24, 2009. It is the intent of the legislature to
35 appropriate funds through the regional mobility grant program only for
36 projects that will be completed on schedule. However, the Chuckanut
37 park and ride project (101100G) is recognized as a crucial investment
38 in the transportation system. For this reason, the department shall

1 not close out the grant for the Chuckanut park and ride project until
2 Skagit transit has exhausted all other pending opportunities for
3 federal and local funds. If additional funds cannot be secured, the
4 department shall consider this project a priority in the 2011-13 grant
5 process. The department shall make every effort to advance the
6 Chuckanut park and ride project within existing resources.

7 (6) (~~(\$33,429,000)~~) \$32,882,000 of the regional mobility grant
8 program account--state appropriation is provided solely for the
9 regional mobility grant projects identified in LEAP Transportation
10 Document 2009-B, as developed April 24, 2009. The department shall
11 review all projects receiving grant awards under this program at least
12 semiannually to determine whether the projects are making satisfactory
13 progress. Any project that has been awarded funds, but does not report
14 activity on the project within one year of the grant award, must be
15 reviewed by the department to determine whether the grant should be
16 terminated. The department shall promptly close out grants when
17 projects have been completed, and any remaining funds available to the
18 office of transit mobility must be used only to fund projects
19 identified in LEAP Transportation Document 2009-B, as developed April
20 24, 2009. The department shall provide annual status reports on
21 December 15, 2009, and December 15, 2010, to the office of financial
22 management and the transportation committees of the legislature
23 regarding the projects receiving the grants. It is the intent of the
24 legislature to appropriate funds through the regional mobility grant
25 program only for projects that will be completed on schedule.

26 (7) (~~(\$10,596,768)~~) \$5,671,768 of the regional mobility grant
27 program account--state appropriation must be obligated no later than
28 December 31, 2010, and is provided solely for the following recommended
29 contingency regional mobility grant projects identified in the 2009-11
30 omnibus transportation appropriations act, LEAP Transportation Document
31 2009-B, as developed April 24, 2009, as follows:

32 (a) (~~(\$4,000,000)~~) \$975,000 is provided solely for the
33 Rainier/Jackson transit priority corridor improvements;

34 (b) (~~(\$2,100,000)~~) \$200,000 is provided solely for the state route
35 number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to
36 west of 96th Ave NE) project; and

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

1 (8) \$300,000 of the multimodal transportation account--state
2 appropriation is provided solely for a transportation demand management
3 program, developed by the Whatcom council of governments, to further
4 reduce drive-alone trips and maximize the use of sustainable
5 transportation choices. The community-based program must focus on all
6 trips, not only commute trips, by providing education, assistance, and
7 incentives to four target audiences: (a) Large work sites; (b)
8 employees of businesses in downtown areas; (c) school children; and (d)
9 residents of Bellingham.

10 (9) \$130,000 of the multimodal transportation account-- state
11 appropriation is provided solely to the department to distribute to
12 support Engrossed Substitute House Bill No. 2072 (special needs
13 transportation).

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

18 (b) \$50,000 of the amount provided in this subsection is provided
19 solely to support the pilot project to be developed or implemented by
20 the local coordinating coalition comprised of a single county,
21 described in sections 9, 10, and 11, chapter . . . (Engrossed
22 Substitute House Bill No. 2072), Laws of 2009. The department shall
23 assist the local coordinating coalition to seek funding sufficient to
24 fully fund the pilot project from a variety of sources including, but
25 not limited to, the regional transit authority serving the county, the
26 regional transportation planning organization serving the county, and
27 other appropriate state and federal agencies and grants. Development
28 or implementation of the pilot project is contingent on securing
29 funding sufficient to fully fund the pilot project.

30 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
31 June 30, 2009, the amount provided in this subsection (9) lapses. If
32 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,
33 but a commitment from other sources to fully fund the pilot project
34 described in (b) of this subsection has not been obtained by September
35 30, 2009, the amount provided in (b) of this subsection lapses.

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

1 (11) An affected urban growth area that has not previously
2 implemented a commute trip reduction program is exempt from the
3 requirements in RCW 70.94.527 if a solution to address the state
4 highway deficiency that exceeds the person hours of delay threshold has
5 been funded and is in progress during the 2009-11 fiscal biennium.

6 (12) \$2,309,000 of the multimodal transportation account--state
7 appropriation is provided solely for the tri-county connection service
8 for Island, Skagit, and Whatcom transit agencies.

9 **Sec. 816.** 2010 c 247 s 222 (uncodified) is amended to read as
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

12	Puget Sound Ferry Operations Account--State	
13	Appropriation	((\$425,922,000))
14		<u>\$446,961,000</u>

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

17 (1) ((~~\$78,754,952~~)) \$97,053,000 of the Puget Sound ferry operations
18 account--state appropriation is provided solely for auto ferry vessel
19 operating fuel in the 2009-11 fiscal biennium. This appropriation is
20 contingent upon the enactment of sections 716 and 701 of this act. All
21 fuel purchased by the Washington state ferries at Harbor Island truck
22 terminal for the operation of the Washington state ferries diesel
23 powered vessels must be a minimum of five percent biodiesel blend so
24 long as the per gallon price of diesel containing a five percent
25 biodiesel blend level does not exceed the per gallon price of diesel by
26 more than five percent.

27 (2) To protect the waters of Puget Sound, the department shall
28 investigate nontoxic alternatives to fuel additives and other
29 commercial products that are used to operate, maintain, and preserve
30 vessels.

31 (3) If, after the department's review of fares and pricing
32 policies, the department proposes a fuel surcharge, the department must
33 evaluate other cost savings and fuel price stabilization strategies
34 that would be implemented before the imposition of a fuel surcharge.
35 The department shall report to the legislature and transportation
36 commission on its progress of implementing new fuel forecasting and

1 budgeting practices, price hedging contracts for fuel purchases, and
2 fuel conservation strategies by November 30, 2010.

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

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

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

19 (7) The office of financial management budget instructions require
20 agencies to recast enacted budgets into activities. The Washington
21 state ferries shall include a greater level of detail in its 2011-13
22 omnibus transportation appropriations act request, as determined
23 jointly by the office of financial management, the Washington state
24 ferries, and the legislative transportation committees.

25 (8) (~~(\$4,794,000)~~) \$6,116,000 of the Puget Sound ferry operations
26 account--state appropriation is provided solely for commercial
27 insurance for ferry assets. The office of financial management, after
28 consultation with the transportation committees of the legislature,
29 must present a business plan for the Washington state ferry system's
30 insurance coverage to the 2010 legislature. The business plan must
31 include a cost-benefit analysis of Washington state ferries' current
32 commercial insurance purchased for ferry assets and a review of self-
33 insurance for noncatastrophic events.

34 (9) \$1,100,000 of the Puget Sound ferry operations account--state
35 appropriation is provided solely for a marketing program. The
36 department shall present a marketing program proposal to the
37 transportation committees of the legislature during the 2010
38 legislative session before implementing this program. Of this amount,

1 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
2 Coupeville for mitigation expenses related to only one vessel operating
3 on the Port Townsend/Keystone ferry route. The moneys provided to the
4 city of Port Townsend and town of Coupeville are not contingent upon
5 the required marketing proposal.

6 (10) \$350,000 of the Puget Sound ferry operations account--state
7 appropriation is provided solely for two extra trips per day during the
8 summer of 2009 season, beyond the current schedule, on the Port
9 Townsend/Keystone route.

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

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

22 (13) As a priority task, the department is directed to propose a
23 comprehensive incident and accident investigation policy and
24 appropriate procedures, and to provide the proposal to the legislature
25 by November 1, 2009, using existing resources and staff expertise. In
26 addition to consulting with ferry system unions and the United States
27 coast guard, the Washington state ferries is encouraged to solicit
28 independent outside expertise on incident and accident investigation
29 best practices as they may be found in other organizations with a
30 similar concern for marine safety. It is the intent of the legislature
31 to enact the policies into law and to publish that law and procedures
32 as a manual for Washington state ferries' accident/incident
33 investigations. Until that time, the Washington state ferry system
34 must exercise particular diligence to assure that any incident or
35 accident investigations are conducted within the spirit of the
36 guidelines of this act. The proposed policy must contain, at a
37 minimum:

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

3 (b) The process for appointing an investigating officer or officers
4 and a description of the authorities and responsibilities of the
5 investigating officer or officers. The investigating officer or
6 officers must:

7 (i) Have the appropriate training and experience as determined by
8 the policy;

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

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

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

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

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

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

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

29 (f) The process for keeping the public informed of the
30 investigation and its outcomes, in compliance with any affected
31 employee's or employees' respective collective bargaining agreement and
32 state laws and rules regarding public disclosure under chapter 42.56
33 RCW.

34 (14) \$7,300,000 of the Puget Sound ferry operations account--state
35 appropriation is provided solely for the purposes of travel time
36 associated with Washington state ferries employees. However, if
37 Engrossed Substitute House Bill No. 3209 (managing costs of ferry

1 system) is enacted by June 30, 2010, containing an appropriation for
2 purposes of travel time associated with Washington state ferries
3 employees, the amount provided in this subsection lapses.

4 (15) \$50,000 of the Puget Sound ferry operations account--state
5 appropriation is provided solely to implement a mechanism to report on-
6 time performance statistics.

7 (a) The department shall conduct a study to identify process
8 changes that would improve on-time performance on a route-by-route
9 basis. The study must include looking into the slowing down of vessels
10 for fuel economy purposes and touch-and-go sailings on peak runs. The
11 department shall report its findings to the transportation committees
12 of the senate and house of representatives by December 1, 2010.

13 (b) The department shall, by November 1, 2010, report to the
14 transportation committees of the legislature statistics regarding its
15 on-time arrival and departure status on a route-by-route and month-by-
16 month basis, as well as an annual route-by-route and systemwide basis,
17 weighted by the number of customers on each sailing and distinguishing
18 peak period on-time performance. The statistics must include reasons
19 for any delays over ten minutes from the scheduled time. The
20 statistics must be prominently displayed on the Washington state
21 ferries' web site. Each Washington state ferries vessel and terminal
22 must prominently display the statistics as they relate to their
23 specific route.

24 (16) The department shall investigate outsourcing the call center
25 functions planned for the ferry reservation system and report its
26 findings to the transportation committees of the senate and house of
27 representatives by December 15, 2010.

28 (17) By July 1, 2010, the department shall provide to the governor
29 and the transportation committees of the senate and house of
30 representatives a listing of all benefits that Washington state ferries
31 union employees receive that other state employees do not traditionally
32 receive. The listing must include any costs associated with these
33 benefits.

