
SUBSTITUTE HOUSE BILL 2736

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Murray, Simpson, G., Dickerson, Rockefeller and Wood)

READ FIRST TIME 02/03/04.

1 AN ACT Relating to transportation governance; amending RCW
2 47.01.041, 43.17.020, 36.79.120, 36.120.020, 43.160.074, 46.44.080,
3 46.61.450, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035,
4 47.05.051, 47.06.050, 47.12.242, 47.12.330, 47.24.010, 47.26.170,
5 47.28.010, 36.79.010, 36.79.130, 36.120.050, 46.44.042, 46.44.090,
6 46.44.092, 46.44.096, 47.02.120, 47.02.140, 47.10.843, 47.10.844,
7 47.12.200, 47.12.220, 47.17.132, 47.26.440, 47.38.060, 47.46.090,
8 47.46.120, 47.52.133, 47.52.145, 47.52.210, 47.56.030, 47.56.032,
9 47.56.070, 47.56.076, 47.56.080, 47.56.110, 47.56.120, 47.56.250,
10 47.60.013, 47.60.150, 47.60.326, 47.60.330, 47.60.445, 47.60.800,
11 47.64.011, 47.64.170, 47.01.012, 47.01.071, and 47.06.030; reenacting
12 and amending RCW 43.160.010; adding new sections to chapter 47.01 RCW;
13 creating new sections; and providing effective dates.

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

15 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
16 streamline governance of the transportation system in order to increase
17 efficiency and accountability to the people it serves. The legislature
18 intends to create a single point of accountability for the performance

1 of the state's department of transportation by making management of the
2 department directly accountable to the governor.

3 The legislature also desires to harmonize the roles of the
4 transportation commission and the department of transportation by more
5 clearly delineating responsibilities. The focus of the transportation
6 commission must shift from serving as operational overseer of
7 state-owned assets and programs to providing renewed leadership and
8 vision for the entire multimodal, multijurisdictional transportation
9 system in Washington. To this end, the commission should advance
10 public dialogue, information-sharing, and public education to promote
11 better understanding of our transportation problems. The commission
12 should be bold and innovative in recommending best practices,
13 strategies, and solutions to improve our transportation system for the
14 next century. To accomplish this, the commission must give their
15 undivided attention to serving as trustees for the entire multimodal
16 transportation system in the state.

17 **PART I**
18 **GUBERNATORIAL APPOINTMENT OF THE SECRETARY OF**
19 **THE DEPARTMENT OF TRANSPORTATION**

20 **Sec. 2.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
21 amended to read as follows:

22 The executive head of the department of transportation shall be the
23 secretary of transportation, who shall be appointed by the
24 ~~((transportation commission, and))~~ governor. The governor shall seek
25 the advice and consent of the transportation commission before making
26 the appointment. The appointment of the secretary must be confirmed by
27 the senate. The secretary shall be paid a salary to be fixed by the
28 governor in accordance with the provisions of RCW 43.03.040. ((The
29 secretary shall be an ex officio member of the commission without a
30 vote. The secretary shall be the chief executive officer of the
31 commission and be responsible to it, and shall be guided by policies
32 established by it.)) The secretary shall serve ~~((until removed by the~~
33 ~~commission, but only for incapacity, incompetence, neglect of duty,~~
34 ~~malfeasance in office, or failure to carry out the commission's~~
35 ~~policies. Before a motion for dismissal shall be acted on by the~~

1 ~~commission, the secretary shall be granted a hearing on formal written~~
2 ~~charges before the full commission. An action by the commission to~~
3 ~~remove the secretary shall be final)) at the pleasure of the governor.~~

4 **Sec. 3.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
5 to read as follows:

6 There shall be a chief executive officer of each department to be
7 known as: (1) The secretary of social and health services, (2) the
8 director of ecology, (3) the director of labor and industries, (4) the
9 director of agriculture, (5) the director of fish and wildlife, (6) the
10 secretary of transportation, (7) the director of licensing, (8) the
11 director of general administration, (9) the director of community,
12 trade, and economic development, (10) the director of veterans affairs,
13 (11) the director of revenue, (12) the director of retirement systems,
14 (13) the secretary of corrections, ~~((and))~~ (14) the secretary of
15 health, and (15) the director of financial institutions.

16 Such officers, except the ~~((secretary of transportation and the))~~
17 director of fish and wildlife, shall be appointed by the governor, with
18 the consent of the senate, and hold office at the pleasure of the
19 governor. ~~((The secretary of transportation shall be appointed by the~~
20 ~~transportation commission as prescribed by RCW 47.01.041.))~~ The
21 director of fish and wildlife shall be appointed by the fish and
22 wildlife commission as prescribed by RCW 77.04.055.

23 **PART II**

24 **TRANSFERRING CERTAIN POWERS OF THE TRANSPORTATION COMMISSION**
25 **TO THE DEPARTMENT**

26 **Sec. 4.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
27 as follows:

28 Counties receiving funds from the rural arterial trust account for
29 construction of arterials and the construction of replacement bridges
30 funded by the federal bridge replacement program on access roads in
31 rural areas shall provide such matching funds as established by rules
32 recommended by the board, subject to review, revision, and final
33 approval by the ~~((state))~~ department of transportation ~~((commission))~~.
34 Matching requirements shall be established after appropriate studies by

1 the board, taking into account financial resources available to
2 counties to meet arterial needs.

3 **Sec. 5.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

9 (2) "Department" means the Washington state department of
10 transportation.

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

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

18 (5) "Regional transportation investment district" or "district"
19 means a municipal corporation whose boundaries are coextensive with two
20 or more contiguous counties and that has been created by county
21 legislative authorities and a vote of the people under this chapter to
22 implement a regional transportation investment plan.

23 (6) "Regional transportation investment district planning
24 committee" or "planning committee" means the advisory committee created
25 under RCW 36.120.030 to create and propose to county legislative
26 authorities a regional transportation investment plan to develop,
27 finance, and construct transportation projects.

28 (7) "Regional transportation investment plan" or "plan" means a
29 plan to develop, construct, and finance a transportation project or
30 projects.

31 (8) "Transportation project" means:

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

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

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

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

6 (i) Approaches to highways of statewide significance;

7 (ii) High-occupancy vehicle lanes;

8 (iii) Flyover ramps;

9 (iv) Park and ride lots;

10 (v) Bus pullouts;

11 (vi) Vans for vanpools;

12 (vii) Buses; and

13 (viii) Signalization, ramp metering, and other transportation
14 system management improvements.

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

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

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

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

30 (iv) In no case may the cumulative regional transportation
31 investment district contribution to all projects constructed under this
32 subsection (8)(c) exceed ten percent of the revenues generated by the
33 district;

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

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

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

4 (9) "Weighted vote" means a vote that reflects the population each
5 board or planning committee member represents relative to the
6 population represented by the total membership of the board or planning
7 committee. Population will be determined using the federal 2000 census
8 or subsequent federal census data.

9 **Sec. 6.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are
10 each reenacted and amended to read as follows:

11 (1) The legislature finds that it is the public policy of the state
12 of Washington to direct financial resources toward the fostering of
13 economic development through the stimulation of investment and job
14 opportunities and the retention of sustainable existing employment for
15 the general welfare of the inhabitants of the state. Reducing
16 unemployment and reducing the time citizens remain jobless is important
17 for the economic welfare of the state. A valuable means of fostering
18 economic development is the construction of public facilities which
19 contribute to the stability and growth of the state's economic base.
20 Strengthening the economic base through issuance of industrial
21 development bonds, whether single or umbrella, further serves to reduce
22 unemployment. Consolidating issues of industrial development bonds
23 when feasible to reduce costs additionally advances the state's purpose
24 to improve economic vitality. Expenditures made for these purposes as
25 authorized in this chapter are declared to be in the public interest,
26 and constitute a proper use of public funds. A community economic
27 revitalization board is needed which shall aid the development of
28 economic opportunities. The general objectives of the board should
29 include:

30 (a) Strengthening the economies of areas of the state which have
31 experienced or are expected to experience chronically high unemployment
32 rates or below average growth in their economies;

33 (b) Encouraging the diversification of the economies of the state
34 and regions within the state in order to provide greater seasonal and
35 cyclical stability of income and employment;

36 (c) Encouraging wider access to financial resources for both large
37 and small industrial development projects;

1 (d) Encouraging new economic development or expansions to maximize
2 employment;

3 (e) Encouraging the retention of viable existing firms and
4 employment; and

5 (f) Providing incentives for expansion of employment opportunities
6 for groups of state residents that have been less successful relative
7 to other groups in efforts to gain permanent employment.

8 (2) The legislature also finds that the state's economic
9 development efforts can be enhanced by, in certain instances, providing
10 funds to improve state highways, county roads, or city streets for
11 industries considering locating or expanding in this state.

12 (a) The legislature finds it desirable to provide a process whereby
13 the need for diverse public works improvements necessitated by planned
14 economic development can be addressed in a timely fashion and with
15 coordination among all responsible governmental entities.

16 (b) Transportation improvements on state highways that have been
17 approved by the community economic revitalization board must be
18 approved by the (~~legislative~~) department of transportation
19 (~~commission~~) in accordance with the procedures established by RCW
20 43.160.074 and 47.01.280 to receive funding.

21 (3) The legislature also finds that the state's economic
22 development efforts can be enhanced by, in certain instances, providing
23 funds to assist development of telecommunications infrastructure that
24 supports business development, retention, and expansion in rural
25 natural resources impact areas and rural counties of the state.

26 (4) The legislature also finds that the state's economic
27 development efforts can be enhanced by providing funds to improve
28 markets for those recyclable materials representing a large fraction of
29 the waste stream. The legislature finds that public facilities which
30 result in private construction of processing or remanufacturing
31 facilities for recyclable materials are eligible for consideration from
32 the board.

33 (5) The legislature finds that sharing economic growth statewide is
34 important to the welfare of the state. Rural counties and rural
35 natural resources impact areas do not share in the economic vitality of
36 the Puget Sound region. The ability of these communities to pursue
37 business and job retention, expansion, and development opportunities
38 depends on their capacity to ready necessary economic development

1 project plans, sites, permits, and infrastructure for private
2 investments. Project-specific planning, predevelopment, and
3 infrastructure are critical ingredients for economic development.
4 Rural counties and rural natural resources impact areas generally lack
5 these necessary tools and resources to diversify and revitalize their
6 economies. It is, therefore, the intent of the legislature to increase
7 the amount of funding available through the community economic
8 revitalization board for rural counties and rural natural resources
9 impact areas, and to authorize flexibility for available resources in
10 these areas to help fund planning, predevelopment, and construction
11 costs of infrastructure and facilities and sites that foster economic
12 vitality and diversification.

