

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

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

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

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

32 Such officers, except the ~~((secretary of transportation and the))~~
33 director of fish and wildlife, shall be appointed by the governor, with
34 the consent of the senate, and hold office at the pleasure of the
35 governor. ~~((The secretary of transportation shall be appointed by the~~
36 ~~transportation commission as prescribed by RCW 47.01.041.))~~ The

1 director of fish and wildlife shall be appointed by the fish and
2 wildlife commission as prescribed by RCW 77.04.055.

3 **PART II**

4 **TRANSFERRING CERTAIN POWERS OF THE TRANSPORTATION COMMISSION**
5 **TO THE DEPARTMENT**

6 **Sec. 3.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
7 as follows:

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

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

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

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

23 (2) "Department" means the Washington state department of
24 transportation.

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

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

32 (5) "Regional transportation investment district" or "district"
33 means a municipal corporation whose boundaries are coextensive with two
34 or more contiguous counties and that has been created by county

1 legislative authorities and a vote of the people under this chapter to
2 implement a regional transportation investment plan.

3 (6) "Regional transportation investment district planning
4 committee" or "planning committee" means the advisory committee created
5 under RCW 36.120.030 to create and propose to county legislative
6 authorities a regional transportation investment plan to develop,
7 finance, and construct transportation projects.

8 (7) "Regional transportation investment plan" or "plan" means a
9 plan to develop, construct, and finance a transportation project or
10 projects.

11 (8) "Transportation project" means:

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

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

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

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

22 (i) Approaches to highways of statewide significance;

23 (ii) High-occupancy vehicle lanes;

24 (iii) Flyover ramps;

25 (iv) Park and ride lots;

26 (v) Bus pullouts;

27 (vi) Vans for vanpools;

28 (vii) Buses; and

29 (viii) Signalization, ramp metering, and other transportation
30 system management improvements.

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

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

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

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

9 (iv) In no case may the cumulative regional transportation
10 investment district contribution to all projects constructed under this
11 subsection (8)(c) exceed ten percent of the revenues generated by the
12 district;

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

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

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

21 (9) "Weighted vote" means a vote that reflects the population each
22 board or planning committee member represents relative to the
23 population represented by the total membership of the board or planning
24 committee. Population will be determined using the federal 2000 census
25 or subsequent federal census data.

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

28 (1) The legislature finds that it is the public policy of the state
29 of Washington to direct financial resources toward the fostering of
30 economic development through the stimulation of investment and job
31 opportunities and the retention of sustainable existing employment for
32 the general welfare of the inhabitants of the state. Reducing
33 unemployment and reducing the time citizens remain jobless is important
34 for the economic welfare of the state. A valuable means of fostering
35 economic development is the construction of public facilities which
36 contribute to the stability and growth of the state's economic base.
37 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 ((legislative)) department of transportation
36 ((commission)) in accordance with the procedures established by RCW
37 43.160.074 and 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. 6.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to read
32 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 department 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 department 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 department of transportation (~~commission~~) as specified
13 in RCW 47.01.280.

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

17 **Sec. 7.** 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 department of transportation (~~commission~~) as forming a part of
36 the route of any primary state highway through any such incorporated
37 city or town by vehicles or any class of vehicles or impose any

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

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

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

20 **Sec. 8.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
21 to read as follows:

22 It shall be unlawful for any person to operate a vehicle or any
23 combination of vehicles over any bridge or other elevated structure or
24 through any tunnel or underpass constituting a part of any public
25 highway at a rate of speed or with a gross weight or of a size which is
26 greater at any time than the maximum speed or maximum weight or size
27 which can be maintained or carried with safety over any such bridge or
28 structure or through any such tunnel or underpass when such bridge,
29 structure, tunnel, or underpass is sign posted as hereinafter provided.
30 The secretary of transportation, if it be a bridge, structure, tunnel,
31 or underpass upon a state highway, or the governing body or authorities
32 of any county, city, or town, if it be upon roads or streets under
33 their jurisdiction, may restrict the speed which may be maintained or
34 the gross weight or size which may be operated upon or over any such
35 bridge or elevated structure or through any such tunnel or underpass
36 with safety thereto. The secretary or the governing body or
37 authorities of any county, city, or town having jurisdiction shall

1 determine and declare the maximum speed or maximum gross weight or size
2 which such bridge, elevated structure, tunnel, or underpass can
3 withstand or accommodate and shall cause suitable signs stating such
4 maximum speed or maximum gross weight, or size, or either, to be
5 erected and maintained on the right hand side of such highway, road, or
6 street and at a distance of not less than one hundred feet from each
7 end of such bridge, structure, tunnel, or underpass and on the approach
8 thereto: PROVIDED, That in the event that any such bridge, elevated
9 structure, tunnel, or underpass is upon a city street designated by the
10 department of transportation (~~commission~~) as forming a part of the
11 route of any state highway through any such incorporated city or town
12 the determination of any maximum speed or maximum gross weight or size
13 which such bridge, elevated structure, tunnel, or underpass can
14 withstand or accommodate shall not be enforceable at any speed, weight,
15 or size less than the maximum allowed by law, unless with the approval
16 in writing of the secretary. Upon the trial of any person charged with
17 a violation of this section, proof of either violation of maximum speed
18 or maximum weight, or size, or either, and the distance and location of
19 such signs as are required, shall constitute conclusive evidence of the
20 maximum speed or maximum weight, or size, or either, which can be
21 maintained or carried with safety over such bridge or elevated
22 structure or through such tunnel or underpass.

