
ENGROSSED SUBSTITUTE HOUSE BILL 1122

State of Washington**58th Legislature****2003 Regular Session**

By House Committee on Transportation (originally sponsored by Representatives Morris, Murray, Romero, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, Hunter, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Upthegrove and Ruderman)

READ FIRST TIME 01/31/03.

1 AN ACT Relating to transportation governance; amending RCW
2 43.17.020, 47.01.041, 47.01.071, 36.79.120, 36.79.130, 43.160.074,
3 46.44.080, 46.44.090, 46.44.092, 46.44.096, 46.61.450, 47.01.250,
4 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.10.790,
5 47.10.791, 47.10.801, 47.10.802, 47.10.813, 47.10.819, 47.10.820,
6 47.10.834, 47.10.835, 47.10.843, 47.10.844, 47.12.200, 47.12.220,
7 47.24.010, 47.26.440, 47.28.010, 47.28.170, 47.52.133, 47.52.145,
8 47.52.210, 47.56.745, 47.60.800, 47.64.011, and 47.64.170; reenacting
9 and amending RCW 47.01.101 and 43.160.010; adding new sections to
10 chapter 47.01 RCW; creating new sections; repealing RCW 47.01.051;
11 providing effective dates; and declaring an emergency.

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

13 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
14 streamline governance of the transportation system in order to increase
15 efficiency and accountability to the people it serves. The legislature
16 intends to create a single point of accountability for the performance
17 of the state's transportation system by making the management of the
18 department of transportation directly accountable to the governor. The
19 legislature also desires to further streamline governance structures.

1 A review and analysis of the current duties and responsibilities of the
2 transportation commission must be conducted to determine where these
3 functions are best carried out.

4 NEW SECTION. **Sec. 2.** The legislative transportation committee
5 shall conduct a review and analysis of the statutory duties, roles, and
6 functions of the transportation commission. The committee shall
7 determine which responsibilities are administrative or ministerial in
8 nature and should be transferred to the executive, and which
9 responsibilities are policy-setting in nature and should be transferred
10 to the legislature. The review and analysis must include at least the
11 following authorities: (1) To establish toll facilities; (2) to set
12 tolls and fares; (3) to request bond issuances by the state treasurer;
13 (4) to adopt the twenty-year state transportation policy plan; (5) to
14 conduct public involvement processes; (6) to develop and monitor
15 attainment of benchmarks directed in RCW 47.01.012; (7) to review and
16 approve six-year transit plans and proposed public transportation
17 benefit area plans; (8) to set operational policies for state highways,
18 including access issues and hours of operation for high-occupancy
19 vehicles. By December 15, 2003, the legislative transportation
20 committee shall make recommendations to the house and senate
21 transportation committees for streamlining, consolidating, or
22 eliminating the duties, roles, and functions of the transportation
23 commission. The legislative transportation committee shall consult
24 with affected agencies and other stakeholders in conducting its
25 analysis. The committee may consult with and retain private
26 professional and technical experts as necessary to ensure an
27 independent review and analysis.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01 RCW
29 to read as follows:

30 The following statutory duties are transferred to the secretary of
31 transportation:

32 (1) To provide for the administration of grants in aid and other
33 financial assistance to counties and municipal corporations for
34 transportation purposes;

35 (2) To provide for the management, sale, and lease of property or

1 property rights owned by the department that are not required for
2 transportation purposes;

3 (3) To approve and propose to the governor and to the legislature
4 before the convening of each regular session during an odd-numbered
5 year a recommended budget for the operation of the department and for
6 carrying out the program of the department for the ensuing biennium.
7 The proposed budget must separately state the appropriations to be made
8 from the motor vehicle fund for highway purposes in accordance with
9 constitutional limitations and appropriations and expenditures to be
10 made from the general fund, or accounts thereof, and other available
11 sources for other operations and programs of the department;

12 (4) To review and authorize all departmental requests for
13 legislation;

14 (5) To approve the issuance and sale of all bonds authorized by the
15 legislature for capital construction of state highways, toll
16 facilities, Columbia Basin county roads (for which reimbursement to the
17 motor vehicle fund has been provided), urban arterial projects, and
18 aviation facilities;

19 (6) To adopt such rules and policy directives as may be necessary
20 to carry out reasonably and properly those functions expressly vested
21 in the department by statute.

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

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

34 Such officers, except ~~((the secretary of transportation and))~~ the
35 director of fish and wildlife, shall be appointed by the governor, with
36 the consent of the senate, and hold office at the pleasure of the
37 governor. ~~((The secretary of transportation shall be appointed by the~~

1 ~~transportation commission as prescribed by RCW 47.01.041.)~~ The
2 director of fish and wildlife shall be appointed by the fish and
3 wildlife commission as prescribed by RCW 77.04.055.

4 **Sec. 5.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
5 amended to read as follows:

6 The executive head of the department of transportation shall be the
7 secretary of transportation, who shall be appointed by and serve at the
8 pleasure of the (~~transportation commission~~) governor, and shall be
9 paid a salary to be fixed by the governor in accordance with the
10 provisions of RCW 43.03.040. (~~The secretary shall be an ex officio~~
11 ~~member of the commission without a vote. The secretary shall be the~~
12 ~~chief executive officer of the commission and be responsible to it, and~~
13 ~~shall be guided by policies established by it. The secretary shall~~
14 ~~serve until removed by the commission, but only for incapacity,~~
15 ~~incompetence, neglect of duty, malfeasance in office, or failure to~~
16 ~~carry out the commission's policies. Before a motion for dismissal~~
17 ~~shall be acted on by the commission, the secretary shall be granted a~~
18 ~~hearing on formal written charges before the full commission. An~~
19 ~~action by the commission to remove the secretary shall be final.))~~

20 **Sec. 6.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
21 as follows:

22 The transportation commission shall have the following functions,
23 powers, and duties:

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

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

1 (b) Inventory the adopted policies, goals, and objectives of the
2 local and area-wide governmental bodies of the state and define the
3 role of the state, regional, and local governments in determining
4 transportation policies, in transportation planning, and in
5 implementing the state transportation plan;

6 (c) Propose a transportation policy for the state, and after notice
7 and public hearings, submit the proposal to the legislative
8 transportation committee and the senate and house transportation
9 committees by January ~~((1, 1978))~~ 1st of each even-numbered year, for
10 consideration in the next legislative session;

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

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

17 (2) To establish the policy of the department ~~((to be followed by
18 the secretary))~~ on each of the following items:

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

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

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

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

33 (3) To direct the secretary to prepare and submit to the commission
34 a comprehensive and balanced statewide transportation plan which shall
35 be based on the transportation policy adopted by the legislature and
36 applicable state and federal laws. After public notice and hearings,
37 the commission shall adopt the plan and submit it to the legislative
38 transportation committee and to the house and senate standing

1 committees on transportation (~~(before January 1, 1980, for~~
2 ~~consideration in the 1980 regular legislative session)~~). The plan
3 shall be reviewed and revised prior to each regular session of the
4 legislature during an even-numbered year thereafter. (~~(A preliminary~~
5 ~~plan shall be submitted to such committees by January 1, 1979.)~~)