13 **Sec. 7.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to read
14 as follows:

15 (1) An application to the board from a political subdivision may
16 also include a request for improvements to an existing state highway or
17 highways. The application is subject to all of the applicable criteria
18 relative to qualifying types of development set forth in this chapter,
19 as well as procedures and criteria established by the board.

20 (2) Before board consideration of an application from a political
21 subdivision that includes a request for improvements to an existing
22 state highway or highways, the application shall be forwarded by the
23 board to the department of transportation (~~commission~~).

24 (3) The board may not make its final determination on any
25 application made under subsection (1) of this section before receiving
26 approval, as submitted or amended or disapproval from the department of
27 transportation (~~commission~~) as specified in RCW 47.01.280.
28 Notwithstanding its disposition of the remainder of any such
29 application, the board may not approve a request for improvements to an
30 existing state highway or highways without the approval as submitted or
31 amended of the department of transportation (~~commission~~) as specified
32 in RCW 47.01.280.

33 (4) The board shall notify the legislative transportation
34 (~~commission~~) committee of its decision regarding any application made
35 under this section.

1 **Sec. 8.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
2 to read as follows:

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

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

33 The department shall have the same authority as hereinabove granted
34 to local authorities to prohibit or restrict the operation of vehicles
35 upon state highways. The department shall give public notice of
36 closure or restriction. The department may issue special permits for
37 the operation of school buses and motor trucks transporting perishable

1 commodities or commodities necessary for the health and welfare of
2 local residents under specified weight and speed restrictions as may be
3 necessary to protect any state highway from undue damage.

4 **Sec. 9.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
5 to read as follows:

6 It shall be unlawful for any person to operate a vehicle or any
7 combination of vehicles over any bridge or other elevated structure or
8 through any tunnel or underpass constituting a part of any public
9 highway at a rate of speed or with a gross weight or of a size which is
10 greater at any time than the maximum speed or maximum weight or size
11 which can be maintained or carried with safety over any such bridge or
12 structure or through any such tunnel or underpass when such bridge,
13 structure, tunnel, or underpass is sign posted as hereinafter provided.
14 The secretary of transportation, if it be a bridge, structure, tunnel,
15 or underpass upon a state highway, or the governing body or authorities
16 of any county, city, or town, if it be upon roads or streets under
17 their jurisdiction, may restrict the speed which may be maintained or
18 the gross weight or size which may be operated upon or over any such
19 bridge or elevated structure or through any such tunnel or underpass
20 with safety thereto. The secretary or the governing body or
21 authorities of any county, city, or town having jurisdiction shall
22 determine and declare the maximum speed or maximum gross weight or size
23 which such bridge, elevated structure, tunnel, or underpass can
24 withstand or accommodate and shall cause suitable signs stating such
25 maximum speed or maximum gross weight, or size, or either, to be
26 erected and maintained on the right hand side of such highway, road, or
27 street and at a distance of not less than one hundred feet from each
28 end of such bridge, structure, tunnel, or underpass and on the approach
29 thereto: PROVIDED, That in the event that any such bridge, elevated
30 structure, tunnel, or underpass is upon a city street designated by the
31 department of transportation (~~commission~~) as forming a part of the
32 route of any state highway through any such incorporated city or town
33 the determination of any maximum speed or maximum gross weight or size
34 which such bridge, elevated structure, tunnel, or underpass can
35 withstand or accommodate shall not be enforceable at any speed, weight,
36 or size less than the maximum allowed by law, unless with the approval
37 in writing of the secretary. Upon the trial of any person charged with

1 a violation of this section, proof of either violation of maximum speed
2 or maximum weight, or size, or either, and the distance and location of
3 such signs as are required, shall constitute conclusive evidence of the
4 maximum speed or maximum weight, or size, or either, which can be
5 maintained or carried with safety over such bridge or elevated
6 structure or through such tunnel or underpass.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.01 RCW
8 to read as follows:

9 The secretary of transportation has the following powers and
10 duties:

11 (1) Propose to the governor and to the legislature before the
12 convening of each regular session during an odd-numbered year a
13 recommended budget for the operation of the department and for carrying
14 out the program of the department for the ensuing biennium. The
15 proposed budget must separately state the appropriations to be made
16 from the motor vehicle fund for highway purposes in accordance with
17 constitutional limitations and appropriations and expenditures to be
18 made from the general fund, or accounts thereof, and other available
19 sources for other operations and programs of the department;

20 (2) Review and authorize all departmental requests for legislation.

21 **Sec. 11.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
22 read as follows:

23 The chief of the Washington state patrol, the director of the
24 traffic safety commission, the executive director of the county road
25 administration board, the director of the freight mobility strategic
26 investment board, and the director of licensing are designated as
27 official consultants to the department of transportation (~~(commission)~~)
28 so that the goals and activities of their respective agencies which
29 relate to transportation are fully coordinated with other related
30 responsibilities of the department of transportation. In this
31 capacity, the chief of the Washington state patrol, the director of the
32 traffic safety commission, the executive director of the county road
33 administration board, and the director of licensing shall consult with
34 the (~~(transportation commission and the)~~) secretary of transportation
35 on the implications and impacts on the transportation related functions

1 and duties of their respective agencies of any proposed comprehensive
2 transportation plan, program, or policy.

3 In order to develop fully integrated, balanced, and coordinated
4 transportation plans, programs, and budgets the chief of the Washington
5 state patrol, the director of the traffic safety commission, the
6 executive director of the county road administration board, the
7 director of the freight mobility strategic investment board, and the
8 director of licensing shall consult with the secretary of
9 transportation on the matter of relative priorities during the
10 development of their respective agencies' plans, programs, and budgets
11 as they pertain to transportation activities.

12 **Sec. 12.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to read
13 as follows:

14 (1) Upon receiving an application for improvements to an existing
15 state highway or highways pursuant to RCW 43.160.074 from the community
16 economic revitalization board, the department of transportation
17 (~~commission~~) shall, in a timely manner, determine whether or not the
18 proposed state highway improvements:

19 (a) Meet the safety and design criteria of the department of
20 transportation;

21 (b) Will impair the operational integrity of the existing highway
22 system;

23 (c) Will affect any other improvements planned by the department;
24 and

25 (d) Will be consistent with its policies developed pursuant to RCW
26 47.01.071.

27 (2) Upon completion of its determination of the factors contained
28 in subsection (1) of this section and any other factors it deems
29 pertinent, the (~~transportation commission~~) department shall forward
30 its approval, as submitted or amended or disapproval of the proposed
31 improvements to the board, along with any recommendation it may wish to
32 make concerning the desirability and feasibility of the proposed
33 development. If the (~~transportation commission~~) department
34 disapproves any proposed improvements, it shall specify its reasons for
35 disapproval.

36 (3) Upon notification from the board of an application's approval

1 pursuant to RCW 43.160.074, the (~~(transportation commission)~~)
2 department shall (~~(direct the department of transportation to)~~) carry
3 out the improvements in coordination with the applicant.

4 (4) The (~~(transportation commission)~~) department shall notify the
5 (~~(legislative)~~) house and senate standing committees on transportation
6 (~~(committee)~~) of all state highway improvements to be carried out
7 pursuant to RCW 43.160.074 and this section.

8 **Sec. 13.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to
9 read as follows:

10 (1) The (~~(transportation commission is hereby directed to)~~)
11 department shall conduct periodic analyses of the entire state highway
12 system, report thereon to the chairs of the transportation committees
13 of the senate and house of representatives, including one copy to the
14 staff of each of the committees, biennially and based thereon, (~~(to)~~)
15 subdivide, classify, and subclassify according to their function and
16 importance all designated state highways and those added from time to
17 time and periodically review and revise the classifications into the
18 following three functional classes:

19 (a) The "principal arterial system" shall consist of a connected
20 network of rural arterial routes with appropriate extensions into and
21 through urban areas, including all routes designated as part of the
22 interstate system, which serve corridor movements having travel
23 characteristics indicative of substantial statewide and interstate
24 travel;

25 (b) The "minor arterial system" shall, in conjunction with the
26 principal arterial system, form a rural network of arterial routes
27 linking cities and other activity centers which generate long distance
28 travel, and, with appropriate extensions into and through urban areas,
29 form an integrated network providing interstate and interregional
30 service; and

31 (c) The "collector system" shall consist of routes which primarily
32 serve the more important intercounty, intracounty, and intraurban
33 travel corridors, collect traffic from the system of local access roads
34 and convey it to the arterial system, and on which, regardless of
35 traffic volume, the predominant travel distances are shorter than on
36 arterial routes.

1 (2) In making the functional classification the (~~transportation~~
2 ~~commission~~) department shall adopt and give consideration to criteria
3 consistent with this section and federal regulations relating to the
4 functional classification of highways, including but not limited to the
5 following:

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

8 (b) Important traffic generating economic activities, including but
9 not limited to recreation, agriculture, government, business, and
10 industry;

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

13 (d) Directness of travel and distance between points of economic
14 importance;

15 (e) Length of trips;

16 (f) Character and volume of traffic;

17 (g) Preferential consideration for multiple service which shall
18 include public transportation;

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

20 (i) System continuity.

21 (3) The (~~transportation commission or the legislature~~) department
22 shall designate state highways of statewide significance under RCW
23 47.06.140. (~~If the commission designates a state highway of statewide~~
24 ~~significance, it shall submit a list of such facilities for adoption by~~
25 ~~the legislature.~~) This statewide system shall include at a minimum
26 interstate highways and other statewide principal arterials that are
27 needed to connect major communities across the state and support the
28 state's economy.

29 (4) The (~~transportation commission~~) department shall designate a
30 freight and goods transportation system. This statewide system shall
31 include state highways, county roads, and city streets. The
32 (~~commission~~) department, in cooperation with cities and counties,
33 shall review and make recommendations to the legislature regarding
34 policies governing weight restrictions and road closures which affect
35 the transportation of freight and goods.

