

**Chapter 47.06A RCW
FREIGHT MOBILITY**

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RCW 47.06A.001 Findings. The legislature finds that:

(1) Washington state is uniquely positioned as a gateway to the global economy. As the most trade-dependent state in the nation, per capita, Washington's economy is highly dependent on an efficient multimodal transportation network in order to remain competitive.

(2) The vitality of the state's economy is placed at risk by growing traffic congestion that impedes the safe and efficient movement of goods. The absence of a comprehensive and coordinated state policy that facilitates freight movements to local, national, and international markets limits trade opportunities.

(3) Freight corridors that serve international and domestic interstate and intrastate trade, and those freight corridors that enhance the state's competitive position through regional and global gateways are strategically important. In many instances, movement of freight on these corridors is diminished by: Barriers that block or delay access to intermodal facilities where freight is transferred from one mode of transport to another; conflicts between rail and road traffic; constraints on rail capacity; highway capacity constraints, congestion, and condition; waterway system depths that affect capacity; and institutional, regulatory, and operational barriers.

(4) The negative impacts of freight transportation do not fall equally on all residents of Washington, and historically the negative impacts have been concentrated or felt most acutely within overburdened communities. Overburdened communities and vulnerable populations tend to be disproportionately located next to industrial areas and freight facilities such as ports, rail yards, highways, and truck stops. As such, the incidence of many health conditions, traffic accidents involving nondrivers, and highways dividing communities are among the highest in these communities. Freight mobility improvement efforts must prevent or minimize community impacts in areas of high freight movements and must encourage the active participation of communities in the early stages of proposed public and private infrastructure investments.

(5) Greenhouse gas emissions from freight transportation contribute to global climate change. In keeping with RCW 70A.45.020, freight mobility efforts must facilitate a transition to zero-emissions technology and proposed public and private infrastructure investments must align with this transition. Projects that invest in zero-emissions vehicle refueling and transportation patterns and zero-emissions freight movement corridors should be included within the investment program.

(6) Ownership of the freight mobility network is fragmented and spread across various public jurisdictions, private companies, and state and national borders. Transportation projects have grown in

complexity and size, requiring more resources and longer implementation time frames. Currently, there is no comprehensive and integrated framework for planning the freight mobility needs of public and private stakeholders in the freight transportation system. A coordinated planning process should identify new infrastructure investments that are integrated by public and private planning bodies into a multimodal and multijurisdictional network in all areas of the state, urban and rural, east and west. The state should integrate freight mobility goals with state policy on related issues such as economic development, growth management, and environmental management.

(7) State investment in projects that enhance or mitigate freight movements, should pay special attention to solutions that utilize a corridor solution to address freight mobility issues with important transportation and economic impacts beyond any local area. The corridor approach builds partnerships and fosters coordinated planning among jurisdictions and the public and private sectors.

(8) It is the policy of the state of Washington that limited public transportation funding and competition between freight and general mobility improvements for the same fund sources require strategic, prioritized freight investments that reduce barriers to freight movement, maximize cost-effectiveness, yield a return on the state's investment, require complementary investments by public and private interests, and solve regional freight mobility problems. State financial assistance for freight mobility projects must leverage other funds from all potential partners and sources, including federal, county, city, port district, and private capital. [2023 c 167 § 2; 1998 c 175 § 1.]

RCW 47.06A.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the freight mobility strategic investment board created in RCW 47.06A.030.

(2) "Department" means the department of transportation.

(3) "Freight mobility" means the safe, reliable, and efficient movement of goods within and through the state to ensure the state's economic vitality.

(4) "Indian tribe" has the same meaning as provided in RCW 43.376.010.

(5) "Local governments" means cities, towns, counties, special purpose districts, port districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts.

(6) "Overburdened community" has the same meaning as provided in RCW 70A.02.010.

(7) "Public entity" means a state agency, city, town, county, port district, or municipal or regional planning organization.

(8) "Strategic freight corridor" means a transportation corridor of great economic importance within an integrated freight system that:

(a) Serves international and domestic interstate and intrastate trade;

(b) Enhances the state's competitive position through regional and global gateways;

(c) Carries freight tonnages of at least:

(i) Four million gross tons annually on state highways, city streets, and county roads;

(ii) Five million gross tons annually on railroads; or
(iii) Two and one-half million net tons on waterways; and
(d) Has been designated a strategic corridor by the board under RCW 47.06A.020(4). However, new alignments to, realignments of, and new links to strategic corridors that enhance freight movement may qualify, even though no tonnage data exists for facilities to be built in the future. [2023 c 167 § 1; 1998 c 175 § 2.]