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

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

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

22 (~~6) To review and authorize all departmental requests for~~
23 ~~legislation;~~

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

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

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

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

1 **Sec. 7.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are
2 each reenacted and amended to read as follows:

3 The secretary shall have the authority and it shall be his or her
4 duty(~~(, subject to policy guidance from the commission)~~):

5 (1) To serve as chief executive officer of the department with full
6 administrative authority to direct all its activities;

7 (2) To organize the department as he or she may deem necessary to
8 carry out the work and responsibilities of the department effectively;

9 (3) To designate and establish such transportation district or
10 branch offices as may be necessary or convenient, and to appoint
11 assistants and delegate any powers, duties, and functions to them or
12 any officer or employee of the department as deemed necessary to
13 administer the department efficiently;

14 (4) To direct and coordinate the programs of the various divisions
15 of the department to assure that they achieve the greatest possible
16 mutual benefit, produce a balanced overall effort, and eliminate
17 unnecessary duplication of activity;

18 (5) To adopt all department rules that are subject to the adoption
19 procedures contained in the state Administrative Procedure Act, except
20 rules subject to adoption by the commission pursuant to statute;

21 (6) To maintain and safeguard the official records of the
22 department, including the commission's recorded resolutions and orders;

23 (7) To provide full staff support to the commission to assist it in
24 carrying out its functions, powers, and duties and to execute the
25 policy established by the commission pursuant to its legislative
26 authority;

27 (8) To execute and implement the biennial operating budget for the
28 operation of the department in accordance with chapter 43.88 RCW and
29 with legislative appropriation and, in such manner as prescribed
30 therein, to make and report to the (~~commission and the~~) chairs of the
31 transportation committees of the senate and house of representatives,
32 including one copy to the staff of each of the committees, deviations
33 from the planned biennial category A and H highway construction
34 programs necessary to adjust to unexpected delays or other
35 unanticipated circumstances.

36 (9) To exercise all other powers and perform all other duties as
37 are now or hereafter provided by law.

1 **Sec. 8.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
2 as follows:

3 Counties receiving funds from the rural arterial trust account for
4 construction of arterials and the construction of replacement bridges
5 funded by the federal bridge replacement program on access roads in
6 rural areas shall provide such matching funds as established by rules
7 recommended by the board, subject to review, revision, and final
8 approval by the ~~((state))~~ secretary of transportation ~~((commission))~~.
9 Matching requirements shall be established after appropriate studies by
10 the board, taking into account financial resources available to
11 counties to meet arterial needs.

12 **Sec. 9.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
13 amended to read as follows:

14 Not later than November 1st of each even-numbered year the board
15 shall prepare and present to the ~~((state))~~ secretary of transportation
16 ~~((commission))~~ a recommended budget for expenditures from the rural
17 arterial trust account during the ensuing biennium. The budget shall
18 contain an estimate of the revenues to be credited to the rural
19 arterial trust account.

20 The ~~((state transportation commission))~~ secretary shall review the
21 budget as recommended, revise the budget as it deems proper, and
22 include the budget as revised as a separate section of the
23 transportation budget ~~((which it shall submit))~~ for submission to the
24 governor pursuant to chapter 43.88 RCW.

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

27 (1) The legislature finds that it is the public policy of the state
28 of Washington to direct financial resources toward the fostering of
29 economic development through the stimulation of investment and job
30 opportunities and the retention of sustainable existing employment for
31 the general welfare of the inhabitants of the state. Reducing
32 unemployment and reducing the time citizens remain jobless is important
33 for the economic welfare of the state. A valuable means of fostering
34 economic development is the construction of public facilities which
35 contribute to the stability and growth of the state's economic base.
36 Strengthening the economic base through issuance of industrial

1 development bonds, whether single or umbrella, further serves to reduce
2 unemployment. Consolidating issues of industrial development bonds
3 when feasible to reduce costs additionally advances the state's purpose
4 to improve economic vitality. Expenditures made for these purposes as
5 authorized in this chapter are declared to be in the public interest,
6 and constitute a proper use of public funds. A community economic
7 revitalization board is needed which shall aid the development of
8 economic opportunities. The general objectives of the board should
9 include:

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

13 (b) Encouraging the diversification of the economies of the state
14 and regions within the state in order to provide greater seasonal and
15 cyclical stability of income and employment;

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

18 (d) Encouraging new economic development or expansions to maximize
19 employment;

20 (e) Encouraging the retention of viable existing firms and
21 employment; and

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

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

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

33 (b) Transportation improvements on state highways that have been
34 approved by the community economic revitalization board must be
35 approved by the secretary of transportation (~~commission~~) in
36 accordance with the procedures established by RCW 43.160.074 and
37 47.01.280 to receive funding.

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

6 (4) The legislature also finds that the state's economic
7 development efforts can be enhanced by providing funds to improve
8 markets for those recyclable materials representing a large fraction of
9 the waste stream. The legislature finds that public facilities which
10 result in private construction of processing or remanufacturing
11 facilities for recyclable materials are eligible for consideration from
12 the board.

13 (5) The legislature finds that sharing economic growth statewide is
14 important to the welfare of the state. Rural counties and rural
15 natural resources impact areas do not share in the economic vitality of
16 the Puget Sound region. The ability of these communities to pursue
17 business and job retention, expansion, and development opportunities
18 depends on their capacity to ready necessary economic development
19 project plans, sites, permits, and infrastructure for private
20 investments. Project-specific planning, predevelopment, and
21 infrastructure are critical ingredients for economic development.
22 Rural counties and rural natural resources impact areas generally lack
23 these necessary tools and resources to diversify and revitalize their
24 economies. It is, therefore, the intent of the legislature to increase
25 the amount of funding available through the community economic
26 revitalization board for rural counties and rural natural resources
27 impact areas, and to authorize flexibility for available resources in
28 these areas to help fund planning, predevelopment, and construction
29 costs of infrastructure and facilities and sites that foster economic
30 vitality and diversification.

31 **Sec. 11.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to
32 read as follows:

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

1 (2) Before board consideration of an application from a political
2 subdivision that includes a request for improvements to an existing
3 state highway or highways, the application shall be forwarded by the
4 board to the secretary of transportation (~~commission~~).

5 (3) The board may not make its final determination on any
6 application made under subsection (1) of this section before receiving
7 approval, as submitted or amended or disapproval from the secretary of
8 transportation (~~commission~~) as specified in RCW 47.01.280.
9 Notwithstanding its disposition of the remainder of any such
10 application, the board may not approve a request for improvements to an
11 existing state highway or highways without the approval as submitted or
12 amended of the secretary of transportation (~~commission as~~) specified
13 in RCW 47.01.280.

14 (4) The board shall notify the secretary of transportation
15 (~~commission~~) of its decision regarding any application made under
16 this section.