36 **Sec. 14.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to read
37 as follows:

1 The (~~transportation commission~~) department shall adopt a
2 comprehensive six-year investment program specifying program objectives
3 and performance measures for the preservation and improvement programs
4 defined in this section. In the specification of investment program
5 objectives and performance measures, the (~~transportation commission,~~
6 ~~in consultation with the Washington state department of~~
7 ~~transportation,~~) department shall define and adopt standards for
8 effective programming and prioritization practices including a needs
9 analysis process. The analysis process must ensure the identification
10 of problems and deficiencies, the evaluation of alternative solutions
11 and trade-offs, and estimations of the costs and benefits of
12 prospective projects. The investment program must be revised
13 biennially, effective on July 1st of odd-numbered years. The
14 investment program must be based upon the needs identified in the
15 state-owned highway component of the statewide transportation plan as
16 defined in RCW 47.01.071(3).

17 (1) The preservation program consists of those investments
18 necessary to preserve the existing state highway system and to restore
19 existing safety features, giving consideration to lowest life cycle
20 costing. The preservation program must require use of the most cost-
21 effective pavement surfaces, considering:

- 22 (a) Life-cycle cost analysis;
- 23 (b) Traffic volume;
- 24 (c) Subgrade soil conditions;
- 25 (d) Environmental and weather conditions;
- 26 (e) Materials available; and
- 27 (f) Construction factors.

28 The comprehensive six-year investment program for preservation must
29 identify projects for two years and an investment plan for the
30 remaining four years.

31 (2) The improvement program consists of investments needed to
32 address identified deficiencies on the state highway system to increase
33 mobility, address congestion, and improve safety, support for the
34 economy, and protection of the environment. The six-year investment
35 program for improvements must identify projects for two years and major
36 deficiencies proposed to be addressed in the six-year period giving
37 consideration to relative benefits and life cycle costing. The
38 (~~transportation commission~~) department shall give higher priority for

1 correcting identified deficiencies on those facilities classified as
2 facilities of statewide significance as defined in RCW 47.06.140.
3 Project prioritization must be based primarily upon cost- benefit
4 analysis, where appropriate.

5 The (~~transportation commission~~) department shall approve and
6 present the comprehensive six-year investment program to the
7 legislature in support of the biennial budget request under RCW
8 44.40.070 and 44.40.080.

9 **Sec. 15.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to read
10 as follows:

11 (1) The department (~~and the commission~~) shall use the
12 transportation demand modeling tools developed under subsection (2) of
13 this section to evaluate investments based on the best mode or
14 improvement, or mix of modes and improvements, to meet current and
15 future long-term demand within a corridor or system for the lowest
16 cost. The end result of these demand modeling tools is to provide a
17 cost-benefit analysis by which the department (~~and the commission~~)
18 can determine the relative mobility improvement and congestion relief
19 each mode or improvement under consideration will provide and the
20 relative investment each mode or improvement under consideration will
21 need to achieve that relief.

22 (2) The department will participate in the refinement, enhancement,
23 and application of existing transportation demand modeling tools to be
24 used to evaluate investments. This participation and use of
25 transportation demand modeling tools will be phased in.

26 (3) In developing program objectives and performance measures, the
27 (~~transportation commission~~) department shall evaluate investment
28 trade-offs between the preservation and improvement programs. In
29 making these investment trade-offs, the (~~commission~~) department shall
30 evaluate, using cost-benefit techniques, roadway and bridge maintenance
31 activities as compared to roadway and bridge preservation program
32 activities and adjust those programs accordingly.

33 (4) The (~~commission~~) department shall allocate the estimated
34 revenue between preservation and improvement programs giving primary
35 consideration to the following factors:

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

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

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

5 (d) The availability of dedicated funds for a specific type of
6 work.

7 **Sec. 16.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to read
8 as follows:

9 (1) The comprehensive six-year investment program shall be based
10 upon the needs identified in the state-owned highway component of the
11 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
12 and priority selection systems that incorporate the following criteria:

13 (a) Priority programming for the preservation program shall take
14 into account the following, not necessarily in order of importance:

15 (i) Extending the service life of the existing highway system,
16 including using the most cost-effective pavement surfaces, considering:

17 (A) Life-cycle cost analysis;

18 (B) Traffic volume;

19 (C) Subgrade soil conditions;

20 (D) Environmental and weather conditions;

21 (E) Materials available; and

22 (F) Construction factors;

23 (ii) Ensuring the structural ability to carry loads imposed upon
24 highways and bridges; and

25 (iii) Minimizing life cycle costs. (~~The transportation commission
26 in carrying out the provisions of this section may delegate to the
27 department of transportation the authority to select preservation
28 projects to be included in the six-year program.~~)

29 (b) Priority programming for the improvement program must be based
30 primarily upon the following, not necessarily in order of importance:

31 (i) Traffic congestion, delay, and accidents;

32 (ii) Location within a heavily traveled transportation corridor;

33 (iii) Except for projects in cities having a population of less
34 than five thousand persons, synchronization with other potential
35 transportation projects, including transit and multimodal projects,
36 within the heavily traveled corridor; and

1 (iv) Use of benefit/cost analysis wherever feasible to determine
2 the value of the proposed project.

3 (c) Priority programming for the improvement program may also take
4 into account:

5 (i) Support for the state's economy, including job creation and job
6 preservation;

7 (ii) The cost-effective movement of people and goods;

8 (iii) Accident and accident risk reduction;

9 (iv) Protection of the state's natural environment;

10 (v) Continuity and systematic development of the highway
11 transportation network;

12 (vi) Consistency with local comprehensive plans developed under
13 chapter 36.70A RCW including the following if they have been included
14 in the comprehensive plan:

15 (A) Support for development in and revitalization of existing
16 downtowns;

17 (B) Extent that development implements local comprehensive plans
18 for rural and urban residential and nonresidential densities;

19 (C) Extent of compact, transit-oriented development for rural and
20 urban residential and nonresidential densities;

21 (D) Opportunities for multimodal transportation; and

22 (E) Extent to which the project accommodates planned growth and
23 economic development;

24 (vii) Consistency with regional transportation plans developed
25 under chapter 47.80 RCW;

26 (viii) Public views concerning proposed improvements;

27 (ix) The conservation of energy resources;

28 (x) Feasibility of financing the full proposed improvement;

29 (xi) Commitments established in previous legislative sessions;

30 (xii) Relative costs and benefits of candidate programs.

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

37 (e) Major project approvals which significantly increase a
38 project's scope or cost from original prioritization estimates shall

1 include a review of the project's estimated revised priority rank and
2 the level of funding provided. Projects may be delayed or canceled by
3 the (~~(transportation commission)~~) department if higher priority
4 projects are awaiting funding.

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

18 (3) The (~~(commission)~~) department shall identify those projects
19 that yield freight mobility benefits or that alleviate the impacts of
20 freight mobility upon affected communities.

21 **Sec. 17.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
22 as follows:

23 The state-owned facilities component of the statewide
24 transportation plan shall consist of:

25 (1) The state highway system plan, which identifies program and
26 financing needs and recommends specific and financially realistic
27 improvements to preserve the structural integrity of the state highway
28 system, ensure acceptable operating conditions, and provide for
29 enhanced access to scenic, recreational, and cultural resources. The
30 state highway system plan shall contain the following elements:

31 (a) A system preservation element, which shall establish structural
32 preservation objectives for the state highway system including bridges,
33 identify current and future structural deficiencies based upon analysis
34 of current conditions and projected future deterioration, and recommend
35 program funding levels and specific actions necessary to preserve the
36 structural integrity of the state highway system consistent with
37 adopted objectives. Lowest life cycle cost methodologies must be used

1 in developing a pavement management system. This element shall serve
2 as the basis for the preservation component of the six-year highway
3 program and the two-year biennial budget request to the legislature;

4 (b) A highway maintenance element, establishing service levels for
5 highway maintenance on state-owned highways that meet benchmarks
6 established by the (~~transportation commission~~) department. The
7 highway maintenance element must include an estimate of costs for
8 achieving those service levels over twenty years. This element will
9 serve as the basis for the maintenance component of the six-year
10 highway program and the two-year biennial budget request to the
11 legislature;

12 (c) A capacity and operational improvement element, which shall
13 establish operational objectives, including safety considerations, for
14 moving people and goods on the state highway system, identify current
15 and future capacity, operational, and safety deficiencies, and
16 recommend program funding levels and specific improvements and
17 strategies necessary to achieve the operational objectives. In
18 developing capacity and operational improvement plans the department
19 shall first assess strategies to enhance the operational efficiency of
20 the existing system before recommending system expansion. Strategies
21 to enhance the operational efficiencies include but are not limited to
22 access management, transportation system management, demand management,
23 and high-occupancy vehicle facilities. The capacity and operational
24 improvement element must conform to the state implementation plan for
25 air quality and be consistent with regional transportation plans
26 adopted under chapter 47.80 RCW, and shall serve as the basis for the
27 capacity and operational improvement portions of the six-year highway
28 program and the two-year biennial budget request to the legislature;

29 (d) A scenic and recreational highways element, which shall
30 identify and recommend designation of scenic and recreational highways,
31 provide for enhanced access to scenic, recreational, and cultural
32 resources associated with designated routes, and recommend a variety of
33 management strategies to protect, preserve, and enhance these
34 resources. The department, affected counties, cities, and towns,
35 regional transportation planning organizations, and other state or
36 federal agencies shall jointly develop this element;

37 (e) A paths and trails element, which shall identify the needs of
38 nonmotorized transportation modes on the state transportation systems

1 and provide the basis for the investment of state transportation funds
2 in paths and trails, including funding provided under chapter 47.30
3 RCW.

4 (2) The state ferry system plan, which shall guide capital and
5 operating investments in the state ferry system. The plan shall
6 establish service objectives for state ferry routes, forecast travel
7 demand for the various markets served in the system, develop strategies
8 for ferry system investment that consider regional and statewide
9 vehicle and passenger needs, support local land use plans, and assure
10 that ferry services are fully integrated with other transportation
11 services. The plan must provide for maintenance of capital assets.
12 The plan must also provide for preservation of capital assets based on
13 lowest life cycle cost methodologies. The plan shall assess the role
14 of private ferries operating under the authority of the utilities and
15 transportation commission and shall coordinate ferry system capital and
16 operational plans with these private operations. The ferry system plan
17 must be consistent with the regional transportation plans for areas
18 served by the state ferry system, and shall be developed in conjunction
19 with the ferry advisory committees.