23 **Sec. 9.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
24 as follows:

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

32 No interstate highways, state routes, and local arterials shall be
33 in poor condition; no bridges shall be structurally deficient, and
34 safety retrofits shall be performed on those state bridges at the
35 highest seismic risk levels; traffic congestion on urban state highways
36 shall be significantly reduced and be no worse than the national mean;
37 delay per driver shall be significantly reduced and no worse than the

1 national mean; per capita vehicle miles traveled shall be maintained at
2 2000 levels; the nonauto share of commuter trips shall be increased in
3 urban areas; administrative costs as a percentage of transportation
4 spending shall achieve the most efficient quartile nationally; and the
5 state's public transit agencies shall achieve the median cost per
6 vehicle revenue hour of peer transit agencies, adjusting for the
7 regional cost-of-living.

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

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

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

23 **Sec. 10.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
24 as follows:

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

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

1 (a) Develop transportation policies which are based on the
2 policies, goals, and objectives expressed and inherent in existing
3 state laws;

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

9 (c) Propose a transportation policy for the state, and after notice
10 and public hearings, submit the proposal to (~~the legislative~~
11 ~~transportation committee and~~) the senate and house transportation
12 committees (~~by January 1, 1978,~~) for consideration in the next
13 legislative session;

14 (d) Establish a procedure for review and revision of the state
15 transportation policy and for submission of proposed changes to the
16 legislature;

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

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

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

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

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

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

36 (3) To direct the secretary to prepare and submit to the commission
37 a comprehensive and balanced statewide transportation plan which shall
38 be based on the transportation policy adopted by the legislature and

1 applicable state and federal laws. After public notice and hearings,
2 the commission shall revise and adopt the plan and submit it to (~~the~~
3 ~~legislative transportation committee and to~~) the house and senate
4 standing committees on transportation before January 1, 1980, for
5 consideration in the 1980 regular legislative session. The plan shall
6 be reviewed and revised prior to each regular session of the
7 legislature during an even- numbered year thereafter. A preliminary
8 plan shall be submitted to such committees by January 1, 1979.

9 The plan shall take into account federal law and regulations
10 relating to the planning, construction, and operation of transportation
11 facilities;

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

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

25 (~~6~~) ~~To review and authorize all departmental requests for~~
26 ~~legislation;~~

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

32 (~~8~~)) To adopt such rules, regulations, and policy directives as
33 may be necessary to carry out reasonably and properly those functions
34 expressly vested in the commission by statute;

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

1 ~~((10))~~ (7) To exercise such other specific powers and duties as
2 may be vested in the transportation commission by this or any other
3 provision of law.

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

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

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

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

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

- 1 (a) Meet the safety and design criteria of the department of
- 2 transportation;
- 3 (b) Will impair the operational integrity of the existing highway
- 4 system;
- 5 (c) Will affect any other improvements planned by the department;
- 6 and
- 7 (d) Will be consistent with its policies developed pursuant to RCW
- 8 47.01.071.

9 (2) Upon completion of its determination of the factors contained
10 in subsection (1) of this section and any other factors it deems
11 pertinent, the (~~transportation commission~~) department shall forward
12 its approval, as submitted or amended or disapproval of the proposed
13 improvements to the board, along with any recommendation it may wish to
14 make concerning the desirability and feasibility of the proposed
15 development. If the (~~transportation commission~~) department
16 disapproves any proposed improvements, it shall specify its reasons for
17 disapproval.

18 (3) Upon notification from the board of an application's approval
19 pursuant to RCW 43.160.074, the (~~transportation commission~~)
20 department shall (~~direct the department of transportation to~~) carry
21 out the improvements in coordination with the applicant.

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

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

28 (1) The (~~transportation commission is hereby directed to~~)
29 department shall conduct periodic analyses of the entire state highway
30 system, report thereon to the chairs of the transportation committees
31 of the senate and house of representatives, including one copy to the
32 staff of each of the committees, biennially and based thereon, (~~to~~)
33 subdivide, classify, and subclassify according to their function and
34 importance all designated state highways and those added from time to
35 time and periodically review and revise the classifications into the
36 following three functional classes:

1 (a) The "principal arterial system" shall consist of a connected
2 network of rural arterial routes with appropriate extensions into and
3 through urban areas, including all routes designated as part of the
4 interstate system, which serve corridor movements having travel
5 characteristics indicative of substantial statewide and interstate
6 travel;

7 (b) The "minor arterial system" shall, in conjunction with the
8 principal arterial system, form a rural network of arterial routes
9 linking cities and other activity centers which generate long distance
10 travel, and, with appropriate extensions into and through urban areas,
11 form an integrated network providing interstate and interregional
12 service; and

13 (c) The "collector system" shall consist of routes which primarily
14 serve the more important intercounty, intracounty, and intraurban
15 travel corridors, collect traffic from the system of local access roads
16 and convey it to the arterial system, and on which, regardless of
17 traffic volume, the predominant travel distances are shorter than on
18 arterial routes.

19 (2) In making the functional classification the (~~transportation~~
20 ~~commission~~) department shall adopt and give consideration to criteria
21 consistent with this section and federal regulations relating to the
22 functional classification of highways, including but not limited to the
23 following:

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

26 (b) Important traffic generating economic activities, including but
27 not limited to recreation, agriculture, government, business, and
28 industry;

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

31 (d) Directness of travel and distance between points of economic
32 importance;

33 (e) Length of trips;

34 (f) Character and volume of traffic;

35 (g) Preferential consideration for multiple service which shall
36 include public transportation;

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

38 (i) System continuity.