17 **Sec. 12.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
18 to read as follows:

19 Local authorities with respect to public highways under their
20 jurisdiction may prohibit the operation thereon of motor trucks or
21 other vehicles or may impose limits as to the weight thereof, or any
22 other restrictions as may be deemed necessary, whenever any such public
23 highway by reason of rain, snow, climatic, or other conditions, will be
24 seriously damaged or destroyed unless the operation of vehicles thereon
25 be prohibited or restricted or the permissible weights thereof reduced:
26 PROVIDED, That whenever a highway has been closed generally to vehicles
27 or specified classes of vehicles, local authorities shall by general
28 rule or by special permit authorize the operation thereon of school
29 buses, emergency vehicles, and motor trucks transporting perishable
30 commodities or commodities necessary for the health and welfare of
31 local residents under such weight and speed restrictions as the local
32 authorities deem necessary to protect the highway from undue damage:
33 PROVIDED FURTHER, That the governing authorities of incorporated cities
34 and towns shall not prohibit the use of any city street designated by
35 the secretary of transportation (~~commission~~) as forming a part of the
36 route of any primary state highway through any such incorporated city
37 or town by vehicles or any class of vehicles or impose any restrictions

1 or reductions in permissible weights unless such restriction,
2 limitation, or prohibition, or reduction in permissible weights be
3 first approved in writing by the department of transportation.

4 The local authorities imposing any such restrictions or
5 limitations, or prohibiting any use or reducing the permissible weights
6 shall do so by proper ordinance or resolution and shall erect or cause
7 to be erected and maintained signs designating the provisions of the
8 ordinance or resolution in each end of the portion of any public
9 highway affected thereby, and no such ordinance or resolution shall be
10 effective unless and until such signs are erected and maintained.

11 The department shall have the same authority as hereinabove granted
12 to local authorities to prohibit or restrict the operation of vehicles
13 upon state highways. The department shall give public notice of
14 closure or restriction. The department may issue special permits for
15 the operation of school buses and motor trucks transporting perishable
16 commodities or commodities necessary for the health and welfare of
17 local residents under specified weight and speed restrictions as may be
18 necessary to protect any state highway from undue damage.

19 **Sec. 13.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
20 as follows:

21 The department of transportation, pursuant to rules adopted by the
22 secretary of transportation (~~commission~~) with respect to state
23 highways, and local authorities, with respect to public highways under
24 their jurisdiction, may, upon application in writing and good cause
25 being shown therefor, issue a special permit in writing, or
26 electronically, authorizing the applicant to operate or move a vehicle
27 or combination of vehicles of a size, weight of vehicle, or load
28 exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030,
29 46.44.034, and 46.44.041 upon any public highway under the jurisdiction
30 of the authority granting such permit and for the maintenance of which
31 such authority is responsible.

32 **Sec. 14.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
33 as follows:

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

1 On two-lane highways, fourteen feet;

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

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

6 These limits apply except under the following conditions:

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

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

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

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

1 (5) These limitations shall not apply to movement during daylight
2 hours on any two lane state highway where the gross weight, including
3 load, does not exceed eighty thousand pounds and the overall width of
4 load does not exceed sixteen feet: PROVIDED, That the minimum and
5 maximum speed of such movements, prescribed routes of such movements,
6 the times of such movements, limitation upon frequency of trips (which
7 limitation shall be not less than one per week), and conditions to
8 assure safety of traffic may be prescribed by the department of
9 transportation or local authority issuing such special permit.

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

15 **Sec. 15.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
16 as follows:

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

27 Special permits issued under RCW 46.44.047, 46.44.0941, or
28 46.44.095, may be obtained from offices of the department of
29 transportation, ports of entry, or other agents appointed by the
30 department.

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

1 fee so collected to the state treasurer for deposit to the credit of
2 the motor vehicle fund.

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

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

35 **Sec. 16.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
36 to read as follows:

37 It shall be unlawful for any person to operate a vehicle or any

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

1 **Sec. 17.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
2 read as follows:

3 The chief of the Washington state patrol, the director of the
4 traffic safety commission, the executive director of the county road
5 administration board, and the director of licensing are designated as
6 official consultants to the (~~(transportation commission)~~) secretary so
7 that the goals and activities of their respective agencies which relate
8 to transportation are fully coordinated with other related
9 responsibilities of the department of transportation. In this
10 capacity, the chief of the Washington state patrol, the director of the
11 traffic safety commission, the executive director of the county road
12 administration board, and the director of licensing shall consult with
13 (~~(the transportation commission and)~~) the secretary of transportation
14 on the implications and impacts on the transportation related functions
15 and duties of their respective agencies of any proposed comprehensive
16 transportation plan, program, or policy.

17 In order to develop fully integrated, balanced, and coordinated
18 transportation plans, programs, and budgets the chief of the Washington
19 state patrol, the director of the traffic safety commission, the
20 executive director of the county road administration board, and the
21 director of licensing shall consult with the secretary of
22 transportation on the matter of relative priorities during the
23 development of their respective agencies' plans, programs, and budgets
24 as they pertain to transportation activities.

25 **Sec. 18.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to read
26 as follows:

27 (1) Upon receiving an application for improvements to an existing
28 state highway or highways pursuant to RCW 43.160.074 from the community
29 economic revitalization board, the (~~(transportation commission)~~)
30 secretary shall, in a timely manner, determine whether or not the
31 proposed state highway improvements:

32 (a) Meet the safety and design criteria of the department of
33 transportation;

34 (b) Will impair the operational integrity of the existing highway
35 system;

36 (c) Will affect any other improvements planned by the department;
37 and

1 (d) Will be consistent with its policies developed pursuant to RCW
2 47.01.071.

3 (2) Upon completion of its determination of the factors contained
4 in subsection (1) of this section and any other factors it deems
5 pertinent, the (~~(transportation commission)~~) secretary shall forward
6 (~~(its)~~) the approval, as submitted or amended or disapproval of the
7 proposed improvements to the board, along with any recommendation
8 (~~(it)~~) the secretary may wish to make concerning the desirability and
9 feasibility of the proposed development. If the (~~(transportation~~
10 ~~commission)~~) secretary disapproves any proposed improvements, (~~(it)~~) he
11 or she shall specify (~~(its)~~) the reasons for disapproval.

12 (3) Upon notification from the board of an application's approval
13 pursuant to RCW 43.160.074, the (~~(transportation commission)~~) secretary
14 shall direct the department of transportation to carry out the
15 improvements in coordination with the applicant.

16 (4) The (~~(transportation commission)~~) secretary shall notify the
17 legislative transportation committee of all state highway improvements
18 to be carried out pursuant to RCW 43.160.074 and this section.