20 **Sec. 18.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to read
21 as follows:

22 The term "advance right of way acquisition" means the acquisition
23 of property and property rights, generally not more than ten years in
24 advance of programmed highway construction projects, together with the
25 engineering costs necessary for such advance right of way acquisition.
26 Any property or property rights purchased must be in designated highway
27 transportation corridors and be for projects approved by the
28 (~~commission~~) department as part of the state's six-year plan or
29 included in the state's route development planning effort.

30 **Sec. 19.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read
31 as follows:

32 For the purpose of environmental mitigation of transportation
33 projects, the department may acquire or develop, or both acquire and
34 develop, environmental mitigation sites in advance of the construction
35 of programmed projects. The term "advanced environmental mitigation"
36 means mitigation of adverse impacts upon the environment from

1 transportation projects before their design and construction. Advanced
2 environmental mitigation consists of the acquisition of property; the
3 acquisition of property, water, or air rights; the development of
4 property for the purposes of improved environmental management;
5 engineering costs necessary for such purchase and development; and the
6 use of advanced environmental mitigation sites to fulfill project
7 environmental permit requirements. Advanced environmental mitigation
8 must be conducted in a manner that is consistent with the definition of
9 mitigation found in the council of environmental quality regulations
10 (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands
11 (EO 90-04). Advanced environmental mitigation is for projects approved
12 by the (~~transportation commission~~) department as part of the state's
13 six-year plan or included in the state highway system plan. Advanced
14 environmental mitigation must give consideration to activities related
15 to fish passage, fish habitat, wetlands, and flood management.
16 Advanced environmental mitigation may also be conducted in partnership
17 with federal, state, or local government agencies, tribal governments,
18 interest groups, or private parties. Partnership arrangements may
19 include joint acquisition and development of mitigation sites,
20 purchasing and selling mitigation bank credits among participants, and
21 transfer of mitigation site title from one party to another. Specific
22 conditions of partnership arrangements will be developed in written
23 agreements for each applicable environmental mitigation site.

24 **Sec. 20.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
25 read as follows:

26 The (~~transportation commission~~) department shall determine what
27 streets, together with bridges thereon and wharves necessary for use
28 for ferriage of motor vehicle traffic in connection with such streets,
29 if any, in any incorporated cities and towns shall form a part of the
30 route of state highways and between the first and fifteenth days of
31 July of any year the department of transportation shall identify by
32 brief description, the streets, together with the bridges thereon and
33 wharves, if any, in such city or town which are designated as forming
34 a part of the route of any state highway; and all such streets,
35 including curbs and gutters and street intersections and such bridges
36 and wharves, shall thereafter be a part of the state highway system and
37 as such shall be constructed and maintained by the department of

1 transportation from any state funds available therefor: PROVIDED, That
2 the responsibility for the construction and maintenance of any such
3 street together with its appurtenances may be returned to a city or a
4 town upon certification by the department of transportation to the
5 clerk of any city or town that such street, or portion thereof, is no
6 longer required as a part of the state highway system: PROVIDED
7 FURTHER, That any such certification that a street, or portion thereof,
8 is no longer required as a part of the state highway system shall be
9 made between the first and fifteenth of July following the
10 determination by the department that such street or portion thereof is
11 no longer required as a part of the state highway system, but this
12 shall not prevent the department and any city or town from entering
13 into an agreement that a city or town will accept responsibility for
14 such a street or portion thereof at some time other than between the
15 first and fifteenth of July of any year.

16 **Sec. 21.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to
17 read as follows:

18 Each county having within its boundaries an urban area and cities
19 and towns shall prepare and submit to the transportation improvement
20 board arterial inventory data required to determine the long-range
21 arterial construction needs. The counties, cities, and towns shall
22 revise the arterial inventory data every four years to show the current
23 arterial construction needs through the advanced planning period, and
24 as revised shall submit them to the transportation improvement board
25 during the first week of January every four years beginning in 1996.
26 The inventory data shall be prepared pursuant to guidelines established
27 by the transportation improvement board. As information is updated, it
28 shall be made available to the (~~commission~~) department and the
29 legislative transportation committee.

30 **Sec. 22.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
31 to read as follows:

32 Whenever the general route of any state highway shall be designated
33 and laid out as running to or by way of certain designated points,
34 without specifying the particular route to be followed to or by way of
35 such points, the (~~transportation—commission~~) department shall
36 determine the particular route to be followed by said state highway to

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

17 **Sec. 23.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read
18 as follows:

19 The definitions set forth in this section apply throughout this
20 chapter unless the context clearly requires otherwise.

21 (1) "Rural arterial program" means improvement projects on those
22 county roads in rural areas classified as rural arterials and
23 collectors in accordance with the federal functional classification
24 system and the construction of replacement bridges funded by the
25 federal bridge replacement program on access roads in rural areas.

26 (2) "Rural area" means every area of the state outside of areas
27 designated as urban areas by the state department of transportation
28 (~~commission~~) with the approval of the secretary of the United States
29 Department of Transportation in accordance with federal law.

30 (3) "Board" means the county road administration board created by
31 RCW 36.78.030.

32 **Sec. 24.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
33 amended to read as follows:

34 Not later than November 1st of each even-numbered year the board
35 shall prepare and present to the (~~state~~) department of transportation
36 (~~commission~~) a recommended budget for expenditures from the rural

1 arterial trust account during the ensuing biennium. The budget shall
2 contain an estimate of the revenues to be credited to the rural
3 arterial trust account.

4 The (~~state~~) department of transportation (~~commission~~) shall
5 review the budget as recommended, revise the budget as it deems proper,
6 and include the budget as revised as a separate section of the
7 transportation budget which it shall submit to the governor pursuant to
8 chapter 43.88 RCW.

9 **Sec. 25.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to
10 read as follows:

11 (1) A regional transportation investment district planning
12 committee may, as part of a regional transportation investment plan,
13 recommend the imposition of some or all of the following revenue
14 sources, which a regional transportation investment district may impose
15 upon approval of the voters as provided in this chapter:

16 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
17 up to 0.5 percent of the selling price, in the case of a sales tax, or
18 value of the article used, in the case of a use tax, upon the
19 occurrence of any taxable event in the regional transportation
20 investment district;

21 (b) A local option vehicle license fee, as specified under RCW
22 82.80.100, of up to one hundred dollars per vehicle registered in the
23 district. As used in this subsection, "vehicle" means motor vehicle as
24 defined in RCW 46.04.320. Certain classes of vehicles, as defined
25 under chapter 46.04 RCW, may be exempted from this fee;

26 (c) A parking tax under RCW 82.80.030;

27 (d) A local motor vehicle excise tax under RCW 81.100.060 and
28 chapter 81.104 RCW;

29 (e) A local option fuel tax under RCW 82.80.120;

30 (f) An employer excise tax under RCW 81.100.030; and

31 (g) Vehicle tolls on new or reconstructed facilities. Unless
32 otherwise specified by law, the department shall administer the
33 collection of vehicle tolls on designated facilities, and the (~~state~~)
34 department of transportation (~~commission~~), or its successor, shall be
35 the tolling authority.

36 (2) Taxes, fees, and tolls may not be imposed without an
37 affirmative vote of the majority of the voters within the boundaries of

1 the district voting on a ballot proposition as set forth in RCW
2 36.120.070. Revenues from these taxes and fees may be used only to
3 implement the plan as set forth in this chapter. A district may
4 contract with the state department of revenue or other appropriate
5 entities for administration and collection of any of the taxes or fees
6 authorized in this section.

7 (3) Existing statewide motor vehicle fuel and special fuel taxes,
8 at the distribution rates in effect on January 1, 2001, are not
9 intended to be altered by this chapter.

10 **Sec. 26.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
11 as follows:

12 Subject to the maximum gross weights specified in RCW 46.44.041, it
13 is unlawful to operate any vehicle upon the public highways with a
14 gross weight, including load, upon any tire concentrated upon the
15 surface of the highway in excess of six hundred pounds per inch width
16 of such tire. An axle manufactured after July 31, 1993, carrying more
17 than ten thousand pounds gross weight must be equipped with four or
18 more tires. Effective January 1, 1997, an axle carrying more than ten
19 thousand pounds gross weight must have four or more tires, regardless
20 of date of manufacture. Instead of the four or more tires per axle
21 requirements of this section, an axle may be equipped with two tires
22 limited to five hundred pounds per inch width of tire. This section
23 does not apply to vehicles operating under oversize or overweight
24 permits, or both, issued under RCW 46.44.090, while carrying a
25 nonreducible load.

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

1 For the purpose of this section, the width of tire in case of solid
2 rubber or hollow center cushion tires, so long as the use thereof may
3 be permitted by the law, shall be measured between the flanges of the
4 rim. For the purpose of this section, the width of tires in case of
5 pneumatic tires shall be the maximum overall normal inflated width as
6 stipulated by the manufacturer when inflated to the pressure specified
7 and without load thereon.

8 The department of transportation, under rules adopted by (~~the~~
9 ~~transportation commission~~) it with respect to state highways, and a
10 local authority, with respect to a public highway under its
11 jurisdiction, may extend the weight table in RCW 46.44.041 to one
12 hundred fifteen thousand pounds. However, the extension must be in
13 compliance with federal law, and vehicles operating under the extension
14 must be in full compliance with the 1997 axle and tire requirements
15 under this section.

16 **Sec. 27.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
17 as follows:

18 The department of transportation, pursuant to rules adopted by
19 (~~the transportation commission~~) it with respect to state highways,
20 and local authorities, with respect to public highways under their
21 jurisdiction, may, upon application in writing and good cause being
22 shown therefor, issue a special permit in writing, or electronically,
23 authorizing the applicant to operate or move a vehicle or combination
24 of vehicles of a size, weight of vehicle, or load exceeding the maximum
25 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
26 46.44.041 upon any public highway under the jurisdiction of the
27 authority granting such permit and for the maintenance of which such
28 authority is responsible.