1 (3) The (~~(transportation commission or the legislature)~~) department
2 shall designate state highways of statewide significance under RCW
3 47.06.140. (~~(If the commission designates a state highway of statewide~~
4 ~~significance, it shall submit a list of such facilities for adoption by~~
5 ~~the legislature.)~~) This statewide system shall include at a minimum
6 interstate highways and other statewide principal arterials that are
7 needed to connect major communities across the state and support the
8 state's economy.

9 (4) The (~~(transportation commission)~~) department shall designate a
10 freight and goods transportation system. This statewide system shall
11 include state highways, county roads, and city streets. The
12 (~~(commission)~~) department, in cooperation with cities and counties,
13 shall review and make recommendations to the legislature regarding
14 policies governing weight restrictions and road closures which affect
15 the transportation of freight and goods.

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

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

34 (1) The preservation program consists of those investments
35 necessary to preserve the existing state highway system and to restore
36 existing safety features, giving consideration to lowest life cycle

1 costing. The preservation program must require use of the most cost-
2 effective pavement surfaces, considering:

- 3 (a) Life-cycle cost analysis;
- 4 (b) Traffic volume;
- 5 (c) Subgrade soil conditions;
- 6 (d) Environmental and weather conditions;
- 7 (e) Materials available; and
- 8 (f) Construction factors.

9 The comprehensive six-year investment program for preservation must
10 identify projects for two years and an investment plan for the
11 remaining four years.

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

24 The (~~transportation commission~~) department shall approve and
25 present the comprehensive six-year investment program to the
26 legislature in support of the biennial budget request under RCW
27 44.40.070 and 44.40.080.

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

30 (1) The department (~~and the commission~~) shall use the
31 transportation demand modeling tools developed under subsection (2) of
32 this section to evaluate investments based on the best mode or
33 improvement, or mix of modes and improvements, to meet current and
34 future long-term demand within a corridor or system for the lowest
35 cost. The end result of these demand modeling tools is to provide a
36 cost-benefit analysis by which the department (~~and the commission~~)
37 can determine the relative mobility improvement and congestion relief

1 each mode or improvement under consideration will provide and the
2 relative investment each mode or improvement under consideration will
3 need to achieve that relief.

4 (2) The department will participate in the refinement, enhancement,
5 and application of existing transportation demand modeling tools to be
6 used to evaluate investments. This participation and use of
7 transportation demand modeling tools will be phased in.

8 (3) In developing program objectives and performance measures, the
9 (~~transportation commission~~) department shall evaluate investment
10 trade-offs between the preservation and improvement programs. In
11 making these investment trade-offs, the (~~commission~~) department shall
12 evaluate, using cost-benefit techniques, roadway and bridge maintenance
13 activities as compared to roadway and bridge preservation program
14 activities and adjust those programs accordingly.

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

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

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

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

24 (d) The availability of dedicated funds for a specific type of
25 work.

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

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

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

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

36 (A) Life-cycle cost analysis;

37 (B) Traffic volume;

1 (C) Subgrade soil conditions;
2 (D) Environmental and weather conditions;
3 (E) Materials available; and
4 (F) Construction factors;
5 (ii) Ensuring the structural ability to carry loads imposed upon
6 highways and bridges; and
7 (iii) Minimizing life cycle costs. (~~The transportation commission
8 in carrying out the provisions of this section may delegate to the
9 department of transportation the authority to select preservation
10 projects to be included in the six-year program.~~)
11 (b) Priority programming for the improvement program must be based
12 primarily upon the following, not necessarily in order of importance:
13 (i) Traffic congestion, delay, and accidents;
14 (ii) Location within a heavily traveled transportation corridor;
15 (iii) Except for projects in cities having a population of less
16 than five thousand persons, synchronization with other potential
17 transportation projects, including transit and multimodal projects,
18 within the heavily traveled corridor; and
19 (iv) Use of benefit/cost analysis wherever feasible to determine
20 the value of the proposed project.
21 (c) Priority programming for the improvement program may also take
22 into account:
23 (i) Support for the state's economy, including job creation and job
24 preservation;
25 (ii) The cost-effective movement of people and goods;
26 (iii) Accident and accident risk reduction;
27 (iv) Protection of the state's natural environment;
28 (v) Continuity and systematic development of the highway
29 transportation network;
30 (vi) Consistency with local comprehensive plans developed under
31 chapter 36.70A RCW including the following if they have been included
32 in the comprehensive plan:
33 (A) Support for development in and revitalization of existing
34 downtowns;
35 (B) Extent that development implements local comprehensive plans
36 for rural and urban residential and nonresidential densities;
37 (C) Extent of compact, transit-oriented development for rural and
38 urban residential and nonresidential densities;