19 **Sec. 19.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to
20 read as follows:

21 (1) The secretary of transportation (~~(commission is hereby directed~~
22 ~~to)~~) shall conduct periodic analyses of the entire state highway
23 system, report thereon to the chairs of the transportation committees
24 of the senate and house of representatives, including one copy to the
25 staff of each of the committees, biennially and based thereon, (~~(to)~~)
26 subdivide, classify, and subclassify according to their function and
27 importance all designated state highways and those added from time to
28 time and periodically review and revise the classifications into the
29 following three functional classes:

30 (a) The "principal arterial system" shall consist of a connected
31 network of rural arterial routes with appropriate extensions into and
32 through urban areas, including all routes designated as part of the
33 interstate system, which serve corridor movements having travel
34 characteristics indicative of substantial statewide and interstate
35 travel;

36 (b) The "minor arterial system" shall, in conjunction with the
37 principal arterial system, form a rural network of arterial routes

1 linking cities and other activity centers which generate long distance
2 travel, and, with appropriate extensions into and through urban areas,
3 form an integrated network providing interstate and interregional
4 service; and

5 (c) The "collector system" shall consist of routes which primarily
6 serve the more important intercounty, intracounty, and intraurban
7 travel corridors, collect traffic from the system of local access roads
8 and convey it to the arterial system, and on which, regardless of
9 traffic volume, the predominant travel distances are shorter than on
10 arterial routes.

11 (2) In making the functional classification the (~~transportation~~
12 ~~commission~~) secretary shall adopt and give consideration to criteria
13 consistent with this section and federal regulations relating to the
14 functional classification of highways, including but not limited to the
15 following:

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

18 (b) Important traffic generating economic activities, including but
19 not limited to recreation, agriculture, government, business, and
20 industry;

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

23 (d) Directness of travel and distance between points of economic
24 importance;

25 (e) Length of trips;

26 (f) Character and volume of traffic;

27 (g) Preferential consideration for multiple service which shall
28 include public transportation;

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

30 (i) System continuity.

31 (3) The (~~transportation commission~~) secretary or the legislature
32 shall designate state highways of statewide significance under RCW
33 47.06.140. If the (~~commission~~) secretary designates a state highway
34 of statewide significance, (~~it~~) he or she shall submit a list of such
35 facilities for adoption by the legislature. This statewide system
36 shall include at a minimum interstate highways and other statewide
37 principal arterials that are needed to connect major communities across
38 the state and support the state's economy.

1 (4) The (~~(transportation commission)~~) secretary shall designate a
2 freight and goods transportation system. This statewide system shall
3 include state highways, county roads, and city streets. The
4 (~~commission~~) secretary, in cooperation with cities and counties,
5 shall review and make recommendations to the legislature regarding
6 policies governing weight restrictions and road closures (~~(which)~~) that
7 affect the transportation of freight and goods.

8 **Sec. 20.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to read
9 as follows:

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

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

- 31 (a) Life-cycle cost analysis;
- 32 (b) Traffic volume;
- 33 (c) Subgrade soil conditions;
- 34 (d) Environmental and weather conditions;
- 35 (e) Materials available; and
- 36 (f) Construction factors.

1 The comprehensive six-year investment program for preservation must
2 identify projects for two years and an investment plan for the
3 remaining four years.

4 (2) The improvement program consists of investments needed to
5 address identified deficiencies on the state highway system to increase
6 mobility, address congestion, and improve safety, support for the
7 economy, and protection of the environment. The six-year investment
8 program for improvements must identify projects for two years and major
9 deficiencies proposed to be addressed in the six-year period giving
10 consideration to relative benefits and life cycle costing. The
11 (~~transportation commission~~) secretary shall give higher priority for
12 correcting identified deficiencies on those facilities classified as
13 facilities of statewide significance as defined in RCW 47.06.140.
14 Project prioritization must be based primarily upon cost-benefit
15 analysis, where appropriate.

16 The (~~transportation commission~~) secretary shall (~~approve and~~)
17 present the comprehensive six-year investment program to the
18 legislature in support of the biennial budget request under RCW
19 44.40.070 and 44.40.080.

20 **Sec. 21.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to read
21 as follows:

22 (1) The department and the (~~commission~~) secretary shall use the
23 transportation demand modeling tools developed under subsection (2) of
24 this section to evaluate investments based on the best mode or
25 improvement, or mix of modes and improvements, to meet current and
26 future long-term demand within a corridor or system for the lowest
27 cost. The end result of these demand modeling tools is to provide a
28 cost-benefit analysis by which the department and the (~~commission~~)
29 secretary can determine the relative mobility improvement and
30 congestion relief each mode or improvement under consideration will
31 provide and the relative investment each mode or improvement under
32 consideration will need to achieve that relief.

33 (2) The department will participate in the refinement, enhancement,
34 and application of existing transportation demand modeling tools to be
35 used to evaluate investments. This participation and use of
36 transportation demand modeling tools will be phased in.

1 (3) In developing program objectives and performance measures, the
2 (~~transportation commission~~) secretary shall evaluate investment
3 trade-offs between the preservation and improvement programs. In
4 making these investment trade-offs, the (~~commission~~) secretary shall
5 evaluate, using cost-benefit techniques, roadway and bridge maintenance
6 activities as compared to roadway and bridge preservation program
7 activities and adjust those programs accordingly.

8 (4) The (~~commission~~) secretary shall allocate the estimated
9 revenue between preservation and improvement programs giving primary
10 consideration to the following factors:

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

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

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

17 (d) The availability of dedicated funds for a specific type of
18 work.

19 **Sec. 22.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to read
20 as follows:

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

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

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

29 (A) Life-cycle cost analysis;

30 (B) Traffic volume;

31 (C) Subgrade soil conditions;

32 (D) Environmental and weather conditions;

33 (E) Materials available; and

34 (F) Construction factors;

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

1 (iii) Minimizing life cycle costs. The (~~transportation~~
2 ~~commission~~) secretary in carrying out the provisions of this section
3 may delegate to the department of transportation the authority to
4 select preservation projects to be included in the six-year program.

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

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

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

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

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

15 (c) Priority programming for the improvement program may also take
16 into account:

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

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

20 (iii) Accident and accident risk reduction;

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

22 (v) Continuity and systematic development of the highway
23 transportation network;

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

27 (A) Support for development in and revitalization of existing
28 downtowns;

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

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

33 (D) Opportunities for multimodal transportation; and

34 (E) Extent to which the project accommodates planned growth and
35 economic development;

36 (vii) Consistency with regional transportation plans developed
37 under chapter 47.80 RCW;

38 (viii) Public views concerning proposed improvements;

- 1 (ix) The conservation of energy resources;
2 (x) Feasibility of financing the full proposed improvement;
3 (xi) Commitments established in previous legislative sessions;
4 (xii) Relative costs and benefits of candidate programs.

5 (d) Major projects addressing capacity deficiencies which
6 prioritize allowing for preliminary engineering shall be reprioritized
7 during the succeeding biennium, based upon updated project data.
8 Reprioritized projects may be delayed or canceled by the
9 (~~transportation commission~~) secretary if higher priority projects are
10 awaiting funding.

11 (e) Major project approvals (~~which~~) that significantly increase
12 a project's scope or cost from original prioritization estimates shall
13 include a review of the project's estimated revised priority rank and
14 the level of funding provided. Projects may be delayed or canceled by
15 the (~~transportation commission~~) secretary if higher priority projects
16 are awaiting funding.