29 **Sec. 28.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
30 as follows:

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

34 On two-lane highways, fourteen feet;

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

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

3 These limits apply except under the following conditions:

4 (1) In the case of buildings, the limitations referred to in this
5 section for movement on any two lane state highway other than the
6 national system of interstate and defense highways may be exceeded
7 under the following conditions: (a) Controlled vehicular traffic shall
8 be maintained in one direction at all times; (b) the maximum distance
9 of movement shall not exceed five miles; additional contiguous permits
10 shall not be issued to exceed the five-mile limit: PROVIDED, That when
11 the department of transportation, pursuant to general rules adopted by
12 (~~the transportation commission~~) it, determines a hardship would
13 result, this limitation may be exceeded upon approval of the department
14 of transportation; (c) prior to issuing a permit a qualified
15 transportation department employee shall make a visual inspection of
16 the building and route involved determining that the conditions listed
17 herein shall be complied with and that structures or overhead
18 obstructions may be cleared or moved in order to maintain a constant
19 and uninterrupted movement of the building; (d) special escort or other
20 precautions may be imposed to assure movement is made under the safest
21 possible conditions, and the Washington state patrol shall be advised
22 when and where the movement is to be made;

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

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

29 (4) These limitations may be rescinded when certification is made
30 by military officials, or by officials of public or private power
31 facilities, or when in the opinion of the department of transportation
32 the movement or action is a necessary movement or action: PROVIDED
33 FURTHER, That in the judgment of the department of transportation the
34 structures and highway surfaces on the routes involved are capable of
35 sustaining widths in excess of such limitation;

36 (5) These limitations shall not apply to movement during daylight
37 hours on any two lane state highway where the gross weight, including
38 load, does not exceed eighty thousand pounds and the overall width of

1 load does not exceed sixteen feet: PROVIDED, That the minimum and
2 maximum speed of such movements, prescribed routes of such movements,
3 the times of such movements, limitation upon frequency of trips (which
4 limitation shall be not less than one per week), and conditions to
5 assure safety of traffic may be prescribed by the department of
6 transportation or local authority issuing such special permit.

7 The applicant for any special permit shall specifically describe
8 the vehicle or vehicles and load to be operated or moved and the
9 particular state highways for which permit to operate is requested and
10 whether such permit is requested for a single trip or for continuous
11 operation.

12 **Sec. 29.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
13 as follows:

14 In determining fees according to RCW 46.44.0941, mileage on state
15 primary and secondary highways shall be determined from the planning
16 survey records of the department of transportation, and the gross
17 weight of the vehicle or vehicles, including load, shall be declared by
18 the applicant. Overweight on which fees shall be paid will be gross
19 loadings in excess of loadings authorized by law or axle loadings in
20 excess of loadings authorized by law, whichever is the greater. Loads
21 which are overweight and oversize shall be charged the fee for the
22 overweight permit without additional fees being assessed for the
23 oversize features.

24 Special permits issued under RCW 46.44.047, 46.44.0941, or
25 46.44.095, may be obtained from offices of the department of
26 transportation, ports of entry, or other agents appointed by the
27 department.

28 The department may appoint agents for the purposes of selling
29 special motor vehicle permits, temporary additional tonnage permits,
30 and log tolerance permits. Agents so appointed may retain three
31 dollars and fifty cents for each permit sold to defray expenses
32 incurred in handling and selling the permits. If the fee is collected
33 by the department of transportation, the department shall certify the
34 fee so collected to the state treasurer for deposit to the credit of
35 the motor vehicle fund.

36 The department may select a third party contractor, by means of
37 competitive bid, to perform the department's permit issuance function,

1 as provided under RCW 46.44.090. Factors the department shall
2 consider, but is not limited to, in the selection of a third party
3 contractor are economic benefit to both the department and the motor
4 carrier industry, and enhancement of the overall level of permit
5 service. For purposes of this section, "third party contractor" means
6 a business entity that is authorized by the department to issue special
7 permits. The department of transportation (~~commission~~) may adopt
8 rules specifying the criteria that a business entity must meet in order
9 to qualify as a third party contractor under this section.

10 Fees established in RCW 46.44.0941 shall be paid to the political
11 body issuing the permit if the entire movement is to be confined to
12 roads, streets, or highways for which that political body is
13 responsible. When a movement involves a combination of state highways,
14 county roads, and/or city streets the fee shall be paid to the state
15 department of transportation. When a movement is confined within the
16 city limits of a city or town upon city streets, including routes of
17 state highways on city streets, all fees shall be paid to the city or
18 town involved. A permit will not be required from city or town
19 authorities for a move involving a combination of city or town streets
20 and state highways when the move through a city or town is being
21 confined to the route of the state highway. When a move involves a
22 combination of county roads and city streets the fee shall be paid to
23 the county authorities, but the fee shall not be collected nor the
24 county permit issued until valid permits are presented showing that the
25 city or town authorities approve of the move in question. When the
26 movement involves only county roads the fees collected shall be paid to
27 the county involved. Fees established shall be paid to the political
28 body issuing the permit if the entire use of the vehicle during the
29 period covered by the permit shall be confined to the roads, streets,
30 or highways for which that political body is responsible.

31 **Sec. 30.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
32 as follows:

33 For the purpose of providing funds for the acquisition of
34 headquarters facilities for district 1 of the department of
35 transportation and costs incidental thereto, together with all
36 improvements and equipment required to make the facilities suitable for
37 the department's use, there shall be issued and sold upon the request

1 of the (~~Washington transportation commission~~) department a total of
2 fifteen million dollars of general obligation bonds of the state of
3 Washington.

4 **Sec. 31.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
5 as follows:

6 Upon the request of the secretary of transportation (~~commission~~),
7 the state finance committee shall supervise and provide for the
8 issuance, sale, and retirement of the bonds authorized by RCW 47.02.120
9 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds
10 authorized by RCW 47.02.120 through 47.02.190 shall be sold in such
11 manner, at such time or times, in such amounts, and at such price as
12 the state finance committee shall determine. Except for the purpose of
13 repaying the loan from the motor vehicle fund, no such bonds may be
14 offered for sale without prior legislative appropriation of the net
15 proceeds of the sale of the bonds.

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

21 **Sec. 32.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
22 read as follows:

23 In order to provide funds necessary for the location, design, right
24 of way, and construction of state and local highway improvements, there
25 shall be issued and sold upon the request of the (~~Washington state~~
26 ~~transportation commission~~) department a maximum of one billion nine
27 hundred million dollars of general obligation bonds of the state of
28 Washington.

29 **Sec. 33.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
30 read as follows:

31 Upon the request of the (~~transportation commission~~) department,
32 the state finance committee shall supervise and provide for the
33 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
34 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
35 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such

1 manner, at such time or times, in such amounts, and at such price as
2 the state finance committee shall determine. No such bonds may be
3 offered for sale without prior legislative appropriation of the net
4 proceeds of the sale of the bonds.

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

10 **Sec. 34.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended
11 to read as follows:

12 The (~~transportation commission~~) department may enter into
13 agreements with the state finance committee for financing the
14 acquisition, by purchase or condemnation, of real property together
15 with engineering costs that the (~~transportation commission~~)
16 department deems will be necessary for the improvement of the state
17 highway system. Such agreements may provide for the acquisition of an
18 individual parcel or for the acquisition of any number of parcels
19 within the limits of a contemplated highway project.

20 **Sec. 35.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended
21 to read as follows:

22 Each such agreement shall include, but shall not be limited to the
23 following:

24 (1) A provision stating the term of the agreement which shall not
25 extend more than seven years from the effective date of the agreement;

26 (2) A designation of the specific fund or funds to be used to carry
27 out such agreement;

28 (3) A provision that the department of transportation may redeem
29 warrants purchased by the state finance committee at any time prior to
30 the letting of a highway improvement contract utilizing the property;
31 and further, during the effective period of each such agreement the
32 department of transportation shall redeem such warrants whenever such
33 a highway improvement contract is let, or upon the expiration of such
34 agreement, whichever date is earlier;

35 (4) A provision stating the rate of interest such warrants shall
36 bear commencing at the time of purchase by the state finance committee;

1 (5) Any additional provisions agreed upon by the (~~transportation~~
2 ~~commission~~) department and the state finance committee which are
3 necessary to carry out the purposes of such agreement as indicated by
4 RCW 47.12.180 through 47.12.240(~~, as now or hereafter amended~~).

5 **Sec. 36.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
6 as follows:

7 A state highway to be known as state route number 35 is established
8 as follows:

9 Beginning at the Washington-Oregon boundary line thence northerly
10 to a junction with state route number 14 in the vicinity of White
11 Salmon; however, until such time as a bridge across the Columbia River
12 is constructed at a location adopted by the (~~transportation~~
13 ~~commission~~) department no existing route may be maintained or improved
14 by the (~~transportation commission~~) department as a temporary route
15 for state route number 35.

16 **Sec. 37.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to
17 read as follows:

18 Not later than November 1st of each even-numbered year the
19 transportation improvement board shall prepare and present to the
20 (~~commission~~) department for comment and recommendation an adopted
21 budget for expenditures from funds administered by the board during the
22 ensuing biennium. The budget shall contain an estimate of the revenues
23 to be credited to the several accounts and the amount, if any, of bond
24 proceeds which the board determines should be made available through
25 the sale of bonds in the ensuing biennium.

26 **Sec. 38.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
27 as follows:

28 The (~~transportation commission~~) department may designate
29 interstate safety rest areas, as appropriate, as locations for memorial
30 signs to prisoners of war and those missing in action. The
31 (~~commission~~) department shall adopt policies for the placement of
32 memorial signs on interstate safety rest areas and may disapprove any
33 memorial sign that it determines to be inappropriate or inconsistent
34 with the policies. The policies shall include, but are not limited to,
35 guidelines for the size and location of and inscriptions on memorial

1 signs. The secretary shall adopt rules for administering this program.
2 Nonprofit associations may have their name identified on a memorial
3 sign if the association bears the cost of supplying and maintaining the
4 memorial sign.

5 **Sec. 39.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read
6 as follows:

7 (1) A citizen advisory committee must be created for any project
8 developed under this chapter that imposes toll charges for use of a
9 transportation facility. The governor shall appoint nine members to
10 the committee, all of whom must be permanent residents of the affected
11 project area, as that term is used in RCW 47.46.030.

12 (2) The citizen advisory committee shall serve in an advisory
13 capacity to the (~~commission~~) department on all matters related to the
14 imposition of tolls. Members of the committee shall serve without
15 compensation.

16 (3) No toll charge may be imposed or modified unless the citizen
17 advisory committee has been given at least twenty days to review and
18 comment on any proposed toll charge schedule. In setting toll rates,
19 the (~~commission~~) department shall give consideration to any
20 recommendations of the citizen advisory committee.

21 **Sec. 40.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to read
22 as follows:

23 Pursuant to RCW 43.135.055, the legislature authorizes the
24 department of transportation (~~commission~~) to increase bridge tolls in
25 excess of the fiscal growth factor.