34 ***Sec. 817. 2010 c 247 s 223 (uncodified) is amended to read as**
35 **follows:**

36 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**
37 **Multimodal Transportation Account--State**

1 not transfer funds, and the director of the office of financial
2 management shall not approve the transfer unless the transfer is
3 consistent with the objective of conserving, to the maximum extent
4 possible, the expenditure of state funds and not federal funds. The
5 director of the office of financial management shall notify the
6 appropriate transportation committees of the legislature prior to
7 approving any allotment modifications or transfers under this section.
8 The written notification must include a narrative explanation and
9 justification of the changes, along with expenditures and allotments by
10 program and appropriation, both before and after any allotment
11 modifications or transfers.

12 **TRANSPORTATION AGENCIES--CAPITAL**

13 **Sec. 901.** 2009 c 470 s 301 (uncodified) is amended to read as
14 follows:

15 **FOR THE WASHINGTON STATE PATROL**

16 State Patrol Highway Account--State Appropriation . . . ((~~\$3,126,000~~))
17 \$2,481,000

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

20 (1) \$1,626,000 of the state patrol highway account--state
21 appropriation is provided solely for the following minor works
22 projects: \$450,000 for Shelton training academy roofs; (~~(\$150,000 for~~
23 ~~HVAC control replacements;~~) \$168,000 for upgrades to scales; \$50,000
24 for Bellevue electrical equipment upgrades; (~~(\$90,000)~~) \$16,000 for
25 South King detachment window replacement; \$200,000 for the replacement
26 of the Naselle radio tower, generator shelter, and fence; \$200,000 for
27 unforeseen emergency repairs; and \$318,000 for the Shelton training
28 academy drive course/skid pan repair.

29 (2) (~~(\$1,500,000)~~) \$1,079,000 of the state patrol highway account--
30 state appropriation is provided solely for the Shelton academy of the
31 Washington state patrol and is contingent upon a signed agreement
32 between the city of Shelton, the department of corrections, and the
33 Washington state patrol that provides for an on-going payment to these
34 three entities, based on their percentage of the total investment in

1 the project, from all hookup fees, late comer fees, LIDS, and all other
2 initial fees collected for the new waste water treatment lines, waste
3 water plants, water lines, and water systems.

4 **Sec. 902.** 2010 c 247 s 301 (uncodified) is amended to read as
5 follows:

6 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

7	Rural Arterial Trust Account--State Appropriation . . .	((\$73,000,000))
8		<u>\$71,500,000</u>
9	Motor Vehicle Account--State Appropriation	\$1,048,000
10	County Arterial Preservation Account--State	
11	Appropriation	((\$31,400,000))
12		<u>\$30,400,000</u>
13	TOTAL APPROPRIATION	((\$105,448,000))
14		<u>\$102,948,000</u>

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

17 (1) \$1,048,000 of the motor vehicle account--state appropriation
18 may be used for county ferry projects as developed pursuant to RCW
19 47.56.725(4).

20 (2) The appropriations in this section include funding to counties
21 to assist them in efforts to recover from federally declared
22 emergencies, by providing capitalization advances and local match for
23 federal emergency funding as determined by the county road
24 administration board. The county road administration board shall
25 specifically identify any such selected projects and shall include
26 information concerning such selected projects in its next annual report
27 to the legislature.

28 (3) \$22,000,000 of the rural arterial trust account--state
29 appropriation is provided solely for additional grants for county road
30 projects as approved by the county road administration board.

31 **Sec. 903.** 2010 c 247 s 302 (uncodified) is amended to read as
32 follows:

33 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

34	Small City Pavement and Sidewalk Account--State	
35	Appropriation	((\$3,927,000))
36		<u>\$3,737,000</u>

1 Urban Arterial Trust Account--State Appropriation . . . ((\$123,900,000))
 2 \$121,900,000
 3 Transportation Improvement Account--State
 4 Appropriation ((\$81,643,000))
 5 \$80,643,000
 6 TOTAL APPROPRIATION ((\$209,470,000))
 7 \$206,280,000

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

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

13 (2) The urban arterial trust account--state appropriation includes
 14 up to (~~(\$7,143,000)~~) \$15,000,000 in proceeds from the sale of bonds
 15 authorized in RCW 47.26.420.

16 **Sec. 904.** 2009 c 470 s 305 (uncodified) is amended to read as
 17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF**
 19 **TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

20 Motor Vehicle Account--State Appropriation (~~(\$4,810,000)~~)
 21 \$4,623,000

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

24 (1) \$1,198,000 of the motor vehicle account--state appropriation is
 25 provided solely for the Olympic region site acquisition debt service
 26 payments and administrative costs associated with capital improvement
 27 and preservation project and financial management.

28 (2) (~~(\$3,612,000)~~) \$3,425,000 of the motor vehicle account--state
 29 appropriation is provided solely for high priority safety projects that
 30 are directly linked to employee safety, environmental risk, or minor
 31 works that prevent facility deterioration. This includes the
 32 administrative costs associated with those projects and the
 33 reconstruction of the Wandermere facility that was destroyed in the
 34 2008-09 winter storms.

35 **Sec. 905.** 2010 c 247 s 303 (uncodified) is amended to read as
 36 follows:

1	FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I	
2	Multimodal Transportation Account--State	
3	Appropriation	((\$98,000))
4		<u>\$2,000</u>
5	Transportation Partnership Account--State	
6	Appropriation	((\$1,665,644,000))
7		<u>\$1,325,624,000</u>
8	Motor Vehicle Account--State Appropriation	((\$85,534,000))
9		<u>\$66,880,000</u>
10	Motor Vehicle Account--Federal Appropriation	((\$570,107,000))
11		<u>\$532,458,000</u>
12	Motor Vehicle Account--Private/Local	
13	Appropriation	((\$70,714,000))
14		<u>\$83,270,000</u>
15	Special Category C Account--State Appropriation	\$25,221,000
16	Transportation 2003 Account (Nickel Account)--State	
17	Appropriation	((\$713,205,000))
18		<u>\$590,797,000</u>
19	Freight Mobility Multimodal Account--State	
20	Appropriation	((\$4,574,000))
21		<u>\$4,575,000</u>
22	Tacoma Narrows Toll Bridge Account--State	
23	Appropriation	((\$789,000))
24		<u>\$797,000</u>
25	State Route Number 520 Corridor Account--State	
26	Appropriation	((\$231,763,000))
27		<u>\$229,838,000</u>
28	((State Route Number 520 Civil Penalties Account--State	
29	 Appropriation	\$1,190,000))
30	TOTAL APPROPRIATION	((\$3,368,839,000))
31		<u>\$2,859,462,000</u>

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

34 (1) Except as provided otherwise in this section, the entire
35 transportation 2003 account (nickel account) appropriation and the
36 entire transportation partnership account appropriation are provided
37 solely for the projects and activities as listed by fund, project, and
38 amount in LEAP Transportation Document ((~~2010-1~~)) 2011-1 as developed

1 (~~March 8, 2010~~) April 19, 2011, Program - Highway Improvement Program
2 (I). However, limited transfers of specific line-item project
3 appropriations may occur between projects for those amounts listed
4 subject to the conditions and limitations in section 603 (~~of this~~
5 ~~act~~), chapter . . . (Engrossed Substitute House Bill No. 1175), Laws
6 of 2011.

7 (2) (~~(\$163,385,000)~~) \$158,094,000 of the transportation partnership
8 account--state appropriation and (~~(\$231,763,000)~~) \$229,838,000 of the
9 state route number 520 corridor account--state appropriation are
10 provided solely for the state route number 520 bridge replacement and
11 HOV project. The department shall submit an application for the
12 eastside transit and HOV project to the supplemental discretionary
13 grant program for regionally significant projects as provided in the
14 American Recovery and Reinvestment Act of 2009.

15 (3) As required under section 305(6), chapter 518, Laws of 2007,
16 the department shall report by January 2010 to the transportation
17 committees of the legislature on the findings of the King county noise
18 reduction solutions pilot project.

19 (4) Funding allocated for mitigation costs is provided solely for
20 the purpose of project impact mitigation, and shall not be used to
21 develop or otherwise participate in the environmental assessment
22 process.

23 (5) The department shall apply for surface transportation program
24 (STP) enhancement funds to be expended in lieu of or in addition to
25 state funds for eligible costs of projects in Programs I and P
26 including, but not limited to, the SR 518, SR 520, Columbia river
27 crossing, and Alaskan Way viaduct projects.

28 (6) The department shall, on a quarterly basis beginning July 1,
29 2009, provide to the office of financial management and the legislature
30 reports providing the status on each active project funded in part or
31 whole by the transportation 2003 account (nickel account) or the
32 transportation partnership account. Funding provided at a programmatic
33 level for transportation partnership account and transportation 2003
34 account (nickel account) projects relating to bridge rail, guard rail,
35 fish passage barrier removal, and roadside safety projects should be
36 reported on a programmatic basis. Projects within this programmatic
37 level funding should be completed on a priority basis and scoped to be
38 completed within the current programmatic budget. Report formatting

1 and elements must be consistent with the October 2009 quarterly project
2 report. On a representative sample of new construction contracts
3 valued at fifteen million dollars or more, the department must also use
4 an earned value method of project monitoring.

5 (7) The transportation 2003 account (nickel account)--state
6 appropriation includes up to (~~(\$653,630,000)~~) \$567,964,000 in proceeds
7 from the sale of bonds authorized by RCW 47.10.861.

8 (8) The transportation partnership account--state appropriation
9 includes up to (~~(\$1,347,939,000)~~) \$1,261,092,000 in proceeds from the
10 sale of bonds authorized in RCW 47.10.873.

11 (9) The special category C account--state appropriation includes up
12 to (~~(\$25,221,000)~~) \$25,056,000 in proceeds from the sale of bonds
13 authorized in RCW 47.10.812.

14 (10) The motor vehicle account--state appropriation includes up to
15 (~~(\$43,000,000)~~) \$42,960,000 in proceeds from the sale of bonds
16 authorized in RCW 47.10.843.

17 (11) The state route number 520 corridor account--state
18 appropriation includes up to (~~(\$231,763,000)~~) \$229,838,000 in proceeds
19 from the sale of bonds authorized in RCW 47.10.879.

20 (12) The department must prepare a tolling study for the Columbia
21 river crossing project. While conducting the study, the department
22 must coordinate with the Oregon department of transportation to perform
23 the following activities:

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

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

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

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

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

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

6 (g) Conduct public work sessions and open houses to provide
7 information to citizens, including users of the bridge and business and
8 freight interests, regarding implementation of tolls on the Interstate
9 5 and to solicit citizen views on the following items:

10 (i) Funding a portion of the Columbia river crossing project with
11 tolls;

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

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

16 (h) Provide a report to the governor and the legislature by January
17 2010.

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

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

26 (i) Confer with the mayors and city councils of jurisdictions in
27 the vicinity of the project regarding the implementation of high
28 occupancy toll lanes and the impacts that the implementation of these
29 high occupancy toll lanes might have on the operation of the corridor
30 and adjacent local streets;

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

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

37 (iv) Provide a report to the governor and the legislature by
38 January 2010.