17 (2) The (~~commission~~) secretary may depart from the priority
18 programming established under subsection (1) of this section: (a) To
19 the extent that otherwise funds cannot be utilized feasibly within the
20 program; (b) as may be required by a court judgment, legally binding
21 agreement, or state and federal laws and regulations; (c) as may be
22 required to coordinate with federal, local, or other state agency
23 construction projects; (d) to take advantage of some substantial
24 financial benefit that may be available; (e) for continuity of route
25 development; or (f) because of changed financial or physical conditions
26 of an unforeseen or emergent nature. The (~~commission or~~) secretary
27 of transportation shall maintain in (~~its~~) his or her files
28 information sufficient to show the extent to which the (~~commission~~)
29 secretary has departed from the established priority.

30 (3) The (~~commission~~) secretary shall identify those projects that
31 yield freight mobility benefits or that alleviate the impacts of
32 freight mobility upon affected communities.

33 **Sec. 23.** RCW 47.10.790 and 1985 c 406 s 1 are each amended to read
34 as follows:

35 (1) In order to provide funds for the location, design, right of
36 way, and construction of selected interstate highway improvements,
37 there shall be issued and sold upon the request of the (~~Washington~~

1 ~~state))~~ secretary of transportation (~~commission~~), a total of one
2 hundred million dollars of general obligation bonds of the state of
3 Washington to pay the state's share of costs for completion of state
4 route 90 (state route 5 to state route 405) and other related state
5 highway projects eligible for regular federal interstate funding and
6 until December 31, 1989, to temporarily pay the regular federal share
7 of construction of completion projects on state route 90 (state route
8 5 to state route 405) and other related state highway projects eligible
9 for regular interstate funding in advance of federal-aid apportionments
10 under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the
11 total amount of bonds issued to temporarily pay the regular federal
12 share of construction of federal-aid interstate highways in advance of
13 federal-aid apportionments as authorized by this section and RCW
14 47.10.801 shall not exceed one hundred twenty million dollars:
15 PROVIDED FURTHER, That the (~~transportation commission~~) secretary
16 shall consult with the legislative transportation committee prior to
17 the adoption of plans for the obligation of federal-aid apportionments
18 received in federal fiscal year 1985 and subsequent years to pay the
19 regular federal share of federal-aid interstate highway construction
20 projects or to convert such apportionments under the provisions of 23
21 U.S.C. Secs. 115 or 122.

22 (2) The (~~transportation commission~~) secretary, in consultation
23 with the legislative transportation committee, may at any time find and
24 determine that any amount of the bonds authorized in subsection (1) of
25 this section, and not then sold, are no longer required to be issued
26 and sold for the purposes described in subsection (1) of this section.

27 (3) Any bonds authorized by subsection (1) of this section that the
28 (~~transportation commission~~) secretary determines are no longer
29 required for the purpose of paying the cost of the designated
30 interstate highway improvements described therein shall be issued and
31 sold, upon the request of the (~~Washington state transportation~~
32 ~~commission~~) secretary, to provide funds for the location, design,
33 right of way, and construction of major transportation improvements
34 throughout the state that are identified as category C improvements in
35 RCW 47.05.030.

36 **Sec. 24.** RCW 47.10.791 and 1986 c 290 s 6 are each amended to read
37 as follows:

1 Upon request being made by the (~~transportation commission~~)
2 secretary, the state finance committee shall supervise and provide for
3 the issuance, sale, and retirement of the bonds authorized by RCW
4 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The
5 amount of such bonds issued and sold under the provisions of RCW
6 47.10.790 through 47.10.798 in any biennium may not exceed the amount
7 of a specific appropriation therefor. Such bonds may be sold from time
8 to time in such amounts as may be necessary for the orderly progress of
9 the state highway improvements specified in RCW 47.10.790. The bonds
10 shall be sold in such manner, at such time or times, in such amounts,
11 and at such price or prices as the state finance committee shall
12 determine. The state finance committee may obtain insurance, letters
13 of credit, or other credit facility devices with respect to the bonds
14 and may authorize the execution and delivery of agreements, promissory
15 notes, and other obligations for the purpose of insuring the payment or
16 enhancing the marketability of the bonds. Promissory notes or other
17 obligations issued under this section shall not constitute a debt or
18 the contracting of indebtedness under any constitutional or statutory
19 indebtedness limitation if their payment is conditioned upon the
20 failure of the state to pay the principal of or interest on the bonds
21 with respect to which the promissory notes or other obligations relate.
22 The state finance committee may authorize the issuance of short-term
23 obligations in lieu of long-term obligations for the purposes of more
24 favorable interest rates, lower total interest costs, and increased
25 marketability and for the purposes of retiring the bonds during the
26 life of the project for which they were issued.

27 **Sec. 25.** RCW 47.10.801 and 1999 c 94 s 13 are each amended to read
28 as follows:

29 (1) In order to provide funds necessary for the location, design,
30 right of way, and construction of selected interstate and other state
31 highway improvements, there shall be issued and sold, subject to
32 subsections (2), (3), and (4) of this section, upon the request of the
33 (~~Washington state transportation commission~~) secretary a total of
34 four hundred sixty million dollars of general obligation bonds of the
35 state of Washington for the following purposes and specified sums:

36 (a) Not to exceed two hundred twenty-five million dollars to pay
37 the state's share of costs for federal-aid interstate highway

1 improvements and until December 31, 1989, to temporarily pay the
2 regular federal share of construction of federal-aid interstate highway
3 improvements to complete state routes 82, 90, 182, and 705 in advance
4 of federal-aid apportionments under the provisions of 23 U.S.C. Secs.
5 115 or 122: PROVIDED, That the total amount of bonds issued to
6 temporarily pay the regular federal share of construction of federal-
7 aid interstate highways in advance of federal-aid apportionments as
8 authorized by this section and RCW 47.10.790 shall not exceed one
9 hundred twenty million dollars: PROVIDED FURTHER, That the
10 (~~transportation commission~~) secretary shall consult with the
11 legislative transportation committee prior to the adoption of plans for
12 the obligation of federal-aid apportionments received in federal fiscal
13 year 1985 and subsequent years to pay the regular federal share of
14 federal-aid interstate highway construction projects or to convert such
15 apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

16 (b) Two hundred twenty-five million dollars for major
17 transportation improvements throughout the state that are identified as
18 category C improvements and for selected major non-interstate
19 construction and reconstruction projects that are included as Category
20 A Improvements in RCW 47.05.030;

21 (c) Ten million dollars for state highway improvements necessitated
22 by planned economic development, as determined through the procedures
23 set forth in RCW 43.160.074 and 47.01.280.

24 (2) The amount of bonds authorized in subsection (1)(a) of this
25 section shall be reduced if the (~~transportation commission~~)
26 secretary, in consultation with the legislative transportation
27 committee, determines that any of the bonds that have not been sold are
28 no longer required.

29 (3) The amount of bonds authorized in subsection (1)(b) of this
30 section shall be increased by an amount not to exceed, and concurrent
31 with, any reduction of bonds authorized under subsection (1)(a) of this
32 section in the manner prescribed in subsection (2) of this section.