26 **Sec. 41.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
27 as follows:

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

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

14 **Sec. 42.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
15 as follows:

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

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

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

33 **Sec. 43.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
34 as follows:

35 (1) Whenever the (~~transportation commission~~) department adopts a
36 plan for a limited access highway to be constructed within the

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

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

25 **Sec. 44.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
26 read as follows:

27 (1) Except as permitted under chapter 47.46 RCW:

28 (a) The department of transportation shall have full charge of the
29 construction of all toll bridges and other toll facilities including
30 the Washington state ferries, and the operation and maintenance
31 thereof.

32 (b) The (~~transportation commission~~) department shall determine
33 and establish the tolls and charges thereon, and shall perform all
34 duties and exercise all powers relating to the financing, refinancing,
35 and fiscal management of all toll bridges and other toll facilities
36 including the Washington state ferries, and bonded indebtedness in the
37 manner provided by law.

1 (c) The department shall have full charge of design of all toll
2 facilities.

3 (d) Except as provided in this section, the department shall
4 proceed with the construction of such toll bridges and other facilities
5 and the approaches thereto by contract in the manner of state highway
6 construction immediately upon there being made available funds for such
7 work and shall prosecute such work to completion as rapidly as
8 practicable. The department is authorized to negotiate contracts for
9 any amount without bid under (d)(i) and (ii) of this subsection:

10 (i) Emergency contracts, in order to make repairs to ferries or
11 ferry terminal facilities or removal of such facilities whenever
12 continued use of ferries or ferry terminal facilities constitutes a
13 real or immediate danger to the traveling public or precludes prudent
14 use of such ferries or facilities; and

15 (ii) Single source contracts for vessel dry dockings, when there is
16 clearly and legitimately only one available bidder to conduct dry dock-
17 related work for a specific class or classes of vessels. The contracts
18 may be entered into for a single vessel dry docking or for multiple
19 vessel dry dockings for a period not to exceed two years.

20 (2) The department shall proceed with the procurement of materials,
21 supplies, services, and equipment needed for the support, maintenance,
22 and use of a ferry, ferry terminal, or other facility operated by
23 Washington state ferries, in accordance with chapter 43.19 RCW except
24 as follows:

25 (a) Except as provided in (d) of this subsection, when the
26 secretary of the department of transportation determines in writing
27 that the use of invitation for bid is either not practicable or not
28 advantageous to the state and it may be necessary to make competitive
29 evaluations, including technical or performance evaluations among
30 acceptable proposals to complete the contract award, a contract may be
31 entered into by use of a competitive sealed proposals method, and a
32 formal request for proposals solicitation. Such formal request for
33 proposals solicitation shall include a functional description of the
34 needs and requirements of the state and the significant factors.

35 (b) When purchases are made through a formal request for proposals
36 solicitation the contract shall be awarded to the responsible proposer
37 whose competitive sealed proposal is determined in writing to be the
38 most advantageous to the state taking into consideration price and

1 other evaluation factors set forth in the request for proposals. No
2 significant factors may be used in evaluating a proposal that are not
3 specified in the request for proposals. Factors that may be considered
4 in evaluating proposals include but are not limited to: Price;
5 maintainability; reliability; commonality; performance levels; life
6 cycle cost if applicable under this section; cost of transportation or
7 delivery; delivery schedule offered; installation cost; cost of spare
8 parts; availability of parts and service offered; and the following:

9 (i) The ability, capacity, and skill of the proposer to perform the
10 contract or provide the service required;

11 (ii) The character, integrity, reputation, judgment, experience,
12 and efficiency of the proposer;

13 (iii) Whether the proposer can perform the contract within the time
14 specified;

15 (iv) The quality of performance of previous contracts or services;

16 (v) The previous and existing compliance by the proposer with laws
17 relating to the contract or services;

18 (vi) Objective, measurable criteria defined in the request for
19 proposal. These criteria may include but are not limited to items such
20 as discounts, delivery costs, maintenance services costs, installation
21 costs, and transportation costs; and

22 (vii) Such other information as may be secured having a bearing on
23 the decision to award the contract.

24 (c) When purchases are made through a request for proposal process,
25 proposals received shall be evaluated based on the evaluation factors
26 set forth in the request for proposal. When issuing a request for
27 proposal for the procurement of propulsion equipment or systems that
28 include an engine, the request for proposal must specify the use of a
29 life cycle cost analysis that includes an evaluation of fuel
30 efficiency. When a life cycle cost analysis is used, the life cycle
31 cost of a proposal shall be given at least the same relative importance
32 as the initial price element specified in the request of proposal
33 documents. The department may reject any and all proposals received.
34 If the proposals are not rejected, the award shall be made to the
35 proposer whose proposal is most advantageous to the department,
36 considering price and the other evaluation factors set forth in the
37 request for proposal.

1 (d) If the department is procuring large equipment or systems
2 (e.g., electrical, propulsion) needed for the support, maintenance, and
3 use of a ferry operated by Washington state ferries, the department
4 shall proceed with a formal request for proposal solicitation under
5 this subsection (2) without a determination of necessity by the
6 secretary.

7 **Sec. 45.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read
8 as follows:

9 All powers vested in the toll bridge authority as of September 21,
10 1977, relating to the acquiring, operating, extending, designing,
11 constructing, repairing, and maintenance of the Washington state
12 ferries or any part thereof and the collecting of tolls and charges for
13 use of its facilities, shall be performed by the department. The
14 (~~commission~~) department shall determine all fares, tolls, and other
15 charges for its facilities and shall directly perform all duties and
16 exercise all powers relating to financing, refinancing, and fiscal
17 management of the system's bonded indebtedness in the manner provided
18 by law.

19 **Sec. 46.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended
20 to read as follows:

21 The department of transportation may(~~(, with the approval of the~~
22 ~~transportation commission,)~~) provide for the establishment,
23 construction, and operation of toll tunnels, toll roads, and other
24 facilities necessary for their construction and connection with public
25 highways of the state. It may cause surveys to be made to determine
26 the propriety of their establishment, construction, and operation, and
27 may acquire rights of way and other facilities necessary to carry out
28 the provisions hereof; and may issue, sell, and redeem bonds, and
29 deposit and expend them; secure and remit financial and other
30 assistance in the construction thereof; carry insurance thereon; and
31 handle any other matters pertaining thereto, all of which shall be
32 conducted in the same manner and under the same procedure as provided
33 for the establishing, constructing, operating, and maintaining of toll
34 bridges by the department, insofar as reasonably consistent and
35 applicable. No toll facility, toll bridge, toll road, or toll tunnel,
36 shall be combined with any other toll facility for the purpose of

1 financing unless such facilities form a continuous project, to the end
2 that each such facility or project be self-liquidating and self-
3 sustaining.

4 **Sec. 47.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
5 read as follows:

6 Upon approval of a majority of the voters within its boundaries
7 voting on the ballot proposition, and only for the purposes authorized
8 in RCW 36.120.050(1)((+f+)) (g), a regional transportation investment
9 district may impose vehicle tolls on state routes where improvements
10 financed in whole or in part by a regional transportation investment
11 district add additional lanes to, or reconstruct lanes on, a highway of
12 statewide significance. The department shall administer the collection
13 of vehicle tolls on designated facilities unless otherwise specified in
14 law, and ~~((the state transportation commission, or its successor,))~~
15 shall be the tolling authority.

16 **Sec. 48.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended
17 to read as follows:

18 Whenever in the judgment of the ~~((transportation commission))~~
19 department it is considered in the best interest of the public highways
20 of the state that any new toll bridge or bridges be constructed upon
21 any public highway and across any stream, body of water, gulch,
22 navigable water, swamp, or other topographical formation and operated
23 by the state the ~~((commission))~~ department shall adopt a resolution
24 declaring that public interest and necessity require the construction
25 of such toll bridge or bridges and authorizing the issuance of revenue
26 bonds for the purpose of obtaining funds in an amount not in excess of
27 that estimated to be required for such construction. The issuance of
28 bonds as provided in this chapter for the construction of more than one
29 toll bridge may at the discretion of the ~~((commission))~~ department be
30 included in the same authority and issue of bonds.

31 **Sec. 49.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read
32 as follows:

33 Before the department proceeds with any action to secure a right of
34 way or with construction of any toll bridge under the provisions of
35 this chapter, the ~~((commission))~~ department shall first pass a

1 resolution that public interest and necessity require the acquisition
2 of right of way for and the construction of the toll bridge. The
3 resolution is conclusive evidence (1) of the public necessity of such
4 construction; (2) that the property is necessary therefor; and (3) that
5 the proposed construction is planned or located in a manner which will
6 be most compatible with the greatest public good and the least private
7 injury. When it becomes necessary for the department to condemn any
8 real estate to be used in connection with any such bridge, the attorney
9 general of the state shall represent the department. In eminent domain
10 proceedings to acquire property for any of the purposes of this
11 chapter, any toll bridge, real property, personal property, franchises,
12 rights, easements, or other property or privileges appurtenant thereto
13 appropriated or dedicated to a public use or purpose by any person,
14 firm, private, public, or municipal corporation, county, city, town,
15 district, or any political subdivision of the state, may be condemned
16 and taken, and the acquisition and use as provided in this chapter for
17 the same public use or purpose to which the property has been so
18 appropriated or dedicated, or for any other public use or purpose, is
19 a superior and permanent right and necessity, and a more necessary use
20 and purpose than the public use or purpose to which the property has
21 already been appropriated or dedicated. It is not necessary in any
22 eminent domain proceedings under this chapter to plead or prove any
23 acts or proceedings preliminary or prior to the adoption of the
24 resolution hereinbefore referred to describing the property sought to
25 be taken and directing such proceedings.

26 **Sec. 50.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended
27 to read as follows:

28 ((In the event that)) if the ((~~transportation commission should~~))
29 department determines that any toll bridge should be constructed, all
30 cost thereof including right of way, survey, and engineering shall be
31 paid out of any funds available for payment of the cost of such toll
32 bridge under this chapter.