1 (D) Opportunities for multimodal transportation; and
2 (E) Extent to which the project accommodates planned growth and
3 economic development;
4 (vii) Consistency with regional transportation plans developed
5 under chapter 47.80 RCW;
6 (viii) Public views concerning proposed improvements;
7 (ix) The conservation of energy resources;
8 (x) Feasibility of financing the full proposed improvement;
9 (xi) Commitments established in previous legislative sessions;
10 (xii) Relative costs and benefits of candidate programs.
11 (d) Major projects addressing capacity deficiencies which
12 prioritize allowing for preliminary engineering shall be reprioritized
13 during the succeeding biennium, based upon updated project data.
14 Reprioritized projects may be delayed or canceled by the
15 (~~transportation commission~~) department if higher priority projects
16 are awaiting funding.
17 (e) Major project approvals which significantly increase a
18 project's scope or cost from original prioritization estimates shall
19 include a review of the project's estimated revised priority rank and
20 the level of funding provided. Projects may be delayed or canceled by
21 the (~~transportation commission~~) department if higher priority
22 projects are awaiting funding.
23 (2) The (~~commission~~) department may depart from the priority
24 programming established under subsection (1) of this section: (a) To
25 the extent that otherwise funds cannot be utilized feasibly within the
26 program; (b) as may be required by a court judgment, legally binding
27 agreement, or state and federal laws and regulations; (c) as may be
28 required to coordinate with federal, local, or other state agency
29 construction projects; (d) to take advantage of some substantial
30 financial benefit that may be available; (e) for continuity of route
31 development; or (f) because of changed financial or physical conditions
32 of an unforeseen or emergent nature. The (~~commission or~~) secretary
33 of transportation shall maintain in its files information sufficient to
34 show the extent to which the (~~commission~~) department has departed
35 from the established priority.
36 (3) The (~~commission~~) department shall identify those projects
37 that yield freight mobility benefits or that alleviate the impacts of
38 freight mobility upon affected communities.

1 **Sec. 17.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to read
2 as follows:

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

16 **Sec. 18.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
17 as follows:

18 The state-owned facilities component of the statewide
19 transportation plan shall consist of:

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

26 (a) A system preservation element, which shall establish structural
27 preservation objectives for the state highway system including bridges,
28 identify current and future structural deficiencies based upon analysis
29 of current conditions and projected future deterioration, and recommend
30 program funding levels and specific actions necessary to preserve the
31 structural integrity of the state highway system consistent with
32 adopted objectives. Lowest life cycle cost methodologies must be used
33 in developing a pavement management system. This element shall serve
34 as the basis for the preservation component of the six-year highway
35 program and the two-year biennial budget request to the legislature;

36 (b) A highway maintenance element, establishing service levels for
37 highway maintenance on state-owned highways that meet benchmarks

1 established by the (~~transportation commission~~) department. The
2 highway maintenance element must include an estimate of costs for
3 achieving those service levels over twenty years. This element will
4 serve as the basis for the maintenance component of the six-year
5 highway program and the two-year biennial budget request to the
6 legislature;

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

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

32 (e) A paths and trails element, which shall identify the needs of
33 nonmotorized transportation modes on the state transportation systems
34 and provide the basis for the investment of state transportation funds
35 in paths and trails, including funding provided under chapter 47.30
36 RCW.

37 (2) The state ferry system plan, which shall guide capital and
38 operating investments in the state ferry system. The plan shall

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

15 **Sec. 19.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to read
16 as follows:

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

25 **Sec. 20.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read
26 as follows:

27 For the purpose of environmental mitigation of transportation
28 projects, the department may acquire or develop, or both acquire and
29 develop, environmental mitigation sites in advance of the construction
30 of programmed projects. The term "advanced environmental mitigation"
31 means mitigation of adverse impacts upon the environment from
32 transportation projects before their design and construction. Advanced
33 environmental mitigation consists of the acquisition of property; the
34 acquisition of property, water, or air rights; the development of
35 property for the purposes of improved environmental management;
36 engineering costs necessary for such purchase and development; and the

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

19 **Sec. 21.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
20 read as follows:

21 The (~~transportation commission~~) department shall determine what
22 streets, together with bridges thereon and wharves necessary for use
23 for ferriage of motor vehicle traffic in connection with such streets,
24 if any, in any incorporated cities and towns shall form a part of the
25 route of state highways and between the first and fifteenth days of
26 July of any year the department of transportation shall identify by
27 brief description, the streets, together with the bridges thereon and
28 wharves, if any, in such city or town which are designated as forming
29 a part of the route of any state highway; and all such streets,
30 including curbs and gutters and street intersections and such bridges
31 and wharves, shall thereafter be a part of the state highway system and
32 as such shall be constructed and maintained by the department of
33 transportation from any state funds available therefor: PROVIDED, That
34 the responsibility for the construction and maintenance of any such
35 street together with its appurtenances may be returned to a city or a
36 town upon certification by the department of transportation to the
37 clerk of any city or town that such street, or portion thereof, is no

1 longer required as a part of the state highway system: PROVIDED
2 FURTHER, That any such certification that a street, or portion thereof,
3 is no longer required as a part of the state highway system shall be
4 made between the first and fifteenth of July following the
5 determination by the department that such street or portion thereof is
6 no longer required as a part of the state highway system, but this
7 shall not prevent the department and any city or town from entering
8 into an agreement that a city or town will accept responsibility for
9 such a street or portion thereof at some time other than between the
10 first and fifteenth of July of any year.