33 (4) The (~~transportation commission~~) secretary may decrease the
34 amount of bonds authorized in subsection (1)(c) of this section and
35 increase the amount of bonds authorized in subsection (1)(a) or (b) of
36 this section, or both by an amount equal to the decrease in subsection
37 (1)(c) of this section. The (~~transportation commission~~) secretary
38 may decrease the amount of bonds authorized in subsection (1)(c) of

1 this section only if the legislature appropriates an equal amount of
2 funds from the motor vehicle fund - basic account for the purposes
3 enumerated in subsection (1)(c) of this section.

4 **Sec. 26.** RCW 47.10.802 and 1986 c 290 s 1 are each amended to read
5 as follows:

6 Upon request being made by the (~~transportation commission~~)
7 secretary, the state finance committee shall supervise and provide for
8 the issuance, sale, and retirement of the bonds authorized by RCW
9 47.10.801 in accordance with chapter 39.42 RCW. The amount of such
10 bonds issued and sold under RCW 47.10.801 through 47.10.809 in any
11 biennium may not exceed the amount of a specific appropriation
12 therefor. Such bonds may be sold from time to time in such amounts as
13 may be necessary for the orderly progress of the state highway
14 improvements specified in RCW 47.10.801. The amount of bonds issued
15 and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as
16 provided in that section, exceed the amount required to match federal-
17 aid interstate funds available to the state of Washington. The
18 (~~transportation commission~~) secretary shall give notice of (~~its~~)
19 intent to sell bonds to the legislative transportation committee before
20 requesting the state finance committee to issue and sell bonds
21 authorized by RCW 47.10.801(1)(a). The bonds shall be sold in such
22 manner, at such time or times, in such amounts, and at such price or
23 prices as the state finance committee shall determine. The state
24 finance committee may obtain insurance, letters of credit, or other
25 credit facility devices with respect to the bonds and may authorize the
26 execution and delivery of agreements, promissory notes, and other
27 obligations for the purpose of insuring the payment or enhancing the
28 marketability of the bonds. Promissory notes or other obligations
29 issued under this section shall not constitute a debt or the
30 contracting of indebtedness under any constitutional or statutory
31 indebtedness limitation if their payment is conditioned upon the
32 failure of the state to pay the principal of or interest on the bonds
33 with respect to which the promissory notes or other obligations relate.
34 The state finance committee may authorize the issuance of short-term
35 obligations in lieu of long-term obligations for the purposes of more
36 favorable interest rates, lower total interest costs, and increased

1 marketability and for the purposes of retiring the bonds during the
2 life of the project for which they were issued.

3 **Sec. 27.** RCW 47.10.813 and 1993 c 431 s 2 are each amended to read
4 as follows:

5 Upon the request of the (~~transportation commission~~) secretary,
6 the state finance committee shall supervise and provide for the
7 issuance, sale, and retirement of the bonds authorized by RCW 47.10.812
8 through 47.10.817 in accordance with chapter 39.42 RCW. Bonds
9 authorized by RCW 47.10.812 through 47.10.817 shall be sold in such
10 manner, at such time or times, in such amounts, and at such price as
11 the state finance committee shall determine. No such bonds may be
12 offered for sale without prior legislative appropriation of the net
13 proceeds of the sale of the bonds.

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

19 **Sec. 28.** RCW 47.10.819 and 1993 c 432 s 1 are each amended to read
20 as follows:

21 In order to provide funds necessary for the location, design, right
22 of way, and construction of selected interstate and other highway
23 improvements, there shall be issued and sold upon the request of the
24 (~~Washington state transportation commission~~) secretary a total of one
25 hundred million dollars of general obligation bonds of the state of
26 Washington for the following purposes and specified sums:

27 (1) Not to exceed twenty-five million dollars to pay the state's
28 and local governments' share of matching funds for the ten
29 demonstration projects identified in the Intermodal Surface
30 Transportation Efficiency Act of 1991.

31 (2) Not to exceed fifty million dollars to temporarily pay the
32 regular federal share of construction in advance of federal-aid
33 apportionments as authorized by this section.

34 (3) Not to exceed twenty-five million dollars for loans to local
35 governments to provide the required matching funds to take advantage of
36 available federal funds. These loans shall be on such terms and

1 conditions as determined by the (~~Washington state transportation~~
2 ~~commission~~) secretary, but in no event may the loans be for a period
3 of more than ten years. The interest rate on the loans authorized
4 under this subsection shall be equal to the interest rate on the bonds
5 sold for such purposes.

6 **Sec. 29.** RCW 47.10.820 and 1993 c 432 s 2 are each amended to read
7 as follows:

8 Upon the request of the (~~transportation commission~~) secretary,
9 the state finance committee shall supervise and provide for the
10 issuance, sale, and retirement of the bonds authorized by RCW 47.10.819
11 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds
12 authorized by RCW 47.10.819 through 47.10.824 shall be sold in such
13 manner, at such time or times, in such amounts, and at such price as
14 the state finance committee shall determine. No such bonds may be
15 offered for sale without prior legislative appropriation of the net
16 proceeds of the sale of the bonds.

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

22 **Sec. 30.** RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each
23 amended to read as follows:

24 In order to provide funds necessary to implement the public-private
25 transportation initiatives authorized by chapter 47.46 RCW, there shall
26 be issued and sold upon the request of the (~~Washington state~~
27 ~~transportation commission~~) secretary a total of twenty-five million
28 six hundred twenty-five thousand dollars of general obligation bonds of
29 the state of Washington.

30 **Sec. 31.** RCW 47.10.835 and 1994 c 183 s 3 are each amended to read
31 as follows:

32 Upon the request of the (~~transportation commission~~) secretary,
33 the state finance committee shall supervise and provide for the
34 issuance, sale, and retirement of the bonds authorized by RCW 47.10.834
35 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds

1 authorized by RCW 47.10.834 through 47.10.841 shall be sold in such
2 manner, at such time or times, in such amounts, and at such price as
3 the state finance committee shall determine. No such bonds may be
4 offered for sale without prior legislative appropriation of the net
5 proceeds of the sale of the bonds. In making such appropriation of the
6 net proceeds of the sale of the bonds, the legislature shall specify
7 what portion of the appropriation is provided for possible loans and
8 what portion of the appropriation is provided for other forms of cash
9 contributions to projects.

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

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

17 In order to provide funds necessary for the location, design, right
18 of way, and construction of state and local highway improvements, there
19 shall be issued and sold upon the request of the (~~Washington state~~
20 ~~transportation commission~~) secretary a maximum of one billion nine
21 hundred million dollars of general obligation bonds of the state of
22 Washington.

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

25 Upon the request of the (~~transportation commission~~) secretary,
26 the state finance committee shall supervise and provide for the
27 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
28 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
29 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such
30 manner, at such time or times, in such amounts, and at such price as
31 the state finance committee shall determine. No such bonds may be
32 offered for sale without prior legislative appropriation of the net
33 proceeds of the sale of the bonds.

34 The state finance committee shall consider the issuance of short-
35 term obligations in lieu of long-term obligations for the purposes of

1 more favorable interest rates, lower total interest costs, and
2 increased marketability and for the purpose of retiring the bonds
3 during the life of the project for which they were issued.