33 **Sec. 51.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended
34 to read as follows:

35 Whenever a proposed toll bridge, toll road, toll tunnel, or any
36 other toll facility of any sort is to be constructed, any city, county,

1 or other political subdivision located in relation to such facility so
2 as to benefit directly or indirectly thereby, may, either jointly or
3 separately, at the request of the (~~transportation commission~~)
4 department advance or contribute money, or bonds, rights of way, labor,
5 materials, and other property toward the expense of building the toll
6 facility, and for preliminary surveys and the preparation of plans and
7 estimates of cost therefor and other preliminary expenses. Any such
8 city, county, or other political subdivision may, either jointly or
9 separately, at the request of the (~~transportation commission~~)
10 department advance or contribute money or bonds for the purpose of
11 guaranteeing the payment of interest or principal on the bonds issued
12 by the (~~commission~~) department to finance the toll facility.
13 Appropriations for such purposes may be made from any funds available,
14 including county road funds received from or credited by the state, or
15 funds obtained by excess tax levies made pursuant to law or the
16 issuance of general obligation bonds for this purpose. General
17 obligation bonds issued by a city, county, or political subdivision may
18 (~~with the consent of the commission~~) be placed with the department of
19 transportation to be sold by the department to provide funds for such
20 purpose. Money, or bonds, or property so advanced or contributed may
21 be immediately transferred or delivered to the department to be used
22 for the purpose for which contribution was made. The (~~commission~~)
23 department may enter into an agreement with a city, county, or other
24 political subdivision to repay any money, or bonds or the value of a
25 right of way, labor, materials, or other property so advanced or
26 contributed. The (~~commission~~) department may make such repayment to
27 a city, county, or other political subdivision and reimburse the state
28 for any expenditures made by it in connection with the toll facility
29 out of tolls and other revenues for the use of the toll facility.

30 **Sec. 52.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to read
31 as follows:

32 The governor is authorized to take such actions as may be necessary
33 to insure the continued operation of the Puget Sound ferry and toll
34 bridge system under any emergency circumstances which threaten the
35 continued operation of the system. In the event of such an emergency,
36 the governor may assume all the powers granted by law to the
37 (~~transportation commission and~~) department of transportation with

1 respect to the ferry system. In addition, notwithstanding the
2 provisions of chapters 47.60 and 47.64 RCW, the governor may contract
3 with any qualified persons for the operation of the Washington state
4 ferry system, or any part thereof, or for ferry service to be provided
5 by privately owned vessels. Administrative costs to the office of the
6 governor incurred in the exercise of this authority shall be reimbursed
7 by the department.

8 **Sec. 53.** RCW 47.60.150 and 2003 c 374 s 3 are each amended to read
9 as follows:

10 Subject to the provisions of RCW 47.60.326, the schedule of charges
11 for the services and facilities of the system shall be fixed and
12 revised from time to time by the ((~~commission~~)) department so that the
13 tolls and other revenues deposited in the Puget Sound ferry operations
14 account for maintenance and operation, and all moneys in the Puget
15 Sound capital construction account available for debt service will
16 yield annual revenue and income sufficient, after allowance for all
17 operating, maintenance, and repair expenses to pay the interest and
18 principal and sinking fund charges for all outstanding revenue bonds,
19 and to create and maintain a fund for ordinary renewals and
20 replacements: PROVIDED, That if provision is made by any resolution
21 for the issuance of revenue bonds for the creation and maintenance of
22 a special fund for rehabilitating, rebuilding, enlarging, or improving
23 all or any part of the ferry system then such schedule of tolls and
24 rates of charges shall be fixed and revised so that the revenue and
25 income will also be sufficient to comply with such provision.

26 All income and revenues as collected by the ferry system from any
27 source shall be paid to the state treasurer for the account of the
28 department and deposited into the Puget Sound ferry operations account.
29 Nothing in this section requires tolls on the Hood Canal bridge except
30 as may be required by any bond covenants.

31 **Sec. 54.** RCW 47.60.326 and 2003 c 374 s 4 are each amended to read
32 as follows:

33 (1) In order to maintain an adequate, fair, and economically sound
34 schedule of charges for the transportation of passengers, vehicles, and
35 commodities on the Washington state ferries, the department of
36 transportation each year shall conduct a full review of such charges.

1 (2) Prior to February 1st of each odd-numbered year the department
2 shall (~~transmit to the transportation commission~~) make public a
3 report of its review together with its recommendations for the revision
4 of a schedule of charges for the ensuing biennium. The (~~commission~~)
5 department on or before July 1st of that year shall adopt as a rule, in
6 the manner provided by the Washington administrative procedure act, a
7 schedule of charges for the Washington state ferries for the ensuing
8 biennium commencing July 1st. The schedule may initially be adopted as
9 an emergency rule if necessary to take effect on, or as near as
10 possible to, July 1st.

11 (3) The department in making its review (~~and~~), formulating
12 recommendations, and (~~the commission in~~) adopting a schedule of
13 charges may consider any of the following factors:

14 (a) The amount of subsidy available to the ferry system for
15 maintenance and operation;

16 (b) The time and distance of ferry runs;

17 (c) The maintenance and operation costs for ferry runs with a
18 proper adjustment for higher costs of operating outmoded or less
19 efficient equipment;

20 (d) The efficient distribution of traffic between cross-sound
21 routes;

22 (e) The desirability of reasonable commutation rates for persons
23 using the ferry system to commute daily to work;

24 (f) The effect of proposed fares in increasing walk-on and
25 vehicular passenger use;

26 (g) The effect of proposed fares in promoting all types of ferry
27 use during nonpeak periods;

28 (h) The estimated revenues that are projected to be earned by the
29 ferry system from commercial advertisements, parking, contracts,
30 leases, and other sources;

31 (i) Such other factors as prudent managers of a major ferry system
32 would consider.

33 (4) If at any time during the biennium it appears that projected
34 revenues from the Puget Sound ferry operations account and any other
35 operating subsidy available to the Washington state ferries will be
36 less than the projected total cost of maintenance and operation of the
37 Washington state ferries for the biennium, the department shall
38 forthwith undertake a review of its schedule of charges to ascertain

1 whether or not the schedule of charges should be revised. The
2 department shall, upon completion of its review report, (~~submit~~) make
3 public its recommendation (~~to the transportation commission which~~),
4 and may in its sound discretion revise the schedule of charges as
5 required to meet necessary maintenance and operation expenditures of
6 the ferry system for the biennium or may defer action until the regular
7 annual review and revision of ferry charges as provided in subsection
8 (2) of this section.

9 (5) The provisions of RCW 47.60.330 relating to public
10 participation shall apply to the process of revising ferry tolls under
11 this section.

12 (6) Under RCW 43.135.055, the (~~transportation commission~~)
13 department may increase ferry tolls included in the schedule of charges
14 adopted under this section by a percentage that exceeds the fiscal
15 growth factor.

16 (7) Notwithstanding the provisions of this section and chapter
17 81.28 RCW, and using sound business judgment, the chief executive
18 officer of the ferry system may authorize the use of promotional,
19 discounted, and special event fares to the general public and
20 commercial enterprises for the purpose of maximizing capacity use and
21 the revenues collected by the ferry system. The department shall
22 report to the transportation commission a summary of the promotional,
23 discounted, and special event fares offered during each fiscal year and
24 the financial results from these activities.

25 **Sec. 55.** RCW 47.60.330 and 2003 c 374 s 5 are each amended to read
26 as follows:

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

1 all exempt revenues (~~to the transportation commission~~) each fiscal
2 year.

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

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

23 **Sec. 56.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to
24 read as follows:

25 Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the
26 (~~transportation commission~~) department shall not collect tolls on the
27 Hood Canal bridge for any purpose except where necessary to comply with
28 bond covenants.

29 The cost of maintenance, upkeep, and repair may be paid from funds
30 appropriated for the construction and maintenance of the primary state
31 highways of the state of Washington.

32 **Sec. 57.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read
33 as follows:

34 In order to provide funds necessary for vessel and terminal
35 acquisition, construction, and major and minor improvements, including
36 long lead time materials acquisition for the Washington state ferries,

1 there shall be issued and sold upon the request of the ((Washington
2 state)) department of transportation ((~~commission~~)) and legislative
3 appropriation a total of two hundred ten million dollars of general
4 obligation bonds of the state of Washington.

5 **Sec. 58.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
6 as follows:

7 As used in this chapter, unless the context otherwise requires, the
8 definitions in this section shall apply.

9 (1) "Arbitration" means the procedure whereby the parties involved
10 in an impasse submit their differences to a third party for a final and
11 binding decision or as provided in this chapter.

12 (2) "Arbitrator" means either a single arbitrator or a panel of
13 three arbitrators as provided in RCW 47.64.240.

14 (3) "Collective bargaining representative" means the persons
15 designated by the secretary of transportation and employee
16 organizations to be the exclusive representatives during collective
17 bargaining negotiations.

18 (4) "Department of transportation" means the department as defined
19 in RCW 47.01.021.

20 (5) "Ferry employee" means any employee of the marine
21 transportation division of the department of transportation who is a
22 member of a collective bargaining unit represented by a ferry employee
23 organization and does not include an exempt employee pursuant to RCW
24 41.06.079.

25 (6) "Ferry employee organization" means any labor organization
26 recognized to represent a collective bargaining unit of ferry
27 employees.

28 (7) "Ferry system management" means those management personnel of
29 the marine transportation division of the department of transportation
30 who have been vested with the day-to-day management responsibilities of
31 the Washington state ferry system by the ((~~transportation commission~~))
32 department and who are not members of a collective bargaining unit
33 represented by a ferry employee organization.

34 (8) "Lockout" means the refusal of ferry system management to
35 furnish work to ferry employees in an effort to get ferry employee
36 organizations to make concessions during collective bargaining,
37 grievance, or other labor relation negotiations. Curtailment of

1 employment of ferry employees due to lack of work resulting from a
2 strike or work stoppage, as defined in subsection (11) of this section,
3 shall not be considered a lockout.

4 (9) "Marine employees' commission" means the commission created in
5 RCW 47.64.280.

6 (10) "Office of financial management" means the office as created
7 in RCW 43.41.050.

8 (11) "Strike or work stoppage" means a ferry employee's refusal, in
9 concerted action with others, to report to duty, or his or her willful
10 absence from his or her position, or his or her stoppage or slowdown of
11 work, or his or her abstinence in whole or in part from the full,
12 faithful, and proper performance of the duties of employment, for the
13 purpose of inducing, influencing, or coercing a change in conditions,
14 compensation, rights, privileges, or obligations of his, her, or any
15 other ferry employee's employment. A refusal, in good faith, to work
16 under conditions which pose an endangerment to the health and safety of
17 ferry employees or the public, as determined by the master of the
18 vessel, shall not be considered a strike for the purposes of this
19 chapter.

20 (12) "Transportation commission" means the commission as defined in
21 RCW 47.01.021.