1 (14) (~~(\$6,488,000)~~) \$1,323,000 of the motor vehicle account--state
2 appropriation and (~~(\$5,000)~~) \$3,628,000 of the motor vehicle account--
3 federal appropriation are provided solely for project 100224I, US 2
4 high priority safety project. Expenditure of these funds is for safety
5 projects on state route number 2 between Monroe and Gold Bar, which may
6 include median rumble strips, traffic cameras, and electronic message
7 signs.

8 (15) Expenditures for the state route number 99 Alaskan Way viaduct
9 replacement project must be made in conformance with Engrossed
10 Substitute Senate Bill No. 5768.

11 (16) The department shall conduct a public outreach process to
12 identify and respond to community concerns regarding the Belfair
13 bypass. The process must include representatives from Mason county,
14 the legislature, area businesses, and community members. The
15 department shall use this process to consider and develop design
16 alternatives that alter the project's scope so that the community's
17 needs are met within the project budget. The department shall provide
18 a report on the process and outcomes to the legislature by June 30,
19 2010.

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

28 (18) \$250,000 of the motor vehicle account--state appropriation is
29 provided solely for the design and construction of a right turn lane to
30 improve visibility and traffic flow on state route number 195 and
31 Cheney-Spokane Road (project L1000001).

32 (19) (~~(\$730,000)~~) \$724,000 of the motor vehicle account--federal
33 appropriation and (~~(\$16,000)~~) \$17,000 of the motor vehicle account--
34 state appropriation are provided solely for the Westview school noise
35 wall (project WESTV).

36 (20) (~~(\$2,000)~~) \$3,000 of the motor vehicle account--state
37 appropriation and \$131,000 of the motor vehicle account--federal

1 appropriation are provided solely for interchange design and planning
2 work on US 12 at A Street and Tank Farm Road (project PASCO).

3 (21) (~~(\$21,566,000)~~) \$13,246,000 of the transportation partnership
4 account--state appropriation, (~~(\$26,000)~~) \$27,000 of the motor vehicle
5 account--state appropriation, (~~(\$30,000,000)~~) \$40,000,000 of the motor
6 vehicle account--private/local appropriation, and (~~(\$4,334,000)~~)
7 \$9,422,000 of the motor vehicle account--federal appropriation are
8 provided solely for project 400506A, the I-5/Columbia river
9 crossing/Vancouver project. The funding described in this subsection
10 includes a (~~(\$30,000,000)~~) \$40,000,000 contribution from the state of
11 Oregon.

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

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

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

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

33 (24) Project number 330215A in the LEAP transportation document
34 described in subsection (1) of this section is expanded to include
35 safety and congestion improvements from the Key Peninsula Highway to
36 the vicinity of Purdy. The department shall consult with the
37 Washington traffic safety commission to ensure that this project

1 includes improvements at intersections and along the roadway to reduce
2 the frequency and severity of collisions related to roadway conditions
3 and traffic congestion.

4 (25) (~~(\$8,890,000)~~) \$5,831,000 of the transportation partnership
5 account--state appropriation is provided solely for project 109040Q,
6 the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3
7 project, as indicated in the LEAP transportation document referenced in
8 subsection (1) of this section.

9 (26) The department shall continue to work with the local partners
10 in developing transportation solutions necessary for the economic
11 growth in the Red Mountain American Viticulture Area of Benton county.

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

23 (28) Within the motor vehicle account--state appropriation and
24 motor vehicle account--federal appropriation, the department may
25 transfer funds between programs I and P, except for funds that are
26 otherwise restricted in this act.

27 (29) Within the amounts provided in this section, \$200,000 of the
28 transportation partnership account--state appropriation is provided
29 solely for the department to prepare a comprehensive tolling study of
30 the state route number 167 corridor to determine the feasibility of
31 administering tolls within the corridor, identified as project number
32 316718A in the LEAP transportation document described in subsection (1)
33 of this section. The department shall report to the joint
34 transportation committee by September 30, 2010. The department shall
35 regularly report to the Washington transportation commission regarding
36 the progress of the study for the purpose of guiding the commission's
37 potential toll setting on the facility. The elements of the study must
38 include, at a minimum:

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

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

4 (c) Economic considerations for future system investments.

5 (30) Within the amounts provided in this section, \$200,000 of the
6 transportation partnership account--state appropriation is provided
7 solely for the department to prepare a comprehensive tolling study of
8 the state route number 509 corridor to determine the feasibility of
9 administering tolls within the corridor, identified as project number
10 850901F in the LEAP transportation document described in subsection (1)
11 of this section. The department shall report to the joint
12 transportation committee by September 30, 2010. The department shall
13 regularly report to the Washington transportation commission regarding
14 the progress of the study for the purpose of guiding the commission's
15 potential toll setting on the facility. The elements of the study must
16 include, at a minimum:

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

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

20 (c) Economic considerations for future system investments.

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

32 (32) \$400,000 of the motor vehicle account--state appropriation is
33 provided solely for the department to conduct a state route number 2
34 route development plan (project L2000016) that will identify essential
35 improvements needed between the port of Everett/Naval station and
36 approaching the state route number 9 interchange near the city of
37 Snohomish.

1 (33) If the SR 26 - Intersection and Illumination Improvements are
2 not completed by June 30, 2009, the department shall ensure that the
3 improvements are completed as soon as practicable after June 30, 2009,
4 and shall submit monthly progress reports on the improvements beginning
5 July 1, 2009.

6 (34) \$200,000 of the transportation partnership account--state
7 appropriation, identified on project number 400506A in the LEAP
8 transportation document described in subsection (1) of this section, is
9 provided solely for the department to work with the department of
10 archaeology and historic preservation to ensure that the cultural
11 resources investigation is properly conducted on the Columbia river
12 crossing project. This project must be conducted with active
13 archaeological management and result in one report that spans the
14 single cultural area in Oregon and Washington. Additionally, the
15 department shall establish a scientific peer review of independent
16 archaeologists that are knowledgeable about the region and its cultural
17 resources.

18 (35) The department shall work with the department of archaeology
19 and historic preservation to ensure that the cultural resources
20 investigation is properly conducted on all mega-highway projects and
21 large ferry terminal projects. These projects must be conducted with
22 active archaeological management. Additionally, the department shall
23 establish a scientific peer review of independent archaeologists that
24 are knowledgeable about the region and its cultural resources.

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

30 (37) \$10,000,000 of the transportation partnership account--state
31 appropriation is provided solely for the Spokane street viaduct portion
32 of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as
33 indicated in the LEAP transportation document referenced in subsection
34 (1) of this section.

35 (38) The department shall conduct a public outreach process to
36 identify and respond to community concerns regarding the portion of
37 John's Creek Road that connects state route number 3 and state route
38 number 101. The process must include representatives from Mason

1 county, the legislature, area businesses, and community members. The
2 department shall use this process to consider, develop, and design a
3 project scope so that the community's needs are met for the lowest
4 cost. The department shall provide a report on the process and
5 outcomes to the legislature by June 30, 2010.

6 (39) The department shall apply for the competitive portion of
7 federal transit administration funds for eligible transit-related costs
8 of the state route number 520 bridge replacement and HOV project and
9 the Columbia river crossing project. The federal funds described in
10 this subsection must not include those federal transit administration
11 funds distributed by formula. The department shall provide a report
12 regarding this effort to the legislature by January 1, 2010.

13 (40) (~~(\$5,500,000)~~) \$3,388,000 of the motor vehicle account--
14 federal appropriation (~~(is)~~) and \$1,405,000 of the motor vehicle
15 account--state appropriation are provided solely for the Alaskan Way
16 Viaduct - Automatic Shutdown project, identified as project L1000034.

17 (41) (~~(\$2,244,000)~~) \$2,937,000 of the motor vehicle account--
18 federal appropriation and (~~(\$122,000)~~) \$163,000 of the motor vehicle
19 account--state appropriation are provided solely for the US 12/Nine
20 Mile Hill to Woodward Canyon Vic -Build New Highway project, identified
21 as project 501210T.

22 (42) (~~(\$790,000)~~) \$1,116,000 of the motor vehicle account--federal
23 appropriation is provided solely for the Express Lanes System Concept
24 Study project, identified as project 800020A. As part of this project,
25 the department shall prepare a comprehensive tolling study of the
26 Interstate 5 express lanes to determine the feasibility of
27 administering tolls within the corridor. The department shall
28 regularly report to the Washington transportation commission regarding
29 the progress of the study. The elements of the study must include, at
30 a minimum:

31 (i) The potential for value pricing to generate revenues for needed
32 transportation facilities;

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

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

35 (iv) An analysis of the impacts to the regional transportation
36 system.

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

1 (~~(44)~~-\$226,000) (43) \$110,000 of the motor vehicle account--
2 federal appropriation and (~~(\$9,000)~~) \$5,000 of the motor vehicle
3 account--state appropriation are provided solely for the SR 16/Rosedale
4 Street NW Vicinity - Frontage Road project (301639C). These funds must
5 not be expended before an agreement stating that the city of Gig Harbor
6 will take ownership of the road has been signed. The frontage road
7 must be built for driving speeds of no more than thirty-five miles per
8 hour.

9 (~~(45)~~) (44) The department shall work with the Washington state
10 transportation commission, the Oregon state department of
11 transportation, and the Oregon state transportation commission to
12 analyze and review potential options for a bistate, toll setting
13 framework. As part of the analysis, the department shall undertake the
14 following actions: Review statutory provisions and the governance
15 structures of toll facilities in the United States that are located
16 within two or more states; review relevant federal law regarding
17 transportation facilities that are located within two or more states;
18 consult with the state treasurers in Washington and Oregon regarding
19 the appropriate structure for the issuance of debt for toll facilities
20 that are located within two states; report findings and recommendations
21 to the Columbia river project sponsor's council by October 1, 2010; and
22 provide a final report to the governor and the legislature by June 30,
23 2011.

24 (~~(46)~~) (45) \$750,000 of the motor vehicle account--state
25 appropriation is provided solely for improvements from Allan Road to
26 state route number 12 (501207Z).

27 (~~(47)~~-\$500,000) (46) \$455,000 of the motor vehicle account--state
28 appropriation is provided solely for a traffic signal at the
29 intersection of state route number 7 and state route number 702
30 (300738A).

31 (~~(48)~~-\$750,000) (47) \$316,000 of the motor vehicle account--state
32 appropriation is provided solely for environmental work on the Belfair
33 Bypass (project 300344C).

34 (~~(49)~~) (48) The legislature finds that state route number 522
35 corridor provides an important link between Interstates 5 and 405 and
36 will be impacted by diversion from tolling elsewhere in the region.
37 State route number 522 must be reviewed as part of the scoping work
38 conducted under section 220(4) of this act. As such, the legislature

1 intends to provide additional funding for the corridor as a priority in
2 the next revenue package. The state will work with the affected cities
3 and the federal government to secure the necessary resources to address
4 the needs of this critical corridor.