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

6 The (~~transportation commission~~) secretary may enter into
7 agreements with the state finance committee for financing the
8 acquisition, by purchase or condemnation, of real property together
9 with engineering costs that the (~~transportation commission~~) secretary
10 deems will be necessary for the improvement of the state highway
11 system. Such agreements may provide for the acquisition of an
12 individual parcel or for the acquisition of any number of parcels
13 within the limits of a contemplated highway project.

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

16 Each such agreement shall include, but shall not be limited to the
17 following:

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

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

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

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

31 (5) Any additional provisions agreed upon by the (~~transportation~~
32 ~~commission~~) secretary and the state finance committee (~~which~~) that
33 are necessary to carry out the purposes of such agreement as indicated
34 by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

1 **Sec. 36.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
2 read as follows:

3 The (~~transportation commission~~) secretary shall determine what
4 streets, together with bridges thereon and wharves necessary for use
5 for ferriage of motor vehicle traffic in connection with such streets,
6 if any, in any incorporated cities and towns shall form a part of the
7 route of state highways, and between the first and fifteenth days of
8 July of any year the department of transportation shall identify by
9 brief description, the streets, together with the bridges thereon and
10 wharves, if any, in such city or town which are designated as forming
11 a part of the route of any state highway; and all such streets,
12 including curbs and gutters and street intersections and such bridges
13 and wharves, shall thereafter be a part of the state highway system and
14 as such shall be constructed and maintained by the department of
15 transportation from any state funds available therefor: PROVIDED, That
16 the responsibility for the construction and maintenance of any such
17 street together with its appurtenances may be returned to a city or a
18 town upon certification by the department of transportation to the
19 clerk of any city or town that such street, or portion thereof, is no
20 longer required as a part of the state highway system: PROVIDED
21 FURTHER, That any such certification that a street, or portion thereof,
22 is no longer required as a part of the state highway system shall be
23 made between the first and fifteenth of July following the
24 determination by the department that such street or portion thereof is
25 no longer required as a part of the state highway system, but this
26 shall not prevent the department and any city or town from entering
27 into an agreement that a city or town will accept responsibility for
28 such a street or portion thereof at some time other than between the
29 first and fifteenth of July of any year.

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

32 Not later than November 1st of each even-numbered year the
33 transportation improvement board shall prepare and present to the
34 (~~commission~~) secretary for comment and recommendation an adopted
35 budget for expenditures from funds administered by the board during the
36 ensuing biennium. The budget shall contain an estimate of the revenues

1 to be credited to the several accounts and the amount, if any, of bond
2 proceeds which the board determines should be made available through
3 the sale of bonds in the ensuing biennium.

4 **Sec. 38.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
5 to read as follows:

6 Whenever the general route of any state highway shall be designated
7 and laid out as running to or by way of certain designated points,
8 without specifying the particular route to be followed to or by way of
9 such points, the (~~transportation—commission~~) secretary shall
10 determine the particular route to be followed by said state highway to
11 or by way of said designated points, and shall be at liberty to select
12 and adopt as a part of such state highway, the whole or any part of any
13 existing public highway previously designated as a county road, primary
14 road, or secondary road or now or hereafter classified as a county
15 road. The (~~commission~~) secretary need not select and adopt the
16 entire routes for such state highways at one time, but may select and
17 adopt parts of such routes from time to time as it deems advisable.
18 Where a state highway is designated as passing by way of a certain
19 point, this shall not require the (~~commission~~) secretary to cause
20 such state highway to pass through or touch such point but such
21 designation is directional only and may be complied with by location in
22 the general vicinity. The department of transportation is empowered to
23 construct as a part of any state highway as designated and in addition
24 to any portion meeting the limits of any incorporated city or town a
25 bypass section either through or around any such incorporated city or
26 town.

27 **Sec. 39.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to read
28 as follows:

29 (1) Whenever the department finds that as a consequence of
30 accident, natural disaster, or other emergency, an existing state
31 highway is in jeopardy or is rendered impassible in one or both
32 directions and the department further finds that prompt reconstruction,
33 repair, or other work is needed to preserve or restore the highway for
34 public travel, the department may obtain at least three written bids
35 for the work without publishing a call for bids, and the secretary of

1 transportation may award a contract forthwith to the lowest responsible
2 bidder.

3 The department shall notify any association or organization of
4 contractors filing a request to regularly receive notification.
5 Notification to an association or organization of contractors shall
6 include: (a) The location of the work to be done; (b) the general
7 anticipated nature of the work to be done; and (c) the date determined
8 by the department as reasonable in view of the nature of the work and
9 emergent nature of the problem after which the department will not
10 receive bids.

11 (2) Whenever the department finds it necessary to protect a highway
12 facility from imminent damage or to perform emergency work to reopen a
13 highway facility, the department may contract for such work on a
14 negotiated basis not to exceed force account rates for a period not to
15 exceed thirty working days.

16 ~~(3) ((The secretary shall review any contract exceeding two hundred
17 thousand dollars awarded under subsection (1) or (2) of this section
18 with the transportation commission at its next regularly scheduled
19 meeting.~~

20 ~~(4))~~ Any person, firm, or corporation awarded a contract for work
21 must be prequalified pursuant to RCW 47.28.070 and may be required to
22 furnish a bid deposit or performance bond.

23 **Sec. 40.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
24 as follows:

25 Except as provided in RCW 47.52.134, the ~~((transportation
26 commission))~~ secretary and the highway authorities of the counties and
27 incorporated cities and towns, with regard to facilities under their
28 respective jurisdictions, prior to the establishment of any limited
29 access facility, shall hold a public hearing within the county, city,
30 or town wherein the limited access facility is to be established to
31 determine the desirability of the plan proposed by such authority.
32 Notice of such hearing shall be given to the owners of property
33 abutting the section of any existing highway, road, or street being
34 established as a limited access facility, as indicated in the tax rolls
35 of the county, and in the case of a state limited access facility, to
36 the county and/or city or town. Such notice shall be by United States
37 mail in writing, setting forth a time for the hearing, which time shall

1 be not less than fifteen days after mailing of such notice. Notice of
2 such hearing also shall be given by publication not less than fifteen
3 days prior to such hearing in one or more newspapers of general
4 circulation within the county, city, or town. Such notice by
5 publication shall be deemed sufficient as to any owner or reputed owner
6 or any unknown owner or owner who cannot be located. Such notice shall
7 indicate a suitable location where plans for such proposal may be
8 inspected.

9 **Sec. 41.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
10 as follows:

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

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

23 (2) If the previously adopted limited access plan was modified by
24 a board of review convened at the request of a county, city, or town,
25 the legislative authority of the county, city, or town shall approve
26 any revisions of the plan which conflict with modifications ordered by
27 the board of review.