22 **Sec. 59.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
23 as follows:

24 (1) Any ferry employee organization certified as the bargaining
25 representative shall be the exclusive representative of all ferry
26 employees in the bargaining unit and shall represent all such employees
27 fairly.

28 (2) A ferry employee organization or organizations and the
29 secretary of transportation may each designate any individual as its
30 representative to engage in collective bargaining negotiations.

31 (3) Negotiating sessions, including strategy meetings of ferry
32 system management or employee organizations, mediation, and the
33 deliberative process of arbitrators are exempt from the provisions of
34 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
35 the public by mutual consent of the parties. Any meeting of the
36 (~~transportation commission~~) department, during which a collective

1 bargaining agreement is subject to ratification, shall be open to the
2 public.

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

6 (5) Ferry system employees or any employee organization shall not
7 negotiate or attempt to negotiate directly with (~~(a member of the~~
8 ~~transportation commission)) department personnel if the (~~commission~~)
9 department has appointed or authorized a bargaining representative for
10 the purpose of bargaining with the ferry employees or their
11 representative, unless the (~~member of the commission~~) department
12 personnel is the designated bargaining representative of the ferry
13 system.~~

14 (6) The negotiation of a proposed collective bargaining agreement
15 by representatives of ferry system management and a ferry employee
16 organization shall commence in each odd-numbered year immediately
17 following adoption by the legislature and approval by the governor of
18 the biennial budget.

19 (7) Until a new collective bargaining agreement is negotiated, or
20 until an award is made by the arbitrator, the terms and conditions of
21 the previous collective bargaining agreement shall remain in force.
22 The wage and benefit provisions of any collective bargaining agreement,
23 or arbitrator's award in lieu thereof, that is concluded after July 1st
24 of an odd-numbered year shall be retroactive to July 1st. It is the
25 intent of this section that the collective bargaining agreement or
26 arbitrator's award shall commence on July 1st of each odd-numbered year
27 and shall terminate on June 30th of the next odd-numbered year to
28 coincide with the ensuing biennial budget year, as defined by RCW
29 43.88.020(7), to the extent practical.

30 (8) Any ferry union contract terminating before July 1, 1983,
31 shall, with the agreement of the parties, remain in effect until a
32 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
33 through 47.64.280. The contract may be retroactive to the expiration
34 date of the prior contract, and the cost to the department of three
35 months retroactive compensation and benefits for this 1983 contract
36 negotiation only shall not be included in calculating the limitation
37 imposed by RCW 47.64.180. If the parties cannot agree to contract

1 extension, any increase agreed to for the three-month period shall be
2 included in calculating the limit imposed by RCW 47.64.180.

3 (9) Any ferry union contract which would terminate after July 1,
4 1983, may, by agreement of the parties, be terminated as of July 1,
5 1983, and a new contract concluded pursuant to RCW 47.64.006,
6 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
7 after July 1, 1983, is subject to this chapter only upon its expiration
8 and shall not be renewed for a period beyond July 1, 1985.

9 **PART III**

10 **ENHANCED POWERS OF THE TRANSPORTATION COMMISSION**

11 NEW SECTION. **Sec. 60.** A new section is added to chapter 47.01 RCW
12 to read as follows:

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

22 (2) Every two years, in coordination with the development of the
23 state biennial budget, the commission shall prepare the statewide
24 multimodal transportation progress report that outlines the
25 transportation priorities of the ensuing biennium. The report must:

26 (a) Consider the citizen input gathered at the forums;

27 (b) Be developed with the assistance of state transportation-
28 related agencies and organizations;

29 (c) Be developed with the input from state, local, and regional
30 jurisdictions, transportation service providers, and key transportation
31 stakeholders;

32 (d) Be used by the secretary of transportation and other state
33 transportation-related agencies in preparing proposed agency budgets
34 and executive request legislation;

35 (e) Be submitted by the commission to the governor by October 1st
36 of each even-numbered year for adoption by the governor.

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

4 (4) In order to promote a better transportation system, the
5 commission shall offer policy guidance and make recommendations in key
6 issue areas, including but not limited to:

7 (a) Transportation finance;

8 (b) Preserving, maintaining, and operating the statewide
9 transportation system;

10 (c) Transportation infrastructure needs;

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

13 (e) Transportation efficiencies that will improve service delivery
14 and/or coordination;

15 (f) Improved planning and coordination among transportation
16 agencies and providers; and

17 (g) Use of intelligent transportation systems and other
18 technology-based solutions.

19 **Sec. 61.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
20 as follows:

21 It is the intent of the legislature to establish policy goals for
22 the operation, performance of, and investment in, the state's
23 transportation system. The policy goals shall consist of, but not be
24 limited to, the following benchmark categories, adopted by the state's
25 Blue Ribbon Commission on Transportation on November 30, 2000. In
26 addition to improving safety, public investments in transportation
27 shall support achievement of these and other priority goals:

28 No interstate highways, state routes, and local arterials shall be
29 in poor condition; no bridges shall be structurally deficient, and
30 safety retrofits shall be performed on those state bridges at the
31 highest seismic risk levels; traffic congestion on urban state highways
32 shall be significantly reduced and be no worse than the national mean;
33 delay per driver shall be significantly reduced and no worse than the
34 national mean; per capita vehicle miles traveled shall be maintained at
35 2000 levels; the nonauto share of commuter trips shall be increased in
36 urban areas; administrative costs as a percentage of transportation
37 spending shall achieve the most efficient quartile nationally; and the

1 state's public transit agencies shall achieve the median cost per
2 vehicle revenue hour of peer transit agencies, adjusting for the
3 regional cost-of-living.

4 These policy goals shall be the basis for establishment of detailed
5 and measurable performance benchmarks.

6 It is the intent of the legislature that the transportation
7 commission establish performance measures to ensure transportation
8 system performance at local, regional, and state government levels, and
9 the transportation commission should work with appropriate government
10 entities to accomplish this.

11 The transportation commission shall collaborate with state and
12 local transportation-related agencies, boards, and commissions to
13 develop or refine performance goals for the multimodal transportation
14 system in the state of Washington. The commission shall work with the
15 legislative transportation committee and the transportation performance
16 audit board to provide information necessary for those agencies to
17 carry out their transportation performance review and audit
18 responsibilities.

19 **Sec. 62.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
20 as follows:

21 The transportation commission (~~(shall have)~~) has the following
22 functions, powers, and duties:

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

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

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

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

4 (c) Propose a transportation policy for the state, and after notice
5 and public hearings, submit the proposal to (~~the legislative~~
6 ~~transportation committee and~~) the senate and house transportation
7 committees (~~by January 1, 1978,~~) for consideration in the next
8 legislative session;

9 (d) Establish a procedure for review and revision of the state
10 transportation policy and for submission of proposed changes to the
11 legislature;

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

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

17 (a) To provide for the effective coordination of state
18 transportation planning with national transportation policy, state and
19 local land use policies, and local and regional transportation plans
20 and programs;

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

25 (~~(c) To provide for the administration of grants in aid and other~~
26 ~~financial assistance to counties and municipal corporations for~~
27 ~~transportation purposes;~~

28 (~~(d) To provide for the management, sale, and lease of property or~~
29 ~~property rights owned by the department which are not required for~~
30 ~~transportation purposes;~~)

31 (3) To direct the secretary to prepare and submit to the commission
32 a comprehensive and balanced statewide transportation plan which shall
33 be based on the transportation policy adopted by the legislature and
34 applicable state and federal laws. After public notice and hearings,
35 the commission shall revise and adopt the plan and submit it to (~~the~~
36 ~~legislative transportation committee and to~~) the house and senate
37 standing committees on transportation before January 1, 1980, for
38 consideration in the 1980 regular legislative session. The plan shall

1 be reviewed and revised prior to each regular session of the
2 legislature during an even- numbered year thereafter. A preliminary
3 plan shall be submitted to such committees by January 1, 1979.

4 The plan shall take into account federal law and regulations
5 relating to the planning, construction, and operation of transportation
6 facilities;

7 (4) To propose to the governor and the legislature prior to the
8 convening of each regular session held in an odd-numbered year a
9 recommended budget for the operations of the commission (~~as required~~
10 ~~by RCW 47.01.061~~));

11 ~~((To approve and propose to the governor and to the legislature~~
12 ~~prior to the convening of each regular session during an odd-numbered~~
13 ~~year a recommended budget for the operation of the department and for~~
14 ~~carrying out the program of the department for the ensuing biennium.~~
15 ~~The proposed budget shall separately state the appropriations to be~~
16 ~~made from the motor vehicle fund for highway purposes in accordance~~
17 ~~with constitutional limitations and appropriations and expenditures to~~
18 ~~be made from the general fund, or accounts thereof, and other available~~
19 ~~sources for other operations and programs of the department;~~

20 ~~(6) To review and authorize all departmental requests for~~
21 ~~legislation;~~

22 ~~(7) To approve the issuance and sale of all bonds authorized by the~~
23 ~~legislature for capital construction of state highways, toll~~
24 ~~facilities, Columbia Basin county roads (for which reimbursement to the~~
25 ~~motor vehicle fund has been provided), urban arterial projects, and~~
26 ~~aviation facilities;~~

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

30 ~~((9))~~ (6) To delegate any of its powers to the secretary of
31 transportation whenever it deems it desirable for the efficient
32 administration of the department and consistent with the purposes of
33 this title;

34 ~~((10))~~ (7) To exercise such other specific powers and duties as
35 may be vested in the transportation commission by this or any other
36 provision of law.

1 **Sec. 63.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to read
2 as follows:

3 The commission shall develop a state transportation policy plan
4 that (1) establishes a vision (~~(and)~~), goals, outcomes, objectives, and
5 performance measures for the development of the statewide
6 transportation system consistent with the state's growth management
7 goals, (2) identifies significant statewide transportation policy
8 issues, and (3) recommends statewide transportation policies and
9 strategies to the legislature and the governor to fulfill the
10 requirements of RCW 47.01.071(1). The state transportation policy plan
11 shall be the product of an ongoing process that involves
12 representatives of significant transportation interests and the general
13 public from across the state. The plan shall address how the
14 department of transportation will meet the transportation needs and
15 expedite the completion of industrial projects of statewide
16 significance.

17 NEW SECTION. **Sec. 64.** Part headings used in this act are not part
18 of the law.

19 NEW SECTION. **Sec. 65.** Sections 2 and 3 of this act take effect
20 July 1, 2004. The remainder of this act takes effect July 1, 2005.

--- END ---