5 ~~((50) \$500,000)~~ (49) \$558,000 of the motor vehicle account--state
6 appropriation is provided solely for the US 12/SR 122/Mossyrock -
7 Intersection project (401212R) for safety improvements.

8 ~~((51))~~ (50) \$200,000 of the motor vehicle account--federal
9 appropriation is provided solely for project US 97A/North of Wenatchee
10 - Wildlife Fence (209790B), and an offsetting reduction is anticipated
11 in the 2011-13 biennium.

12 ~~((52))~~ (51) If a planned roundabout in the vicinity of state
13 route number 526 and 84th Street SW would divert commercial traffic
14 onto neighborhood streets, the department may not proceed with
15 improvements at state route number 526 and 84th Street SW until the
16 traffic impacts in the vicinity of state route number 526 and 40th
17 Avenue West are addressed.

18 ~~((53))~~ (52) The department shall conduct a collision analysis
19 corridor study on state route number 167 from milepost 0 to milepost 5
20 and report to the transportation committees of the legislature on the
21 analysis results by December 1, 2010.

22 ~~((54) \$2,600,000)~~ (53) \$357,000 of the motor vehicle account--
23 federal appropriation is provided solely for the ITS Advanced Traveler
24 Information System project in Whatcom county (100589B).

25 ~~((55) \$900,000)~~ (54) \$94,000 of the motor vehicle account--
26 federal appropriation is provided solely for the US 97/Cameron Lake
27 Road intersection improvements project in Okanogan county (209700W).

28 ~~((56) \$400,000)~~ (55) \$294,000 of the motor vehicle account--
29 federal appropriation and ~~((100,000))~~ \$74,000 of the motor vehicle
30 account--state appropriation are provided solely for the SR 9/SR 204
31 Intersection Improvement project (L2000040).

32 ~~((57))~~ (56) The legislature finds that the state route number 12
33 widening from state route number 124 to Walla Walla is an important
34 east-west corridor in the southeast region of the state. Widening the
35 highway to four lanes will increase safety and improve freight
36 mobility. Therefore, the legislature intends for the department to use
37 up to two million dollars in future redistributed federal obligation

1 authority that may be received by the department for right-of-way
2 purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity -
3 Phase 7-A project (501210T).

4 **Sec. 906.** 2010 c 247 s 304 (uncodified) is amended to read as
5 follows:

6 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**
7 Transportation Partnership Account--State

8	Appropriation	((\$75,305,000))	
9			\$67,381,000
10	Motor Vehicle Account--State Appropriation	((\$96,884,000))	
11			\$92,733,000
12	Motor Vehicle Account--Federal Appropriation	((\$556,705,000))	
13			\$528,158,000
14	Motor Vehicle Account--Private/Local Appropriation	((\$18,768,000))	
15			\$19,675,000
16	Transportation 2003 Account (Nickel Account)--State		
17	Appropriation	((\$6,328,000))	
18			\$6,148,000
19	Puyallup Tribal Settlement Account--State		
20	Appropriation	((\$6,636,000))	
21			\$6,647,000
22	TOTAL APPROPRIATION	((\$760,626,000))	
23			\$720,742,000

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

26 (1) Except as provided otherwise in this section, the entire
27 transportation 2003 account (nickel account) appropriation and the
28 entire transportation partnership account appropriation are provided
29 solely for the projects and activities as listed by fund, project, and
30 amount in LEAP Transportation Document ((2010-1)) 2011-1 as developed
31 ((March 8, 2010)) April 19, 2011, Program - Highway Preservation
32 Program (P). However, limited transfers of specific line-item project
33 appropriations may occur between projects for those amounts listed
34 subject to the conditions and limitations in section 603 ((~~of this~~
35 ~~act~~)), chapter . . . (Engrossed Substitute House Bill No. 1175), Laws
36 of 2011.

1 (2) (~~(\$542,000)~~) \$546,000 of the motor vehicle account--federal
2 appropriation and (~~(\$453,000)~~) \$188,000 of the motor vehicle account--
3 state appropriation are provided solely for project 602110F, SR
4 21/Keller ferry boat - Preservation. Funds are provided solely for
5 preservation work on the existing vessel, the Martha S.

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

9 (4) (~~(\$6,636,000)~~) \$6,647,000 of the Puyallup tribal settlement
10 account--state appropriation is provided solely for costs associated
11 with the Murray Morgan/11th Street bridge project. The city of Tacoma
12 may use the Puyallup tribal settlement account appropriation and other
13 appropriated funds for bridge rehabilitation, bridge replacement,
14 bridge demolition, and related mitigation. The department's
15 participation, including prior expenditures, may not exceed
16 (~~(\$40,270,000)~~) \$40,281,000. The city of Tacoma has taken ownership of
17 the bridge in its entirety, and the payment of these funds extinguishes
18 any real or implied agreements regarding future bridge expenditures.

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

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

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

4 (7) The department of transportation shall continue to implement
5 the lowest life cycle cost planning approach to pavement management
6 throughout the state to encourage the most effective and efficient use
7 of pavement preservation funds. Emphasis should be placed on
8 increasing the number of roads addressed on time and reducing the
9 number of roads past due.

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

13 (i) The current backlog of asphalt and concrete pavement
14 preservation projects;

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

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

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

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

24 (b) Additionally, the department shall work with the department of
25 ecology, the county road administration board, and the transportation
26 improvement board to explore and explain the potential use of permeable
27 asphalt and concrete pavement in state highway construction as an
28 alternative method of storm water mitigation and the potential effects
29 on highway pavement replacement needs.

30 (c) The department shall submit the report to the office of
31 financial management and the transportation committees of the
32 legislature by September 1, 2010, in order to inform the development of
33 the 2011-13 omnibus transportation appropriations act.

34 (9) (~~(\$299,000)~~) \$581,000 of the motor vehicle account--state
35 appropriation, (~~(\$23,425,000)~~) \$25,207,000 of the motor vehicle
36 account--federal appropriation, and (~~(\$373,000)~~) \$273,000 of the
37 transportation partnership account--state appropriation are provided

1 solely for the SR 104/Hood Canal bridge - replace east half project,
2 identified as project 310407B in the LEAP transportation document
3 described in subsection (1) of this section.

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

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

11 (12) (~~(\$1,440,000)~~) \$1,160,000 of the motor vehicle account--
12 federal appropriation and (~~(\$60,000)~~) \$54,000 of the motor vehicle
13 account--state appropriation are provided solely for the environmental
14 impact statement and preliminary planning for the replacement of the
15 state route number 9 Snohomish river bridge (project L2000018).

16 (13) (~~(\$12,503,000)~~) \$13,833,000 of the motor vehicle account--
17 federal appropriation and (~~(\$497,000)~~) \$479,000 of the motor vehicle
18 account--state appropriation are provided solely for the SR 410/Nile
19 Valley Landslide - Establish Interim Detour project (541002R).

20 (14) (~~(\$4,239,000)~~) \$3,933,000 of the motor vehicle account--
21 federal appropriation and (~~(\$662,000)~~) \$615,000 of the motor vehicle
22 account--state appropriation are provided solely for the SR 410/Nile
23 Valley Landslide - Reconstruct Route project (541002T).

24 (~~(+16)~~) (15) The legislature anticipates a report in September
25 2010 that will outline the department's recommendation for developing
26 a Keller Ferry replacement at the lowest cost. The legislature
27 supports the request to the federal government for federal aid for a
28 replacement vessel and intends to provide reasonable matching amounts
29 as necessary.

30 (~~(+17) \$2,100,000~~) (16) \$194,000 of the motor vehicle account--
31 federal appropriation is provided solely for the SR 21/Kettle River to
32 Malo paving project in Ferry county (602117A).

33 **Sec. 907.** 2010 c 247 s 305 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
36 **CAPITAL**

37 Motor Vehicle Account--State Appropriation (~~(\$8,158,000)~~)

1 of the transportation 2003 account (nickel account)--state
2 appropriation, and \$149,000 of the multimodal transportation account--
3 state appropriation are provided solely for ferry capital projects,
4 project support, and administration as listed in LEAP Transportation
5 Document 2011-2 ALL PROJECTS ((2010-2)) as developed (~~(March 8, 2010)~~)
6 April 19, 2011, Program -Washington State Ferries ((Construction))
7 Capital Program (W). Of the total appropriation, a maximum of
8 \$10,627,000 may be used for administrative support, a maximum of
9 (~~(\$8,184,000)~~) \$7,635,000 may be used for terminal project support, and
10 a maximum of \$4,497,000 may be used for vessel project support. Of the
11 total appropriation, (~~(\$5,851,000)~~) \$2,016,000 is provided solely for
12 a reservation system and associated communications projects.

13 (2) (~~(\$51,734,000)~~) \$51,735,000 of the transportation 2003 account
14 (nickel account)--state appropriation, (~~(\$63,100,000)~~) \$99,891,000 of
15 the transportation partnership account--state appropriation, and
16 (~~(\$10,164,000)~~) \$10,165,000 of the Puget Sound capital construction
17 account--state appropriation are provided solely for the acquisition of
18 three new Island Home class ferry vessels subject to the conditions of
19 RCW 47.56.780. The department shall pursue a contract for the second
20 and third Island Home class ferry vessels with an option to purchase a
21 fourth Island Home class ferry vessel. However, if sufficient
22 resources are available to build one 144-auto vessel prior to
23 exercising the option to build the fourth Island Home class ferry
24 vessel, procurement of the fourth Island Home class ferry vessel will
25 be postponed and the department shall pursue procurement of a 144-auto
26 vessel.

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

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

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

1 (3)(a) \$8,450,000 of the Puget Sound capital construction account--
2 state appropriation (~~(and \$2,450,000)~~), \$2,000 of the Puget Sound
3 capital construction account--federal appropriation, and \$1,450,000 of
4 the transportation partnership account--state appropriation are
5 provided solely for the following projects related to the design of a
6 144-vehicle vessel class: (i) (~~(\$1,380,000)~~) \$700,000 is provided
7 solely for completion of the contract for owner-furnished equipment;
8 (ii) \$8,320,000 is provided solely for completion of the technical
9 design, detail design, and production drawings(~~(, all of which must~~
10 ~~plan for an aluminum superstructure)~~); (iii) (~~(\$480,000)~~) \$300,000 is
11 provided solely for the storage of owner-furnished equipment; and (iv)
12 a maximum of (~~(\$720,000)~~) \$582,000 is for construction engineering. In
13 completing the contract for owner-furnished equipment, the department
14 shall use as much of the already procured equipment as is practicable
15 on the Island Home class ferry vessels if it is likely to be obsolete
16 before it is used in procured 144-vehicle vessels.

17 (b) The department shall conduct a cost-benefit study on
18 alternative furnishings and fittings for the 144-vehicle vessel class.
19 The study must review the proposed interior furnishings and fittings
20 for the long-term maintenance and out-of-service vessel costs and, if
21 appropriate, propose alternative interior furnishings and fittings that
22 will decrease long-term maintenance and out-of-service vessel costs.
23 The study must include a projection of out-of-service time and a life-
24 cycle cost analysis of planned out-of-service time, including the
25 impact on fleet size. The department must submit the study to the
26 joint transportation committee by August 1, 2010.