11 **Sec. 22.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to
12 read as follows:

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

25 **Sec. 23.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
26 to read as follows:

27 Whenever the general route of any state highway shall be designated
28 and laid out as running to or by way of certain designated points,
29 without specifying the particular route to be followed to or by way of
30 such points, the (~~transportation commission~~) department shall
31 determine the particular route to be followed by said state highway to
32 or by way of said designated points, and shall be at liberty to select
33 and adopt as a part of such state highway, the whole or any part of any
34 existing public highway previously designated as a county road, primary
35 road, or secondary road or now or hereafter classified as a county
36 road. The (~~commission~~) department need not select and adopt the

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

12 **PART III**

13 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO**
14 **THE DEPARTMENT OF TRANSPORTATION**

15 NEW SECTION. **Sec. 24.** A new section is added to chapter 47.01 RCW
16 to read as follows:

17 The secretary of transportation has the following powers and
18 duties:

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

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

29 **Sec. 25.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read
30 as follows:

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

33 (1) "Rural arterial program" means improvement projects on those
34 county roads in rural areas classified as rural arterials and

1 collectors in accordance with the federal functional classification
2 system and the construction of replacement bridges funded by the
3 federal bridge replacement program on access roads in rural areas.

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

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

10 **Sec. 26.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
11 amended to read as follows:

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

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

23 **Sec. 27.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to
24 read as follows:

25 (1) A regional transportation investment district planning
26 committee may, as part of a regional transportation investment plan,
27 recommend the imposition of some or all of the following revenue
28 sources, which a regional transportation investment district may impose
29 upon approval of the voters as provided in this chapter:

30 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
31 up to 0.5 percent of the selling price, in the case of a sales tax, or
32 value of the article used, in the case of a use tax, upon the
33 occurrence of any taxable event in the regional transportation
34 investment district;

35 (b) A local option vehicle license fee, as specified under RCW
36 82.80.100, of up to one hundred dollars per vehicle registered in the

1 district. As used in this subsection, "vehicle" means motor vehicle as
2 defined in RCW 46.04.320. Certain classes of vehicles, as defined
3 under chapter 46.04 RCW, may be exempted from this fee;

4 (c) A parking tax under RCW 82.80.030;

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

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

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

9 (g) Vehicle tolls on new or reconstructed facilities. Unless
10 otherwise specified by law, the department shall administer the
11 collection of vehicle tolls on designated facilities, and the ((state))
12 department of transportation ((~~commission~~)), or its successor, shall be
13 the tolling authority.

14 (2) Taxes, fees, and tolls may not be imposed without an
15 affirmative vote of the majority of the voters within the boundaries of
16 the district voting on a ballot proposition as set forth in RCW
17 36.120.070. Revenues from these taxes and fees may be used only to
18 implement the plan as set forth in this chapter. A district may
19 contract with the state department of revenue or other appropriate
20 entities for administration and collection of any of the taxes or fees
21 authorized in this section.

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

25 **Sec. 28.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
26 as follows:

27 Subject to the maximum gross weights specified in RCW 46.44.041, it
28 is unlawful to operate any vehicle upon the public highways with a
29 gross weight, including load, upon any tire concentrated upon the
30 surface of the highway in excess of six hundred pounds per inch width
31 of such tire. An axle manufactured after July 31, 1993, carrying more
32 than ten thousand pounds gross weight must be equipped with four or
33 more tires. Effective January 1, 1997, an axle carrying more than ten
34 thousand pounds gross weight must have four or more tires, regardless
35 of date of manufacture. Instead of the four or more tires per axle
36 requirements of this section, an axle may be equipped with two tires
37 limited to five hundred pounds per inch width of tire. This section

1 does not apply to vehicles operating under oversize or overweight
2 permits, or both, issued under RCW 46.44.090, while carrying a
3 nonreducible load.

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

15 For the purpose of this section, the width of tire in case of solid
16 rubber or hollow center cushion tires, so long as the use thereof may
17 be permitted by the law, shall be measured between the flanges of the
18 rim. For the purpose of this section, the width of tires in case of
19 pneumatic tires shall be the maximum overall normal inflated width as
20 stipulated by the manufacturer when inflated to the pressure specified
21 and without load thereon.

22 The department of transportation, under rules adopted by (~~the~~
23 ~~transportation commission~~) it with respect to state highways, and a
24 local authority, with respect to a public highway under its
25 jurisdiction, may extend the weight table in RCW 46.44.041 to one
26 hundred fifteen thousand pounds. However, the extension must be in
27 compliance with federal law, and vehicles operating under the extension
28 must be in full compliance with the 1997 axle and tire requirements
29 under this section.

30 **Sec. 29.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
31 as follows:

32 The department of transportation, pursuant to rules adopted by
33 (~~the transportation commission~~) it with respect to state highways,
34 and local authorities, with respect to public highways under their
35 jurisdiction, may, upon application in writing and good cause being
36 shown therefor, issue a special permit in writing, or electronically,
37 authorizing the applicant to operate or move a vehicle or combination

1 of vehicles of a size, weight of vehicle, or load exceeding the maximum
2 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
3 46.44.041 upon any public highway under the jurisdiction of the
4 authority granting such permit and for the maintenance of which such
5 authority is responsible.

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

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

11 On two-lane highways, fourteen feet;

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

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

16 These limits apply except under the following conditions:

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

36 (2) Permits may be issued for widths of vehicles in excess of the

1 preceding limitations on highways or sections of highways which have
2 been designed and constructed for width in excess of such limitations;

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

6 (4) These limitations may be rescinded when certification is made
7 by military officials, or by officials of public or private power
8 facilities, or when in the opinion of the department of transportation
9 the movement or action is a necessary movement or action: PROVIDED
10 FURTHER, That in the judgment of the department of transportation the
11 structures and highway surfaces on the routes involved are capable of
12 sustaining widths in excess of such limitation;

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

22 The applicant for any special permit shall specifically describe
23 the vehicle or vehicles and load to be operated or moved and the
24 particular state highways for which permit to operate is requested and
25 whether such permit is requested for a single trip or for continuous
26 operation.