28 **Sec. 42.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
29 as follows:

30 (1) Whenever the (~~transportation commission~~) secretary adopts a
31 plan for a limited access highway to be constructed within the
32 corporate limits of a city or town which incorporates existing city or
33 town streets, title to such streets shall remain in the city or town,
34 and the provisions of RCW 47.24.020 (~~as now or hereafter amended~~
35 ~~shall~~) continue to apply to such streets until such time that the
36 highway is operated as either a partially or fully controlled access

1 highway. Title to and full control over that portion of the city or
2 town street incorporated into the limited access highway shall be
3 vested in the state upon a declaration by the secretary of
4 transportation that such highway is operational as a limited access
5 facility, but in no event prior to the acquisition of right of way for
6 such highway including access rights, and not later than the final
7 completion of construction of such highway.

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

20 **Sec. 43.** RCW 47.56.745 and 1981 c 327 s 3 are each amended to read
21 as follows:

22 In order to provide funds for the construction of such bridge and
23 approaches thereto, including but not limited to all costs of survey,
24 acquisition of rights of way, design, engineering, and to pay the
25 interest on the bonds when due during construction and for a period not
26 exceeding six months after the bridge is open to traffic, there shall
27 be issued and sold general obligation bonds of the state of Washington
28 in the principal amount of not to exceed eighty million dollars or such
29 lesser amount thereof, at such times as may be determined to be
30 necessary by the department of transportation. At the request of the
31 (~~transportation commission~~) secretary, the state finance committee
32 may issue additional general obligation bonds of the state of
33 Washington ranking on a parity with the bonds authorized hereinabove
34 and subject to the provisions of RCW 47.56.740 through 47.56.756 as now
35 amended, to pay the cost of further improving the approaches to the
36 bridge or adding additional bridge lanes or constructing a parallel

1 bridge: PROVIDED, That such additional bonds shall not be issued
2 without further express authorization of the legislature.

3 **Sec. 44.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read
4 as follows:

5 In order to provide funds necessary for vessel and terminal
6 acquisition, construction, and major and minor improvements, including
7 long lead time materials acquisition for the Washington state ferries,
8 there shall be issued and sold upon the request of the ((Washington
9 state—transportation—commission)) secretary and legislative
10 appropriation a total of two hundred ten million dollars of general
11 obligation bonds of the state of Washington.

12 **Sec. 45.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
13 as follows:

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

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

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

21 (3) "Collective bargaining representative" means the persons
22 designated by the secretary of transportation and employee
23 organizations to be the exclusive representatives during collective
24 bargaining negotiations.

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

27 (5) "Ferry employee" means any employee of the marine
28 transportation division of the department of transportation who is a
29 member of a collective bargaining unit represented by a ferry employee
30 organization and does not include an exempt employee pursuant to RCW
31 41.06.079.

32 (6) "Ferry employee organization" means any labor organization
33 recognized to represent a collective bargaining unit of ferry
34 employees.

35 (7) "Ferry system management" means those management personnel of
36 the marine transportation division of the department of transportation

1 who have been vested with the day-to-day management responsibilities of
2 the Washington state ferry system by the (~~transportation commission~~)
3 secretary and who are not members of a collective bargaining unit
4 represented by a ferry employee organization.

5 (8) "Lockout" means the refusal of ferry system management to
6 furnish work to ferry employees in an effort to get ferry employee
7 organizations to make concessions during collective bargaining,
8 grievance, or other labor relation negotiations. Curtailment of
9 employment of ferry employees due to lack of work resulting from a
10 strike or work stoppage, as defined in subsection (11) of this section,
11 shall not be considered a lockout.

12 (9) "Marine employees' commission" means the commission created in
13 RCW 47.64.280.

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

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

28 (12) "Transportation commission" means the commission as defined in
29 RCW 47.01.021.

30 **Sec. 46.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
31 as follows:

32 (1) Any ferry employee organization certified as the bargaining
33 representative shall be the exclusive representative of all ferry
34 employees in the bargaining unit and shall represent all such employees
35 fairly.

36 (2) A ferry employee organization or organizations and the

1 secretary of transportation may each designate any individual as its
2 representative to engage in collective bargaining negotiations.

3 (3) Negotiating sessions, including strategy meetings of ferry
4 system management or employee organizations, mediation, and the
5 deliberative process of arbitrators are exempt from the provisions of
6 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
7 the public by mutual consent of the parties. Any meeting (~~of the~~
8 ~~transportation commission~~) with the secretary, during which a
9 collective bargaining agreement is subject to ratification, shall be
10 open to the public.

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

14 (5) Ferry system employees or any employee organization shall not
15 negotiate or attempt to negotiate directly with (~~a member of the~~
16 ~~transportation commission~~) the secretary if the (~~commission~~)
17 secretary has appointed or authorized a bargaining representative for
18 the purpose of bargaining with the ferry employees or their
19 representative, unless the (~~member of the commission~~) secretary is
20 the designated bargaining representative of the ferry system.

21 (6) The negotiation of a proposed collective bargaining agreement
22 by representatives of ferry system management and a ferry employee
23 organization shall commence in each odd-numbered year immediately
24 following adoption by the legislature and approval by the governor of
25 the biennial budget.

26 (7) Until a new collective bargaining agreement is negotiated, or
27 until an award is made by the arbitrator, the terms and conditions of
28 the previous collective bargaining agreement shall remain in force.
29 The wage and benefit provisions of any collective bargaining agreement,
30 or arbitrator's award in lieu thereof, that is concluded after July 1st
31 of an odd-numbered year shall be retroactive to July 1st. It is the
32 intent of this section that the collective bargaining agreement or
33 arbitrator's award shall commence on July 1st of each odd-numbered year
34 and shall terminate on June 30th of the next odd-numbered year to
35 coincide with the ensuing biennial budget year, as defined by RCW
36 43.88.020(7), to the extent practical.

37 (8) Any ferry union contract terminating before July 1, 1983,
38 shall, with the agreement of the parties, remain in effect until a

1 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
2 through 47.64.280. The contract may be retroactive to the expiration
3 date of the prior contract, and the cost to the department of three
4 months retroactive compensation and benefits for this 1983 contract
5 negotiation only shall not be included in calculating the limitation
6 imposed by RCW 47.64.180. If the parties cannot agree to contract
7 extension, any increase agreed to for the three-month period shall be
8 included in calculating the limit imposed by RCW 47.64.180.

9 (9) Any ferry union contract (~~which~~) that would terminate after
10 July 1, 1983, may, by agreement of the parties, be terminated as of
11 July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006,
12 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
13 after July 1, 1983, is subject to this chapter only upon its expiration
14 and shall not be renewed for a period beyond July 1, 1985.

15 NEW SECTION. **Sec. 47.** RCW 47.01.051 (Commission created--
16 Appointment of members--Terms--Qualifications--Removal) and 1977 ex.s.
17 c 151 s 5 are each repealed.

18 NEW SECTION. **Sec. 48.** Any employees impacted by the repeal of the
19 transportation commission in section 47 of this act are transferred to
20 the department of transportation.

21 NEW SECTION. **Sec. 49.** Sections 47 and 48 of this act take effect
22 July 1, 2004. The remainder of this act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 July 1, 2003.

--- END ---