27 (~~(c) The department shall identify costs for any additional detail~~
28 ~~design and production drawings costs related to incorporating the~~
29 ~~aluminum superstructure and any changes in the proposed furnishings and~~
30 ~~fittings.))~~

31 (4) (~~(\$6,300,000)~~) \$2,000,000 of the Puget Sound capital
32 construction account--state appropriation is provided solely for
33 emergency capital costs.

34 (5) (~~(\$3,000,000)~~) \$1,235,000 of the (~~Puget Sound capital~~
35 ~~construction account--federal)~~) total appropriation is provided solely
36 for completing the Anacortes terminal design up to the maximum
37 allowable construction cost phase. Beyond preparing environmental
38 work, these funds may be spent only after the following conditions have

1 been met: (a) A value engineering process is conducted on the existing
2 design and the concept of a terminal building smaller than preferred
3 alternative; (b) the office of financial management participates in the
4 value engineering process; (c) the office of financial management
5 concurs with the recommendations of the value engineering process; and
6 (d) the office of financial management gives its approval to proceed
7 with the design work.

8 ~~(((\$3,965,000 of the Puget Sound capital construction account—
9 state appropriation—is—provided—solely—for—the—following—vessel
10 projects:—Waste heat recovery pilot project for the Issaquah;—jumbo
11 Mark 1 class steering gear ventilation pilot project; and improvements
12 to the Yakima and Kaleetan propulsion controls to allow for two engine
13 operation.—Before—beginning—these—projects,—the—Washington—state
14 ferries—must—ensure—the—vessels—out-of-service—time—does—not
15 negatively impact service to the system.~~

16 ~~(7))~~) The department shall pursue purchasing a foreign-flagged
17 vessel for service on the Anacortes, Washington to Sidney, British
18 Columbia ferry route.

19 ~~((+8))~~ (7) The department shall provide to the office of financial
20 management and the legislature quarterly reports providing the status
21 on each project listed in this section and in the project lists
22 submitted pursuant to this act and on any additional projects for which
23 the department has expended funds during the 2009-11 fiscal biennium.
24 Elements must include, but not be limited to, project scope, schedule,
25 and costs. The department shall also provide the information required
26 under this subsection via the transportation executive information
27 systems (TEIS). The quarterly report regarding the status of projects
28 identified on the list referenced in subsection (1) of this section
29 must be developed according to an earned value method of project
30 monitoring.

31 ~~((+9))~~ (8) The department shall review and adjust its capital
32 program staffing levels to ensure staffing is at the most efficient
33 level necessary to implement the capital program in the omnibus
34 transportation appropriations act. The Washington state ferries shall
35 report this review and adjustment to the office of financial management
36 and the house and senate transportation committees of the legislature
37 by July 2009.

1 (~~(10)~~) (9) \$1,200,000 of the total appropriation is provided
2 solely for improving the toll booth configuration at the Port Townsend
3 and Keystone ferry terminals.

4 (~~(11)~~) (10) \$2,636,000 of the total appropriation is provided
5 solely for continued permitting work on the Mukilteo ferry terminal.
6 The department shall seek additional federal funding for this project.

7 (~~(12)~~) (11) The department shall develop a proposed ferry vessel
8 maintenance, preservation, and improvement program and present it to
9 the transportation committees of the legislature by July 1, 2010. The
10 proposal must:

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

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

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

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

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

26 (iv) A review of the department's vessel maintenance, preservation,
27 and improvement program contracting process and contractual
28 requirements;

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

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

34 (vii) Coordination with required United States coast guard dry
35 dockings;

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

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

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

5 ((+13+)) (12) \$247,000 of the Puget Sound capital construction
6 account-- state appropriation is provided solely for the Washington
7 state ferries to review and update its vessel life-cycle cost model and
8 report the results to the house of representatives and senate
9 transportation committees of the legislature by December 1, 2010. This
10 review will evaluate the impact of the planned out-of-service periods
11 scheduled for each vessel on the ability of the overall system to
12 deliver uninterrupted service and will assess the risk of service
13 disruption from unscheduled maintenance or longer than planned
14 maintenance periods.

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

22 ((+15+)) (14) The Puget Sound capital construction account--state
23 appropriation includes up to ((+\$114,000,000)) \$91,000,000 in proceeds
24 from the sale of bonds authorized in RCW 47.10.843.

25 ((+16+)) (15) The Puget Sound capital construction account--state
26 appropriation reflects the reduction of three terminal positions due to
27 decreased terminal activity and funding.

28 ((+17+)) (16) The department shall provide data to the
29 transportation committees of the senate and house of representatives
30 for a transparent analysis of travel pay policies.

31 **Sec. 909.** 2010 c 247 s 307 (uncodified) is amended to read as
32 follows:

33	FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL	
34	Essential Rail Assistance Account--State	
35	Appropriation	((+\$333,000))
36		<u>\$334,000</u>
37	Transportation Infrastructure Account--State	

1	Appropriation	((\$13,184,000))
2		<u>\$12,348,000</u>
3	Multimodal Transportation Account--State	
4	Appropriation	((\$102,202,000))
5		<u>\$82,091,000</u>
6	Multimodal Transportation Account--Federal	
7	Appropriation	((\$619,527,000))
8		<u>\$48,445,000</u>
9	((Multimodal Transportation Account--Private/Local	
10	Appropriation	(\$81,000))
11	TOTAL APPROPRIATION	((\$735,327,000))
12		<u>\$143,218,000</u>

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

15 (1)(a) Except as provided otherwise in this section, the entire
16 appropriations in this section are provided solely for the projects and
17 activities as listed by project and amount in LEAP Transportation
18 Document 2011-2 ALL PROJECTS ((~~2010-2~~)) as developed ((~~March 8, 2010~~))
19 April 19, 2011, Program - Rail Capital Program (Y).

20 (b)(i) Within the amounts provided in this section, \$116,000 of the
21 transportation infrastructure account--state appropriation is for a
22 low-interest loan through the freight rail investment bank program to
23 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

24 (ii) Within the amounts provided in this section, ((~~\$1,200,000~~))
25 \$400,000 of the transportation infrastructure account--state
26 appropriation is for a low-interest loan through the freight rail
27 investment bank program to the Port of Everett (BIN 722810A) for a new
28 rail track to connect a cement loading facility to the mainline.

29 (iii) The department shall issue the loans referenced in this
30 subsection (1)(b) with a repayment period of no more than ten years,
31 and only so much interest as is necessary to recoup the department's
32 costs to administer the loans.

33 (c)(i) Within the amounts provided in this section, \$1,713,000 of
34 the multimodal transportation account--state appropriation and \$333,000
35 of the essential rail assistance account--state appropriation are for
36 statewide - emergent freight rail assistance projects as follows: Port
37 of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A)
38 \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A)

1 \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN
2 700610A) \$371,000; Chelatchie Prairie owned railroad/Vancouver - track
3 rehabilitation (BIN 710110A) \$367,000; Tacoma Rail/Tacoma - improved
4 locomotive facility (BIN 711010B) \$525,000.

5 (ii) Within the amounts provided in this section, (~~(\$338,000)~~)
6 \$346,000 of the multimodal transportation account--state appropriation
7 is for a statewide - emergent freight rail assistance project grant for
8 the Lincoln County PDA/Creston - new rail spur (BIN (~~(710510A)~~)
9 F01001E) project, provided that the grantee first documents to the
10 satisfaction of the department sufficient commitments from the new
11 shipper or shippers to locate in the publicly owned industrial park
12 west of Creston to ensure that the net present value of the public
13 benefits of the project is greater than the grant amount.

14 (d) Within the amounts provided in this section, (~~(\$8,115,000)~~)
15 \$8,079,000 of the transportation infrastructure account--state
16 appropriation is for grants to any intergovernmental entity or local
17 rail district to which the department of transportation assigns the
18 management and oversight responsibility for the business and economic
19 development elements of existing operating leases on the Palouse River
20 and Coulee City (PCC) rail lines. \$300,000 of the transportation
21 infrastructure account--state appropriation is provided solely for the
22 fence line replacement project on the CW line. The PCC rail line
23 system is made up of the CW, P&L, and PV Hooper rail lines. Business
24 and economic development elements include such items as levels of
25 service and business operating plans, but must not include the state's
26 oversight of railroad regulatory compliance, rail infrastructure
27 condition, or real property management issues. The PCC rail system
28 must be managed in a self-sustaining manner and best efforts must be
29 used to ensure that it does not require state capital or operating
30 subsidy beyond the level of state funding expended on it to date. The
31 assignment of the stated responsibilities to an intergovernmental
32 entity or rail district must be on terms and conditions as the
33 department of transportation and the intergovernmental entity or rail
34 district mutually agree. The grant funds may be used only to refurbish
35 the rail lines. It is the intent of the legislature to make the funds
36 appropriated in this section available as grants to an
37 intergovernmental entity or local rail district for the purposes stated

1 in this section at least until June 30, 2012, and to reappropriate as
2 necessary any portion of the appropriation in this section that is not
3 used by June 30, 2011.

4 (2)(a) The department shall issue a call for projects for the
5 freight rail investment bank program and the emergent freight rail
6 assistance program, and shall evaluate the applications according to
7 the cost benefit methodology developed during the 2008 interim using
8 the legislative priorities specified in (c) of this subsection. By
9 November 1, 2010, the department shall submit a prioritized list of
10 recommended projects to the office of financial management and the
11 transportation committees of the legislature.

12 (b) When the department identifies a prospective rail project that
13 may have strategic significance for the state, or at the request of a
14 proponent of a prospective rail project or a member of the legislature,
15 the department shall evaluate the prospective project according to the
16 cost benefit methodology developed during the 2008 interim using the
17 legislative priorities specified in (c) of this subsection. The
18 department shall report its cost benefit evaluation of the prospective
19 rail project, as well as the department's best estimate of an
20 appropriate construction schedule and total project costs, to the
21 office of financial management and the transportation committees of the
22 legislature.

23 (c) The legislative priorities to be used in the cost benefit
24 methodology are, in order of relative importance:

25 (i) Economic, safety, or environmental advantages of freight
26 movement by rail compared to alternative modes;

27 (ii) Self-sustaining economic development that creates family-wage
28 jobs;

29 (iii) Preservation of transportation corridors that would otherwise
30 be lost;

31 (iv) Increased access to efficient and cost-effective transport to
32 market for Washington's agricultural and industrial products;

33 (v) Better integration and cooperation within the regional,
34 national, and international systems of freight distribution; and

35 (vi) Mitigation of impacts of increased rail traffic on
36 communities.

37 (3) The department is directed to seek the use of unprogrammed

1 federal rail crossing funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in program Y.

