S-4685.4

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**SUBSTITUTE SENATE BILL 5975**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Liias, Randall, Carlyle, Cleveland, Das, Dhingra, Hunt, Kuderer, Lovelett, Lovick, Mullet, Nguyen, Nobles, Rolfes, Salomon, Trudeau, Wellman, and C. Wilson)

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) An additive omnibus transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2023.

(2) Except as provided otherwise in this act, it is the intent of the legislature that the funding levels specified in LEAP Transportation Document 2022-A as developed February 20, 2022, represents a commitment to provide climate commitment act-related appropriations to the agencies, programs, and activities at the amounts identified therein through fiscal year 2038.

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

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

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

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

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

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

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

**2021-2023 FISCAL BIENNIUM**

**TRANSPORTATION AGENCIES—OPERATING**

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

Climate Transit Programs Account—State Appropriation $54,260,000

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

(1) Except as otherwise provided in this section, $4,680,000 of the climate transit programs account—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2022 NL-3 as developed February 20, 2022. From the LEAP Transportation Document 2022 NL-3 as developed February 20, 2022, the department shall submit a ranked project list in three tiers to the transportation committees of the legislature and the office of financial management by December 1, 2022, based on community impacts of projects relating to the following minimum criteria:

(a) Direct benefit to overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(b) Direct benefit to vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities; low-income populations; populations disproportionately impacted by environmental harms; and populations of workers experiencing environmental harms;

(c) Proportion of local household incomes at or below 200 percent of the federal poverty level;

(d) Proportion of population with disabilities;

(e) Burden of environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to tribal lands or locations providing essential services to tribal members.

(2) $14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants.

(3) $29,750,000 of the climate transit programs account—state appropriation is provided solely for transit support grants.

(4) $4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(5) $1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

**TRANSPORTATION AGENCIES—CAPITAL**

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

Climate Active Transportation Account—State

Appropriation $3,000,000

The appropriations in this section are subject to the following conditions and limitations: The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Carbon Emissions Reduction Account—State

Appropriation $50,000,000

The appropriation in this section is subject to the following conditions and limitations: $50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for pending federal grant opportunities. These funds are to remain in unallotted status and are available only upon receipt of federal funds.

NEW SECTION. **Sec.**  **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Climate Active Transportation Account—State

Appropriation $19,360,000

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

(1) Except as otherwise provided in this section, $6,890,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects as listed in LEAP Transportation Document 2022 NL-2 as developed February 20, 2022. From the LEAP Transportation Document 2022 NL-2 as developed February 20, 2022, the department shall submit a ranked project list in three tiers to the transportation committees of the legislature and the office of financial management by December 1, 2022, based on community impacts of projects relating to the following minimum criteria:

(a) Direct benefit to overburdened communities as defined in RCW 70A.02.010 to mean a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020;

(b) Direct benefit to vulnerable populations as defined in RCW 70A.02.010 to mean population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: Racial or ethnic minorities; low-income populations; populations disproportionately impacted by environmental harms; and populations of workers experiencing environmental harms;

(c) Proportion of local household incomes at or below 200 percent of the federal poverty level;

(d) Proportion of population with disabilities;

(e) Burden of environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to tribal lands or locations providing essential services to tribal members.

(2) $6,830,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(3) $5,640,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(4)(a) It is the intent of the legislature, over the first 5 years of the move ahead WA program, that $50,000,000 will be provided to the Seattle department of transportation (SDOT) to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that put safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to ten percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

(5) It is the intent of the legislature that $14,000,000 will be provided for the Guemes Ferry Boat Replacement Project (L4000124).

**TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. **Sec.**  **FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1)(a) Multimodal Transportation Account—State Appropriation:

For transfer to the Carbon Emissions Reduction

Account—State $127,000,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of ensuring a positive account balance for the remainder of the 2021-2023 biennium. An equivalent reimbursing transfer is to occur in 2023-2025.

(2) Carbon Emissions Reduction Account—State Appropriation:

For transfer to the Climate Active Transportation

Account—State $22,360,000

(3) Carbon Emissions Reduction Account—State Appropriation:

For transfer to the Climate Transit Programs

Account—State $54,260,000

(4)(a) Carbon Emissions Reduction Account—State Appropriation:

For transfer to the Puget Sound Ferry Operations

Account—State $600,000

(b) The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

**MISCELLANEOUS**

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

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**