27 **Sec. 31.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
28 as follows:

29 In determining fees according to RCW 46.44.0941, mileage on state
30 primary and secondary highways shall be determined from the planning
31 survey records of the department of transportation, and the gross
32 weight of the vehicle or vehicles, including load, shall be declared by
33 the applicant. Overweight on which fees shall be paid will be gross
34 loadings in excess of loadings authorized by law or axle loadings in
35 excess of loadings authorized by law, whichever is the greater. Loads
36 which are overweight and oversize shall be charged the fee for the

1 overweight permit without additional fees being assessed for the
2 oversize features.

3 Special permits issued under RCW 46.44.047, 46.44.0941, or
4 46.44.095, may be obtained from offices of the department of
5 transportation, ports of entry, or other agents appointed by the
6 department.

7 The department may appoint agents for the purposes of selling
8 special motor vehicle permits, temporary additional tonnage permits,
9 and log tolerance permits. Agents so appointed may retain three
10 dollars and fifty cents for each permit sold to defray expenses
11 incurred in handling and selling the permits. If the fee is collected
12 by the department of transportation, the department shall certify the
13 fee so collected to the state treasurer for deposit to the credit of
14 the motor vehicle fund.

15 The department may select a third party contractor, by means of
16 competitive bid, to perform the department's permit issuance function,
17 as provided under RCW 46.44.090. Factors the department shall
18 consider, but is not limited to, in the selection of a third party
19 contractor are economic benefit to both the department and the motor
20 carrier industry, and enhancement of the overall level of permit
21 service. For purposes of this section, "third party contractor" means
22 a business entity that is authorized by the department to issue special
23 permits. The department of transportation (~~commission~~) may adopt
24 rules specifying the criteria that a business entity must meet in order
25 to qualify as a third party contractor under this section.

26 Fees established in RCW 46.44.0941 shall be paid to the political
27 body issuing the permit if the entire movement is to be confined to
28 roads, streets, or highways for which that political body is
29 responsible. When a movement involves a combination of state highways,
30 county roads, and/or city streets the fee shall be paid to the state
31 department of transportation. When a movement is confined within the
32 city limits of a city or town upon city streets, including routes of
33 state highways on city streets, all fees shall be paid to the city or
34 town involved. A permit will not be required from city or town
35 authorities for a move involving a combination of city or town streets
36 and state highways when the move through a city or town is being
37 confined to the route of the state highway. When a move involves a
38 combination of county roads and city streets the fee shall be paid to

1 the county authorities, but the fee shall not be collected nor the
2 county permit issued until valid permits are presented showing that the
3 city or town authorities approve of the move in question. When the
4 movement involves only county roads the fees collected shall be paid to
5 the county involved. Fees established shall be paid to the political
6 body issuing the permit if the entire use of the vehicle during the
7 period covered by the permit shall be confined to the roads, streets,
8 or highways for which that political body is responsible.

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

11 For the purpose of providing funds for the acquisition of
12 headquarters facilities for district 1 of the department of
13 transportation and costs incidental thereto, together with all
14 improvements and equipment required to make the facilities suitable for
15 the department's use, there shall be issued and sold upon the request
16 of the (~~Washington transportation commission~~) department a total of
17 fifteen million dollars of general obligation bonds of the state of
18 Washington.

19 **Sec. 33.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
20 as follows:

21 Upon the request of the secretary of transportation (~~commission~~),
22 the state finance committee shall supervise and provide for the
23 issuance, sale, and retirement of the bonds authorized by RCW 47.02.120
24 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds
25 authorized by RCW 47.02.120 through 47.02.190 shall be sold in such
26 manner, at such time or times, in such amounts, and at such price as
27 the state finance committee shall determine. Except for the purpose of
28 repaying the loan from the motor vehicle fund, no such bonds may be
29 offered for sale without prior legislative appropriation of the net
30 proceeds of the sale of the bonds.

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

1 **Sec. 34.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
2 read as follows:

3 In order to provide funds necessary for the location, design, right
4 of way, and construction of state and local highway improvements, there
5 shall be issued and sold upon the request of the (~~Washington state~~
6 ~~transportation commission~~) department a maximum of one billion nine
7 hundred million dollars of general obligation bonds of the state of
8 Washington.

9 **Sec. 35.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
10 read as follows:

11 Upon the request of the (~~transportation commission~~) department,
12 the state finance committee shall supervise and provide for the
13 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
14 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
15 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such
16 manner, at such time or times, in such amounts, and at such price as
17 the state finance committee shall determine. No such bonds may be
18 offered for sale without prior legislative appropriation of the net
19 proceeds of the sale of the bonds.

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

25 **Sec. 36.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended
26 to read as follows:

27 The (~~transportation commission~~) department may enter into
28 agreements with the state finance committee for financing the
29 acquisition, by purchase or condemnation, of real property together
30 with engineering costs that the (~~transportation commission~~)
31 department deems will be necessary for the improvement of the state
32 highway system. Such agreements may provide for the acquisition of an
33 individual parcel or for the acquisition of any number of parcels
34 within the limits of a contemplated highway project.