3 (4) At the earliest possible date, the department shall apply, and
4 assist ports and local jurisdictions in applying, for any federal
5 funding that may be available for any projects that may qualify for
6 such federal funding. State projects must be (a) currently identified
7 on the project list referenced in subsection (1)(a) of this section or
8 (b) projects for which no state match is required to complete the
9 project. Local or port projects must not require additional state
10 funding in order to complete the project, with the exception of (c)
11 state funds currently appropriated for such project if currently
12 identified on the project list referenced in subsection (1)(a) of this
13 section or (d) potential grants awarded in the competitive grant
14 process for the essential rail assistance program. If the department
15 receives any federal funding, the department is authorized to obligate
16 and spend the federal funds in accordance with federal law. To the
17 extent permissible by federal law, federal funds may be used (e) in
18 addition to state funds appropriated for projects currently identified
19 on the project list referenced in subsection (1)(a) of this section in
20 order to advance funding from future biennia for such project(s) or (f)
21 in lieu of state funds; however, the state funds must be redirected
22 within the rail capital program to advance funding for other projects
23 currently identified on the project list referenced in subsection
24 (1)(a) of this section. State funds may be redirected only upon
25 consultation with the transportation committees of the legislature and
26 the office of financial management, and approval by the director of the
27 office of financial management. The department shall spend the federal
28 funds before the state funds, and shall consult the office of financial
29 management and the transportation committees of the legislature
30 regarding project scope changes.

31 (5) The department shall provide quarterly reports to the office of
32 financial management and the transportation committees of the
33 legislature regarding applications that the department submits for
34 federal funds and the status of such applications.

35 (6) The department shall, on a quarterly basis, provide to the
36 office of financial management and the legislature reports providing
37 the status on active projects identified in the LEAP transportation

1 document described in subsection (1)(a) of this section. Report
2 formatting and elements must be consistent with the October 2009
3 quarterly project report.

4 (7) The multimodal transportation account--state appropriation
5 includes up to \$48,000,000 in proceeds from the sale of bonds
6 authorized in RCW 47.10.867.

7 (8) When the balance of that portion of the miscellaneous program
8 account apportioned to the department for the grain train program
9 reaches \$1,180,000, the department shall acquire twenty-nine additional
10 grain train railcars.

11 (9) (~~(\$590,000,000)~~) \$22,354,000 of the multimodal transportation
12 account--federal appropriation is provided solely for high-speed rail
13 projects awarded to Washington state from the high-speed intercity
14 passenger rail program under the American recovery and reinvestment
15 act. Funding will allow for two additional round trips between Seattle
16 and Portland, and other rail improvements.

17 (10) \$2,200,000 of the multimodal transportation account--state
18 appropriation is provided solely for expenditures related to the
19 capital high-speed passenger rail grant that are not federally
20 reimbursable.

21 (11) The Burlington Northern Santa Fe Skagit river bridge is an
22 integral part of the rail system. Constructed in 1916, the bridge does
23 not meet current design standards and is at risk during flood events
24 that occur on the Skagit river. The department shall work with
25 Burlington Northern Santa Fe and local jurisdictions to secure federal
26 funding for the Skagit river bridge and to develop an appropriate
27 replacement plan and schedule.

28 (12) \$1,000,000 of the multimodal transportation account--state
29 appropriation is provided solely for additional expenditures along the
30 Chelatchie Prairie railroad (~~(LN2000025)~~) (710110A).

31 **Sec. 910.** 2010 c 247 s 308 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
34 **CAPITAL**

35 (~~(Highway Infrastructure Account--State Appropriation \$207,000~~
36 ~~Highway Infrastructure Account--Federal~~
37 ~~Appropriation \$1,602,000)~~)

1	Freight Mobility Investment Account--State	
2	Appropriation	((\$13,848,000))
3		<u>\$9,170,000</u>
4	Transportation Partnership Account--State	
5	Appropriation	((\$8,863,000))
6		<u>\$6,828,000</u>
7	Motor Vehicle Account--State Appropriation	((\$14,068,000))
8		<u>\$9,668,000</u>
9	Motor Vehicle Account--Federal Appropriation	((\$43,835,000))
10		<u>\$25,727,000</u>
11	Freight Mobility Multimodal Account--State	
12	Appropriation	((\$15,620,000))
13		<u>\$7,472,000</u>
14	Freight Mobility Multimodal Account--Local	
15	Appropriation	((\$3,258,000))
16		<u>\$2,980,000</u>
17	Multimodal Transportation Account--Federal	
18	Appropriation	\$2,118,000
19	Multimodal Transportation Account--State	
20	Appropriation	((\$28,855,000))
21		<u>\$20,923,000</u>
22	Transportation 2003 Account (Nickel Account)--State	
23	Appropriation	\$2,709,000
24	Passenger Ferry Account--State Appropriation	((\$2,879,000))
25		<u>\$1,764,000</u>
26	Puyallup Tribal Settlement Account--State	
27	Appropriation	((\$5,895,000))
28		<u>\$5,905,000</u>
29	TOTAL APPROPRIATION	((\$143,757,000))
30		<u>\$95,264,000</u>

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

33 (1) The department shall, on a quarterly basis, provide status
34 reports to the legislature on the delivery of projects as outlined in
35 the project lists incorporated in this section. For projects funded by
36 new revenue in the 2003 and 2005 transportation packages, reporting
37 elements shall include, but not be limited to, project scope, schedule,
38 and costs. Other projects may be reported on a programmatic basis.

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

4 (2) (~~(\$2,729,000)~~) \$1,614,000 of the passenger ferry account--state
5 appropriation is provided solely for near and long-term costs of
6 capital improvements (~~(in a)~~) and operating expenses that are
7 consistent with the business plan approved by the governor for
8 passenger ferry service.

9 (3) \$150,000 of the passenger ferry account--state appropriation is
10 provided solely for the Port of Kingston for a one-time operating
11 subsidy needed to retain a federal grant.

12 (4) \$3,000,000 of the motor vehicle account--federal appropriation
13 is provided solely for the Coal Creek parkway project (L1000025).

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

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

21 (7) Federal funds may be transferred from program Z to programs I
22 and P and state funds shall be transferred from programs I and P to
23 program Z to replace those federal funds in a dollar-for-dollar match.
24 Fund transfers authorized under this subsection shall not affect
25 project prioritization status. Appropriations shall initially be
26 allotted as appropriated in this act. The department may not transfer
27 funds as authorized under this subsection without approval of the
28 office of financial management. The department shall submit a report
29 on those projects receiving fund transfers to the office of financial
30 management and the transportation committees of the legislature by
31 December 1, 2009, and December 1, 2010.

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

1 (9) (~~(\$18,289,000)~~) \$13,732,000 of the multimodal transportation
2 account--state appropriation, (~~(\$8,810,000)~~) \$7,104,000 of the motor
3 vehicle account--federal appropriation, and (~~(\$4,000,000)~~) \$2,805,000
4 of the transportation partnership account--state appropriation are
5 provided solely for the pedestrian and bicycle safety program projects
6 and safe routes to schools program projects identified in LEAP
7 Transportation Document 2009-A, pedestrian and bicycle safety program
8 projects and safe routes to schools program projects, as developed
9 March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and
10 bicycle safety program projects and safe routes to schools program
11 projects, as developed April 20, 2007, and LEAP Transportation Document
12 2006-B, pedestrian and bicycle safety program projects and safe routes
13 to schools program projects, as developed March 8, 2006. Projects must
14 be allocated funding based on order of priority. The department shall
15 review all projects receiving grant awards under this program at least
16 semiannually to determine whether the projects are making satisfactory
17 progress. Any project that has been awarded funds, but does not report
18 activity on the project within one year of the grant award must be
19 reviewed by the department to determine whether the grant should be
20 terminated. The department shall promptly close out grants when
21 projects have been completed, and identify where unused grant funds
22 remain because actual project costs were lower than estimated in the
23 grant award.

24 (10) Except as provided otherwise in this section, the entire
25 appropriations in this section are provided solely for the projects and
26 activities as listed by project and amount in LEAP Transportation
27 Document 2011-2 ALL PROJECTS (~~(2010-2)~~) as developed (~~(March 8, 2010)~~)
28 April 19, 2011, Program - Local Program (Z).

29 (11) For the 2009-11 project appropriations, unless otherwise
30 provided in this act, the director of financial management may
31 authorize a transfer of appropriation authority between projects
32 managed by the freight mobility strategic investment board in order for
33 the board to manage project spending and efficiently deliver all
34 projects in the respective program.

35 (~~(\$913,386 of the motor vehicle account--state appropriation~~
36 ~~and \$2,858,000 of the motor vehicle account--federal appropriation are~~
37 ~~provided solely for completion of the US 101 northeast peninsula safety~~
38 ~~rest area and associated roadway improvements east of Port Angeles at~~

1 the Deer Park scenic view point. The department must surplus any
2 right of way previously purchased for this project near Sequim.
3 Approval to proceed with construction is contingent on surplus of
4 previously purchased right of way. \$865,000 of the motor vehicle
5 account state appropriation is to be placed into unallotted status
6 until such time as the right of way sale is completed.

7 ~~(13)~~ ~~-\$5,894,000~~) \$5,905,000 of the Puyallup tribal settlement
8 account--state appropriation is provided solely for costs associated
9 with the Murray Morgan/11th Street bridge project. The city of Tacoma
10 may use the Puyallup tribal settlement account appropriation and other
11 appropriated funds for bridge rehabilitation, bridge replacement,
12 bridge demolition, and bridge mitigation. The department's
13 participation, including prior expenditures, may not exceed
14 ~~(((\$40,270,000))~~ \$40,281,000. The city of Tacoma has taken ownership of
15 the bridge in its entirety, and the payment of these funds extinguishes
16 any real or implied agreements regarding future bridge expenditures.

17 ~~((+14))~~ (13) Up to ~~(((\$3,702,000))~~ \$52,000 of the motor vehicle
18 account--federal appropriation and ~~(((\$75,000))~~ \$52,000 of the motor
19 vehicle account--state appropriation are provided solely to reimburse
20 the cities of Kirkland and Redmond for pavement and bridge deck
21 rehabilitation on state route number 908 (project 1LP611A). These
22 funds may not be expended unless the cities sign an agreement stating
23 that the cities agree to take ownership of state route number 908 in
24 its entirety and agree that the payment of these funds represents the
25 entire state commitment to the cities for state route number 908
26 expenditures. The amount provided in this subsection is contingent on
27 the enactment by June 30, 2010, of Senate Bill No. 6555.

28 ~~((+15))~~ (14) The department shall consider the condition of the
29 Broadway bridge in the city of Everett when prioritizing bridge
30 projects.

31 ~~((+16))~~ (15) In order to make the Hood Canal bridge safe for
32 cyclists, the department must work with stakeholders to review bicycle
33 safety needs on the bridge, including consideration of accident data
34 and improvements already made to this project.

