

VETO MESSAGE ON ESSB 5024

May 20, 2013

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1), Engrossed Substitute Senate Bill 5024 entitled:

"AN ACT Relating to transportation funding and appropriations."

**Section 201(3), page 7, Washington Traffic Safety Commission, Traffic Safety Resource Prosecutor Program**

This proviso requires the traffic safety prosecutor program to be moved from the Washington State Patrol to the Washington Association of Prosecuting Attorneys. Before making this change, a thorough analysis of the advantages and disadvantages should be done. For this reason, I have vetoed Section 201(3) and instructed the Washington Traffic Safety Commission to investigate this proposal.

**Section 209(10), page 20, Department of Transportation, Annual Independent Audits**

The Fiscal Year 2013 annual independent audit of State Route 520 is currently under way and will be completed in Fiscal Year 2014. This proviso would require the audit to be completed through an interagency agreement between the Department of Transportation and Office of Financial Management. This change would duplicate work and delay completion of the audit required in the State Route 520 master bond resolution. For these reasons, I have vetoed Section 209(10).

**Section 216(5), page 26, Department of Transportation, Guide Signs to the City of Kenmore and Other Destinations**

Traffic control signing, including guide signs to destinations, should be done in a cooperative manner between the Department of Transportation and the requestor to ensure that safety and motorist needs are met. State and federal regulations and policy are in place to guide this process. This proviso, therefore, is unnecessary. For this reason, I have vetoed Section 216(5) and directed the Department to work with the City of Kenmore to resolve their traffic control signing issues.

**Section 218(2), page 29-30, Department of Transportation, Study on Restricting Use of Steel on Guardrail Posts**

Section 218(2) directs the Department of Transportation to contract with an independent research organization to study wood guardrails; however, no funding is provided for the study. Moreover, the Department evaluated the use of wood guardrails as recently as 2009 and is currently conducting a study concerning guardrail materials. For these reasons, I have vetoed Section 218(2).

**Section 306(7), pages 41-42, Interstate 5/Columbia River Crossing**

Section 306(7) directs the expenditure of \$81 million, including federal funds, for the Columbia River Crossing project. I see no wisdom in expending these funds if the state of Washington does not contribute its share of funding necessary to complete the project. This section would result in the expenditure of \$81 million to no result. If there are no other funds appropriated, the bridge project cannot move forward because federal funding will disappear. In addition, this section would prohibit expenditure of federal funding that is necessary to build the bridge. If the Coast Guard permit is not issued, there is no need for the waste of \$81 million since no other option is viable.

**Section 306(22), page 47, Department of Transportation, Report on Public or Private Entity Mitigation**

Section 306(22) requires the Department of Transportation to report to the chairs of the Senate and House transportation committees whenever it is in negotiations to provide a public or private entity mitigation for \$10 million or more. While I support the interest in transparency and accountability when negotiating public funds, non-disclosure agreements may require the Department to maintain confidentiality during certain negotiations. Therefore, I have vetoed Section 306(22) and directed the Department to develop a process to report on mitigation agreements exceeding \$10 million.

**Section 313(4), page 57, Department of Transportation, Quarterly Reporting Requirements**

This proviso requires the Department of Transportation to report quarterly on change order details that include the name of the contractor, dollar value of the change order, and explanation of the change order. No funding was provided for either the system or human resource efforts this would require given that there is no dollar threshold for reporting change orders. For this reason, I have vetoed Section 313(4).

**Section 313(5), page 57, Department of Transportation, Quarterly Reporting Requirements**

This proviso requires the Department of Transportation to report quarterly on all mitigation payments, including the party with whom the mitigation was negotiated, as well as the

parties with whom the Department is in ongoing negotiations. No funding was provided for either the system or human resource efforts this would require given that there is no dollar threshold for reporting mitigation payments. For this reason, I have vetoed Section 313(5).

**Section 602, page 74, Department of Transportation, Transitioning Passenger Vehicles to DES Motor Pool**

This section directs the Department of Transportation to begin transitioning its passenger vehicles to the Department of Enterprise Services motor pool and prohibits the purchase of new passenger vehicles with appropriations in this act by programs headquartered in Thurston County. However, it is not clear whether the Department of Transportation's specialty service trucks are passenger vehicles as defined in RCW 46.04.382. I believe these vehicles, such as light trucks used by maintenance workers, should remain with the Department of Transportation. For this reason, I have vetoed Section 602 and directed the Department of Transportation to work with the Department of Enterprise Services to transition its vehicles to the motor pool where practicable and where efficiencies can be created.

**Section 903, page 139, lines 23-25, and Section 903(1), page 140, Transportation Partnership Account-State Appropriation, Improvements Program**

Due to unforeseen changes in the timing of expenditures for highway improvement projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$30 million in expenditure authority in the highway improvement program. The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation Partnership Account-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 903, page 139, lines 23-25, and Section 903(1).

**Section 904, page 151, lines 7-9, and Section 904(1), page 151, Transportation Partnership Account-State Appropriation, Preservation Program**

Due to unforeseen changes in the timing of expenditures for highway preservation projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$23 million in expenditure authority in the highway preservation program. The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation Partnership Account-State appropriation will provide flexibility in the timing of

expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 904, page 151, lines 7-9, and Section 904(1).

**Section 906, page 154, lines 8-10, and Section 906(1), page 154, Transportation 2003 Account (Nickel Account)-State Appropriation, Washington State Ferries Construction Program**

Due to unforeseen changes in the timing of expenditures for ferry capital construction projects and the lack of flexibility in the capital program budgets, this appropriation change would result in an estimated shortfall of approximately \$7 million in expenditure authority in the ferry capital program.

The Department of Transportation must keep projects within the total spending plan; however, retaining the supplemental budget's original Transportation 2003 Account (Nickel Account)-State appropriation will provide flexibility in the timing of expenditures as the state transitions from one biennium to the next during the peak construction period. For these reasons, I have vetoed Section 906, page 154, lines 8-10, and Section 906(1).

For these reasons I have vetoed Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1) of Engrossed Substitute Senate Bill 5024.

With the exception of Sections 201(3); 209(10); 216(5); 218(2); 306(7); 306(22); 313(4); 313(5); 602; 903, page 139, lines 23-25; 903(1); 904, page 151, lines 7-9; 904(1); 906, page 154, lines 8-10; and 906(1), Engrossed Substitute Senate Bill 5024 is approved.

Respectfully submitted,  
Jay Inslee  
Governor