1 **Sec. 37.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended
2 to read as follows:

3 Each such agreement shall include, but shall not be limited to the
4 following:

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

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

9 (3) A provision that the department of transportation may redeem
10 warrants purchased by the state finance committee at any time prior to
11 the letting of a highway improvement contract utilizing the property;
12 and further, during the effective period of each such agreement the
13 department of transportation shall redeem such warrants whenever such
14 a highway improvement contract is let, or upon the expiration of such
15 agreement, whichever date is earlier;

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

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

22 **Sec. 38.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
23 as follows:

24 A state highway to be known as state route number 35 is established
25 as follows:

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

33 **Sec. 39.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to
34 read as follows:

35 Not later than November 1st of each even-numbered year the
36 transportation improvement board shall prepare and present to the

1 ((~~commission~~)) department for comment and recommendation an adopted
2 budget for expenditures from funds administered by the board during the
3 ensuing biennium. The budget shall contain an estimate of the revenues
4 to be credited to the several accounts and the amount, if any, of bond
5 proceeds which the board determines should be made available through
6 the sale of bonds in the ensuing biennium.

7 **Sec. 40.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
8 as follows:

9 The ((~~transportation—commission~~)) department may designate
10 interstate safety rest areas, as appropriate, as locations for memorial
11 signs to prisoners of war and those missing in action. The
12 ((~~commission~~)) department shall adopt policies for the placement of
13 memorial signs on interstate safety rest areas and may disapprove any
14 memorial sign that it determines to be inappropriate or inconsistent
15 with the policies. The policies shall include, but are not limited to,
16 guidelines for the size and location of and inscriptions on memorial
17 signs. The secretary shall adopt rules for administering this program.
18 Nonprofit associations may have their name identified on a memorial
19 sign if the association bears the cost of supplying and maintaining the
20 memorial sign.

21 **Sec. 41.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read
22 as follows:

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

28 (2) The citizen advisory committee shall serve in an advisory
29 capacity to the ((~~commission~~)) department on all matters related to the
30 imposition of tolls. Members of the committee shall serve without
31 compensation.

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

1 **Sec. 42.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to read
2 as follows:

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

6 **Sec. 43.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
7 as follows:

8 Except as provided in RCW 47.52.134, the (~~(transportation~~
9 ~~commission)~~) department and the highway authorities of the counties and
10 incorporated cities and towns, with regard to facilities under their
11 respective jurisdictions, prior to the establishment of any limited
12 access facility, shall hold a public hearing within the county, city,
13 or town wherein the limited access facility is to be established to
14 determine the desirability of the plan proposed by such authority.
15 Notice of such hearing shall be given to the owners of property
16 abutting the section of any existing highway, road, or street being
17 established as a limited access facility, as indicated in the tax rolls
18 of the county, and in the case of a state limited access facility, to
19 the county and/or city or town. Such notice shall be by United States
20 mail in writing, setting forth a time for the hearing, which time shall
21 be not less than fifteen days after mailing of such notice. Notice of
22 such hearing also shall be given by publication not less than fifteen
23 days prior to such hearing in one or more newspapers of general
24 circulation within the county, city, or town. Such notice by
25 publication shall be deemed sufficient as to any owner or reputed owner
26 or any unknown owner or owner who cannot be located. Such notice shall
27 indicate a suitable location where plans for such proposal may be
28 inspected.

29 **Sec. 44.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
30 as follows:

31 Whenever after the final adoption of a plan for a limited access
32 highway by the (~~(transportation commission)~~) department, an additional
33 design public hearing with respect to the facility or any portion
34 thereof is conducted pursuant to federal law resulting in a revision of
35 the design of the limited access plan, the (~~(commission)~~) department

1 may modify the previously adopted limited access plan to conform to the
2 revised design without further public hearings providing the following
3 conditions are met:

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

8 (2) If the previously adopted limited access plan was modified by
9 a board of review convened at the request of a county, city, or town,
10 the legislative authority of the county, city, or town shall approve
11 any revisions of the plan which conflict with modifications ordered by
12 the board of review.

13 **Sec. 45.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
14 as follows:

15 (1) Whenever the (~~transportation commission~~) department adopts a
16 plan for a limited access highway to be constructed within the
17 corporate limits of a city or town which incorporates existing city or
18 town streets, title to such streets shall remain in the city or town,
19 and the provisions of RCW 47.24.020 as now or hereafter amended shall
20 continue to apply to such streets until such time that the highway is
21 operated as either a partially or fully controlled access highway.
22 Title to and full control over that portion of the city or town street
23 incorporated into the limited access highway shall be vested in the
24 state upon a declaration by the secretary of transportation that such
25 highway is operational as a limited access facility, but in no event
26 prior to the acquisition of right of way for such highway including
27 access rights, and not later than the final completion of construction
28 of such highway.

29 (2) Upon the completion of construction of a state limited access
30 highway within a city or town, the department of transportation may
31 relinquish to the city or town streets constructed or improved as a
32 functional part of the limited access highway, slope easements,
33 landscaping areas, and other related improvements to be maintained and
34 operated by the city or town in accordance with the limited access
35 plan. Title to such property relinquished to a city or town shall be
36 conveyed by a deed executed by the secretary of transportation and duly
37 acknowledged. Relinquishment of such property to the city or town may

1 be expressly conditioned upon the maintenance of access control
2 acquired by the state and the continued operation of such property as
3 a functional part of the limited access highway.

4 **Sec. 46.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
5 read as follows:

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

7 (a) The department of transportation shall have full charge of the
8 construction of all toll bridges and other toll facilities including
9 the Washington state ferries, and the operation and maintenance
10 thereof.