35 ~~((+17)~~ ~~-\$250,000~~) (16) \$25,000 of the multimodal transportation
36 account--state appropriation is provided solely for the Shell Valley
37 emergency access road and bicycle/pedestrian path.

1 (~~(18) \$500,000~~) (17) \$50,000 of the motor vehicle account--state
 2 appropriation is provided solely for improvements to the 150th and
 3 Murray Road intersection in the city of Lakewood.

4 (~~(19) \$250,000~~) (18) \$100,000 of the motor vehicle account--state
 5 appropriation is provided solely for flood reduction solutions on state
 6 route number 522 caused by the lower McAleer and Lyon creek basins.

7 (~~(20)~~) (19) \$200,000 of the motor vehicle account--state
 8 appropriation is provided solely for improvements to the intersection
 9 of 39th Ave SE and state route number 96 in Snohomish county.

10 **TRANSFERS AND DISTRIBUTIONS**

11 **Sec. 1001.** 2010 c 247 s 401 (uncodified) is amended to read as
 12 follows:

13 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
 14 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**
 15 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**
 16 **REVENUE**

17	Highway Bond Retirement Account Appropriation	(\$733,667,000)
18		<u>\$720,842,000</u>
19	Ferry Bond Retirement Account Appropriation	\$33,771,000
20	State Route Number 520 Corridor Account--State	
21	Appropriation	(\$600,000)
22		<u>\$1,308,000</u>
23	Transportation Improvement Board Bond Retirement	
24	Account--State Appropriation	(\$22,962,000)
25		<u>\$21,084,000</u>
26	Nondebt-Limit Reimbursable Account--State	
27	Appropriation	(\$18,451,000)
28		<u>\$16,850,000</u>
29	Transportation Partnership Account--State	
30	Appropriation	(\$4,722,000)
31		<u>\$6,818,000</u>
32	Motor Vehicle Account--State Appropriation	(\$901,000)
33		<u>\$672,000</u>
34	Transportation 2003 Account (Nickel Account)--State	
35	Appropriation	(\$4,116,000)

1		<u>\$3,116,000</u>
2	Special Category C Account--State Appropriation	((\$148,000))
3		<u>\$136,000</u>
4	Urban Arterial Trust Account--State Appropriation	\$85,000
5	Transportation Improvement Account--State Appropriation	\$41,000
6	Multimodal Transportation Account--State	
7	Appropriation	((\$283,000))
8		<u>\$164,000</u>
9	TOTAL APPROPRIATION	((\$831,004,000))
10		<u>\$804,887,000</u>

11 **Sec. 1002.** 2010 c 247 s 402 (uncodified) is amended to read as
12 follows:

13 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
14 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
15 **FISCAL AGENT CHARGES**

16	State Route Number 520 Corridor Account--State	
17	Appropriation	((\$40,000))
18		<u>\$83,000</u>
19	Transportation Partnership Account--State	
20	Appropriation	((\$787,000))
21		<u>\$537,000</u>
22	Motor Vehicle Account--State Appropriation	((\$122,000))
23		<u>\$62,000</u>
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation	((\$364,000))
26		<u>\$264,000</u>
27	Special Category C Account--State Appropriation	((\$15,000))
28		<u>\$12,000</u>
29	Urban Arterial Trust Account--State Appropriation	\$5,000
30	Transportation Improvement Account--State Appropriation	\$3,000
31	Multimodal Transportation Account--State	
32	Appropriation	((\$34,000))
33		<u>\$40,000</u>
34	TOTAL APPROPRIATION	((\$1,370,000))
35		<u>\$1,006,000</u>

1 **Sec. 1003.** 2010 c 247 s 403 (uncodified) is amended to read as
2 follows:

3 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
4 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

5 Motor Vehicle Account--State Appropriation: For
6 transfer to the Puget Sound Capital Construction
7 Account ((\$114,000,000))
8 \$91,000,000

9 The department of transportation is authorized to sell up to
10 ((\$114,000,000)) \$91,000,000 in bonds authorized by RCW 47.10.843 for
11 vessel and terminal acquisition, major and minor improvements, and long
12 lead-time materials acquisition for the Washington state ferries.

13 **Sec. 1004.** 2010 1st sp.s. c 37 s 804 (uncodified) is amended to
14 read as follows:

15 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

16 (1) (~~Tacoma Narrows Toll Bridge Account~~ State
17 ~~Appropriation: For transfer to the Motor Vehicle~~
18 ~~Account~~ State ~~\$5,288,000~~

19 (+2)) Motor Vehicle Account--State Appropriation:
20 For transfer to the Puget Sound Ferry Operations
21 Account--State ((\$54,100,000))
22 \$78,000,000

23 ((+3)) (2) Recreational Vehicle Account--State
24 Appropriation: For transfer to the Motor Vehicle
25 Account--State ((\$2,000,000))
26 \$1,800,000

27 ((+4)) (3) License Plate Technology Account--State
28 Appropriation: For transfer to the Highway Safety
29 Account--State \$2,750,000

30 ((+5)) (4) Multimodal Transportation Account--State
31 Appropriation: For transfer to the Puget Sound
32 Ferry Operations Account--State ((\$9,000,000))
33 \$13,000,000

34 ((+6) ~~Highway Safety Account~~ State ~~Appropriation:~~
35 ~~For transfer to the Multimodal Transportation~~
36 ~~Account~~ State \$18,750,000

37 (+7)) (5) Department of Licensing Services Account--State

1 Appropriation: For transfer to the Motor Vehicle
2 Account--State \$1,300,000
3 ~~((8))~~ (6) Advanced Right-of-Way Account: For transfer
4 to the Motor Vehicle Account--State \$14,000,000
5 ~~((9) State Route Number 520 Civil Penalties
6 Account--State Appropriation: For transfer to the
7 State Route Number 520 Corridor Account--State \$190,000
8 (10))~~ (7) Advanced Environmental Mitigation
9 Revolving Account--State Appropriation: For transfer
10 to the Motor Vehicle Account--State \$5,000,000
11 ~~((11))~~ (8) Regional Mobility Grant Program Account--State
12 Appropriation: For transfer to the Multimodal
13 Transportation Account--State \$4,000,000
14 ~~((12))~~ (9) Motor Vehicle Account--State Appropriation:
15 For transfer to the State Patrol Highway Account--
16 State ~~(\$5,600,000)~~
17 \$4,600,000
18 ~~((13) The transfers identified in this section are subject to the
19 following conditions and limitations:~~
20 ~~(a) The amount transferred in subsection (1) of this section
21 represents repayment of operating loans and reserve payments provided
22 to the Tacoma Narrows toll bridge account from the motor vehicle
23 account in the 2005-07 fiscal biennium. However, if Engrossed
24 Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the
25 transfer in subsection (1) of this section shall not occur.~~
26 ~~(b) Any cash balance in the waste tire removal account in excess of
27 one million dollars must be transferred to the motor vehicle account
28 for the purpose of road wear related maintenance on state and local
29 public highways.~~
30 ~~(c) The transfer in subsection (9) of this section represents toll
31 revenue collected from toll violations.)~~
32 (10) Highway Safety Account--State Appropriation:
33 For transfer to the Motor Vehicle Account--State \$19,000,000

34 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 1101.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 1102.** Except for sections 703, 704, 705, 716,
6 719, and 722 of this act, this act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

10 NEW SECTION. **Sec. 1103.** Sections 703, 704, 716, and 719 of this
11 act are necessary for the immediate preservation of the public peace,
12 health, or safety, or support of the state government and its existing
13 public institutions, and take effect July 1, 2011.

14 NEW SECTION. **Sec. 1104.** Sections 705 and 722 of this act take
15 effect upon certification by the secretary of transportation that the
16 new statewide tolling operations center and photo toll system are fully
17 operational. A notice of certification must be filed with the code
18 reviser for publication in the state register. If a certificate is not
19 issued by the secretary of transportation by December 1, 2012, sections
20 705 and 722 of this act are null and void.

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Passed by the House April 22, 2011.

Passed by the Senate April 20, 2011.

Approved by the Governor May 16, 2011, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2011.

Note: Governor's explanation of partial veto is as follows:

"Thank you for your work on the supplemental and 2011-13 transportation budgets. I am returning, without my approval as to Sections 103(3), 103(4), 204(2), 205(3), 208(11), 210(4), 210(6), 221(3), 221(4), 221(7), 221(8), 221(9), 221(18), 305(6), 306(4), 308(6), 308(10), 308(12), 610, 706, 714, 722, and 817, Engrossed Substitute House Bill 1175 entitled:

"AN ACT Relating to making transportation appropriations for the 2009-2011 and 2011-2013 fiscal biennia."

Section 103(3), pages 3-4, Office of Financial Management, Predesign Requirements for Washington State Ferries

This proviso requires the Office of Financial Management (OFM) to review and modify the Department of Transportation's (WSDOT) predesign requirements for state ferry vessel and terminal projects so that they continue to meet legal mandates without unduly burdening WSDOT. OFM is committed to working with the legislative transportation committees and stakeholders during the interim to assess and re-write the predesign manual for all appropriate transportation facilities, not just for ferry terminals and vessels. For this reason, I have vetoed Section 103(3).

Section 103(4), page 4, Office of Financial Management, List of Ferry Demands to Bargain

This proviso requires the Office of Financial Management to provide the legislative transportation committees, on a quarterly basis, a list of all demands to bargain with respect to unions representing marine employees. While I support sharing this information with the Legislature, it should not be limited to only one sector of employees. Therefore, I am directing OFM to provide information on all demands to bargain received by the Labor Relations Office to the legislative transportation committees and the Joint Committee on Employment Relations, as appropriate. For this reason, I have vetoed Section 103 (4).

Section 204(2), page 8, Joint Transportation Committee, Study of Management Organizational Structure of Ferries Division

This proviso provides funding to the Joint Transportation Committee (JTC) to conduct a study of the management organizational structure of the Department of Transportation Ferries Division. The ferry system has been studied extensively. The transportation budget passed in 2009 directed twelve studies or reports, and six more were added in the 2010 budget. The JTC recently completed a three-year series of finance studies related to ferries. The most recent study was conducted last year by the national Passenger Vessel Association (PVA) at my request and provided recommendations now being implemented by the Ferries Division. This report noted that the level of oversight for Washington State Ferries is greater than the five ferry systems represented on the PVA panel that performed the study. "This constant responding, educating and reacting are tremendously costly and this expenditure could be better utilized elsewhere." For these reasons, I have vetoed Section 204(2).

Section 205(3), page 10, Transportation Commission, Survey of Transportation Users

This proviso ties the appropriation for a survey of transportation users to the passage of Substitute Senate Bill 5128, which did not pass. It is important to conduct a statistically valid survey to identify the transportation priorities the public would like to target for future investments. In order to preserve the funding necessary for this survey, I have vetoed Section 205(3).