RCW 47.06A.020 Board—Purpose—Duties. (1) The purpose of the board is to:

(a) Provide strategic guidance to the governor and the legislature regarding the highest priority freight mobility needs in the state;

(b) Identify and recommend a program of high-priority strategic freight mobility investments;

(c) Encourage policies that support a competitive, resilient, sustainable, and equitable freight system; and

(d) Serve as a forum for discussion of state transportation decisions affecting freight mobility.

(2) The board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;

(b) After seeking input from local governments, transportation planning organizations, other public entities, and Indian tribes[,] recommend a six-year investment program of the highest priority freight mobility projects for the state across freight modes, jurisdictions, and the regions of the state;

(c) Ensure that the program provides statewide inclusion and maximum federal funding options, projects recommended as a part of the six-year investment program that intend to leverage federal funds must be developed consistent with planning requirements for inclusion in the federally recognized state freight plan;

(d) Monitor the implementation of projects included in the six-year investment program on an ongoing basis;

(e) Identify critical emerging freight mobility issues not yet addressed by investments considered for inclusion in the six-year investment program of the highest priority freight mobility investments required in (a) of this subsection; and

(f) Submit an initial full report meeting the requirements of this subsection to the governor and the transportation committees of the legislature by December 1, 2024. Updated reports may be submitted annually to the transportation committees of the legislature and governor by December 1st of each year; however, a full update must be provided every two years.

(3) The board may:

(a) Provide technical assistance to project sponsors;

(b) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(c) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(d) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter;

(e) Evaluate and recommend for state sponsorship priority projects eligible for federal grant funding under the nationally

significant multimodal freight and highway projects program, also known as the infrastructure for rebuilding America program, established in 23 U.S.C. Sec. 117 and the railroad crossing elimination program established in 49 U.S.C. Sec. 22909; and

(f) For critical emerging freight issues identified under subsection (2)(e) of this section, proactively work with potential project sponsors, impacted communities, and other interested parties to facilitate project development to address these critical issues.

(4) The board shall:

(a) Designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways;

(b) Coordinate with the department of transportation throughout the process of its periodic update of the state's freight mobility plan and review and provide feedback on the plan;

(c) For the purposes of developing the six-year program of highest priority freight mobility investments, utilize threshold project eligibility criteria that, at a minimum, includes the following:

(i) The project must be on a strategic freight corridor;

(ii) The project sponsor must demonstrate a plan for:

(A) Sufficient engagement with overburdened communities impacted by the project; and

(B) The evaluation of project alternatives and mitigation measures addressing the impacts on these communities to the greatest extent possible;

(d) Adopt other evaluation criteria for the six-year program of highest priority freight mobility investments to include, but not be limited to, benefits to the state's freight system, how much funding has already been secured for a project, project readiness for construction, and the regional distribution of projects;

(e) For the six-year investment program, solicit from public entities proposed projects that meet threshold criteria established in accordance with this subsection. The procedures for collecting and validating project information must rely on information project sponsors have already developed to the greatest extent possible; and

(f) Develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours. [2023 c 167 § 3; 2013 c 104 § 1; 2005 c 319 § 125; 1999 c 216 § 1; 1998 c 175 § 3.]

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

RCW 47.06A.030 Board—Creation—Membership. (1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of 17 members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a

strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation or the secretary's designee; (h) one member representing the steamship industry; (i) one member representing the package delivery industry; (j) one labor member representing the freight sector; (k) one member representing the heavy highway construction industry; (l) one member representing environmental protection interests; (m) one member representing the interests of overburdened communities; and (n) one member of the general public. In appointing the general public member, the governor shall endeavor to appoint a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board shall be reimbursed for reasonable and customary travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation. [2023 c 167 § 5; 1999 c 216 § 2; 1998 c 175 § 4.]

RCW 47.06A.040 Board—Administration and staffing. The board, at its option, may either appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board or make provisions ensuring the responsibilities of the executive director are carried out by an existing transportation-related state agency or by private contract. Staff support to the board shall be provided by the department of transportation, the transportation improvement board, and the county road administration board, or their successor agencies. [1999 c 216 § 3; 1998 c 175 § 5.]

RCW 47.06A.070 Records. The board shall keep proper records and shall be subject to audit by the state auditor. [1998 c 175 § 8.]