Section 208(11), page 15, Department of Licensing, Commercial Drivers

Funding is provided to implement provisions of Engrossed House Bill 1229 (related to commercial drivers) from the Highway Safety Account-State. However, this proviso incorrectly identifies the funds as Motor Vehicle Account-Federal instead of Highway Safety Account-State. For this reason, I have vetoed Section 208(11).

Section 210(4), pages 17-18, Department of Transportation, Time, Leave and Labor System

This proviso directs the Department of Transportation to report quarterly on its progress on the development of a time, leave, and

labor distribution system. While this is a high priority for WSDOT, it is an important need of all state agencies. That is why I proposed that this project be developed as an enterprise solution by the Office of Financial Management in partnership with the Department of Personnel and WSDOT, with WSDOT being the pilot site to implement what will become an enterprise-wide application. Because it is important to clearly set out the state's commitment to an enterprise solution for business process systems improvements, I am vetoing this section and directing that the project commence as a partnership of state agencies with OFM leadership. For these reasons, I have vetoed Section 210(4).

Section 210(6), page 18, Department of Transportation, 511 Traveler Information System Improvements

This proviso directs the Department of Transportation to make enhancements to the 511 traveler information system, as well as to develop or purchase software to allow public transportation users to determine the public transportation options available to them. The private sector is providing similar services for travelers, often at no cost to consumers. During this time of limited state resources, it is unnecessary to dedicate scarce state resources to areas being addressed by the private sector. Furthermore, no funding was provided to accomplish these actions. For these reasons, I have vetoed Section 210(6).

Section 221(3), pages 31-32, Department of Transportation, Ferry Performance Metrics

This section requires the Department of Transportation to develop a set of performance metrics for the Ferries Division and make recommendations to the 2012 Legislature on which measurements should be incorporated into the transportation appropriations act. My Government Management Accountability and Performance (GMAP) program already requires WSDOT to include ferry performance measures as part of its quarterly reports. WSDOT is further enhancing its use of performance metrics, which was one of the recommendations of the Passenger Vessel Association study I directed last year. WSDOT will continue reporting its progress and we will share those updates with the Legislature. For these reasons, I have vetoed Section 221(3).

Section 221(4), page 32, Department of Transportation, Ferries Division Process Changes

This section requires the Department of Transportation Ferries Division to continue to identify and implement route-by-route on-time performance changes. At the same time, it directs WSDOT to consider slowing down vessels to save fuel. It is unclear how the Ferries Division should improve on-time performance while slowing down vessels. WSDOT remains committed to a safe and reliable ferry system, as evidenced by the 94% of sailings arriving within ten minutes of the scheduled sailing time in 2010. For these reasons, I have vetoed Section 221(4).

Section 221(7), page 32, Department of Transportation, Fiscal Year Reports Outlining Wages and Benefits to Ferry Employees

This proviso requires the Department of Transportation to provide to the legislative transportation committees fiscal year reports outlining wages and benefits provided to marine employees. While I support sharing this information with the Legislature, it should not be limited to only one sector of employees. Therefore, I am directing the Office of Financial Management to work with the appropriate agencies to provide wage and benefit information to the legislative transportation committees and ways and means committees. For these reasons, I have vetoed Section 221(7).

Section 221(8), page 32, Department of Transportation, Ferry Detail in the Transportation Executive Information System (TEIS)

This proviso requires the Department of Transportation to work with the Legislative Evaluation and Accountability Program Committee to provide more details on ferry projects in the capital reporting system used by the Legislature, Office of Financial Management, and WSDOT. It is important that versions of this system are compatible among the agencies for transmitting and comparing data. Furthermore, it would be premature to make such changes to the TEIS until the work required in Section 221(16) regarding the budget structure of the Ferries Division is complete, including a potential restructuring of the ferries budget. For these reasons, I have vetoed Section 221(8).

Section 221(9), page 32, Department of Transportation, Ferry Operating Program, Restrictions on Use of Appropriations for Labor Costs

This proviso limits appropriations used for labor costs to obligations under collective bargaining agreements, civil service laws, and judgments. This limitation would prevent the Department of Transportation from paying legal and necessary labor costs that fall outside these constraints. For example, WSDOT would not be able to pay the salaries and benefits of exempt employees, travel reimbursement for all nonrepresented employees, or the cost of contractors who perform labor-related services from funds appropriated for labor costs. For this reason, I have vetoed Section 221(9).

Section 221(18), pages 34-35, Department of Transportation, Ferry Operating Program, Report Linking Vessel Asset Condition Reports with Vessel Life-Cycle Cost Model

This proviso requires the Department of Transportation to link vessel asset condition reports with its life-cycle cost model for integration with a vessel management system. It also requires WSDOT's 2013-15 budget request to provide a project scope for implementing a vessel asset management system. Predesign requirements, life-cycle cost model changes, asset condition ratings, proposed new management systems, and revised budget structures must be considered in total. To that end, I am directing the Office of Financial Management to convene a workgroup that includes staff from the legislative transportation committees to evaluate how these various requirements should be integrated and reflected in future budget instructions. Therefore, I have vetoed Section 221(18).

Section 305(6), page 40, Department of Transportation, Redistributed Federal Funds

Section 306(4), page 47, Department of Transportation, Redistributed Federal Funds

These provisos require that redistributed federal funds received by the Department of Transportation first be applied to offset planned expenditures of state funds, and second to offset planned expenditures of federal funds, on projects identified in the project list in the 2010 supplemental budget. If these options are not feasible, WSDOT must consult with the Joint Transportation Committee (JTC) prior to obligating redistributed federal funds. If such consultation is not feasible and Washington does not act quickly, we may lose the opportunity to receive redistributed federal funds. However, because input from the Legislature is important, I am directing WSDOT to consult with JTC members when possible. For this reason, I have vetoed Section 305(6) and Section 306(4).

Section 308(6), page 50, Department of Transportation, Ferry Capital Program, Restrictions on Use of Appropriations for Labor Costs

This proviso limits appropriations used for labor costs to obligations under collective bargaining agreements, civil service laws, and judgments. This limitation would prevent the Department of Transportation from paying legal and necessary labor costs that fall outside these constraints. For example, WSDOT would not be able to pay the salaries and benefits of exempt employees, travel reimbursement for all nonrepresented employees, or the cost of contractors who perform labor-related services from funds appropriated for labor costs. For this reason, I have vetoed Section 308(6).

Section 308(10), page 51, Department of Transportation, Ferry Capital Program, Review and Adjust Capital Funding Levels

This proviso requires the Department of Transportation to review and adjust its capital program staffing levels, compare the findings to a 2009 capital staffing level report, and report to the Office of Financial Management and the legislative transportation committees. WSDOT is currently conducting a thorough review of its staffing levels in all program areas, including the Ferries Division, as it downsizes to meet diminishing revenues. Thus, this requirement specific to Ferries is unnecessary. Therefore, I have vetoed Section 308(10).

Section 308(12), page 51, Department of Transportation, Ferry Capital Program, Provide Cost-Benefit Analysis of Eagle Harbor Slips

This proviso requires the Department to conduct a cost-benefit analysis of replacing or repairing existing structures at the Eagle Harbor maintenance facility. A report is due to the Legislature by December 31, 2011. While I appreciate the need for a thoughtful cost-benefit analysis prior to any capital budget request, I cannot support another unfunded reporting mandate. I am directing the Office of Financial Management to ensure adequate provisions are included in the predesign manual and budget instructions to address these concerns. Therefore, I have vetoed Section 308(12).

Section 610, pages 73-74, Department of Transportation, Report on Department's Future Business Model

This section requires the Department of Transportation to report to the Joint Transportation Committee on its future business model staffing scenarios and method of program and project delivery. I understand the importance of tailoring the workforce both to reflect the ramping down of construction funded by the last two transportation revenue packages and to prepare for a potential new transportation revenue package. However, Section 608 also directs WSDOT to develop new business practices so that a smaller, more nimble workforce can effectively and efficiently deliver transportation projects. In addition, WSDOT is already conducting a thorough review of its staffing levels as it downsizes to meet diminishing revenues. Because this section is unnecessary, I have vetoed Section 610.

Section 706, pages 82-83, Department of Transportation, Exempts Ferries from Biodiesel Requirements for 2011-13

This section exempts ferries from the state biodiesel use requirement. By leveraging federal and private funding, we have made the infrastructure investments to provide biodiesel to ferries. We are moving forward with changes to state procurement contracts to help further reduce the cost of biodiesel and take advantage of available in-state production. If we walk away now, our state funding investments in the industry will be lost, our oilseed farming and refining jobs will move out of state, and we will be forced to pay more to transport biodiesel products from the midwest. The rising cost of gas serves to remind us that we must rely on ourselves, not other countries, for our economic security and safety. I am directing

the Department of Transportation to use as much biodiesel as possible within its authorized budget. For these reasons, I have vetoed Section 706.

Section 714, pages 95-96, Marine Employees' Commission Duties Subject to Available Amounts Appropriated for Statutory Duties

RCW 47.64.280 creates the Marine Employees' Commission (MEC). Section 714 amends this statute to provide that MEC shall not perform its duties as identified in this section if funding is not provided. Because funding for MEC has not been provided, this section would prohibit it from performing its statutory duties. Among its duties, MEC adjudicates complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system. A provision in a budget bill cannot extinguish the rights of employees and labor organizations to access MEC to resolve disputes. Changing or eliminating MEC duties should be the subject of a policy bill, not a provision in a two-year budget bill. For these reasons, I have vetoed Section 714.

Section 722, page 99, Toll Enforcement and Administration

During the 2010 legislative session, two separate pieces of legislation, SB 6379 and ESSB 6499, amended RCW 46.63.160 without reference to each other. This section repeals one of those amendments. However, this action is unnecessary because RCW 1.12.025 clearly provides that the amendments can be merged because they do not conflict in purpose. While ESSB 6499 made policy changes related to toll enforcement as we move to a statewide photo toll system, SB 6379 made technical changes to a variety of vehicle and vessel title and registration statutes intended to have no policy or substantive legal effect. For this reason, I have vetoed Section 722.

Section 817, pages 130-131, Department of Transportation

A reduction of \$7.5 million in the Multimodal Transportation Account-State appropriation was made in the Rail Operating program for the 2009-11 biennium because it was assumed that there would be offsetting Amtrak credits. Amtrak recently informed WSDOT that it had incorrectly calculated the credits. Vetoing this section will restore funding to 2010 levels and allow the Rail Operating program the flexibility needed to close the 2009-11 Biennium. WSDOT is directed to report to the Office of Financial Management and legislative transportation committees on the total credits received from Amtrak. For these reasons, I have vetoed Section 817.

With the exception of Sections 103(3), 103(4), 204(2), 205(3), 208(11), 210(4), 210(6), 221(3), 221(4), 221(7), 221(8), 221(9), 221(18), 305(6), 306(4), 308(6), 308(10), 308(12), 610, 706, 714, 722, and 817, Engrossed Substitute House Bill 1175 is approved."