11 (b) The (~~transportation commission~~) department shall determine
12 and establish the tolls and charges thereon, and shall perform all
13 duties and exercise all powers relating to the financing, refinancing,
14 and fiscal management of all toll bridges and other toll facilities
15 including the Washington state ferries, and bonded indebtedness in the
16 manner provided by law.

17 (c) The department shall have full charge of design of all toll
18 facilities.

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

26 (i) Emergency contracts, in order to make repairs to ferries or
27 ferry terminal facilities or removal of such facilities whenever
28 continued use of ferries or ferry terminal facilities constitutes a
29 real or immediate danger to the traveling public or precludes prudent
30 use of such ferries or facilities; and

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

36 (2) The department shall proceed with the procurement of materials,
37 supplies, services, and equipment needed for the support, maintenance,

1 and use of a ferry, ferry terminal, or other facility operated by
2 Washington state ferries, in accordance with chapter 43.19 RCW except
3 as follows:

4 (a) Except as provided in (d) of this subsection, when the
5 secretary of the department of transportation determines in writing
6 that the use of invitation for bid is either not practicable or not
7 advantageous to the state and it may be necessary to make competitive
8 evaluations, including technical or performance evaluations among
9 acceptable proposals to complete the contract award, a contract may be
10 entered into by use of a competitive sealed proposals method, and a
11 formal request for proposals solicitation. Such formal request for
12 proposals solicitation shall include a functional description of the
13 needs and requirements of the state and the significant factors.

14 (b) When purchases are made through a formal request for proposals
15 solicitation the contract shall be awarded to the responsible proposer
16 whose competitive sealed proposal is determined in writing to be the
17 most advantageous to the state taking into consideration price and
18 other evaluation factors set forth in the request for proposals. No
19 significant factors may be used in evaluating a proposal that are not
20 specified in the request for proposals. Factors that may be considered
21 in evaluating proposals include but are not limited to: Price;
22 maintainability; reliability; commonality; performance levels; life
23 cycle cost if applicable under this section; cost of transportation or
24 delivery; delivery schedule offered; installation cost; cost of spare
25 parts; availability of parts and service offered; and the following:

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

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

30 (iii) Whether the proposer can perform the contract within the time
31 specified;

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

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

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

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

3 (c) When purchases are made through a request for proposal process,
4 proposals received shall be evaluated based on the evaluation factors
5 set forth in the request for proposal. When issuing a request for
6 proposal for the procurement of propulsion equipment or systems that
7 include an engine, the request for proposal must specify the use of a
8 life cycle cost analysis that includes an evaluation of fuel
9 efficiency. When a life cycle cost analysis is used, the life cycle
10 cost of a proposal shall be given at least the same relative importance
11 as the initial price element specified in the request of proposal
12 documents. The department may reject any and all proposals received.
13 If the proposals are not rejected, the award shall be made to the
14 proposer whose proposal is most advantageous to the department,
15 considering price and the other evaluation factors set forth in the
16 request for proposal.

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

23 **Sec. 47.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read
24 as follows:

25 All powers vested in the toll bridge authority as of September 21,
26 1977, relating to the acquiring, operating, extending, designing,
27 constructing, repairing, and maintenance of the Washington state
28 ferries or any part thereof and the collecting of tolls and charges for
29 use of its facilities, shall be performed by the department. The
30 (~~commission~~) department shall determine all fares, tolls, and other
31 charges for its facilities and shall directly perform all duties and
32 exercise all powers relating to financing, refinancing, and fiscal
33 management of the system's bonded indebtedness in the manner provided
34 by law.

35 **Sec. 48.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended
36 to read as follows:

1 The department of transportation may(~~(, with the approval of the~~
2 ~~transportation commission,~~) provide for the establishment,
3 construction, and operation of toll tunnels, toll roads, and other
4 facilities necessary for their construction and connection with public
5 highways of the state. It may cause surveys to be made to determine
6 the propriety of their establishment, construction, and operation, and
7 may acquire rights of way and other facilities necessary to carry out
8 the provisions hereof; and may issue, sell, and redeem bonds, and
9 deposit and expend them; secure and remit financial and other
10 assistance in the construction thereof; carry insurance thereon; and
11 handle any other matters pertaining thereto, all of which shall be
12 conducted in the same manner and under the same procedure as provided
13 for the establishing, constructing, operating, and maintaining of toll
14 bridges by the department, insofar as reasonably consistent and
15 applicable. No toll facility, toll bridge, toll road, or toll tunnel,
16 shall be combined with any other toll facility for the purpose of
17 financing unless such facilities form a continuous project, to the end
18 that each such facility or project be self-liquidating and self-
19 sustaining.

20 **Sec. 49.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
21 read as follows:

22 Upon approval of a majority of the voters within its boundaries
23 voting on the ballot proposition, and only for the purposes authorized
24 in RCW 36.120.050(1)((~~f~~)) (g), a regional transportation investment
25 district may impose vehicle tolls on state routes where improvements
26 financed in whole or in part by a regional transportation investment
27 district add additional lanes to, or reconstruct lanes on, a highway of
28 statewide significance. The department shall administer the collection
29 of vehicle tolls on designated facilities unless otherwise specified in
30 law, and (~~the state transportation commission, or its successor,~~)
31 shall be the tolling authority.

32 **Sec. 50.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended
33 to read as follows:

34 Whenever in the judgment of the (~~transportation commission~~)
35 department it is considered in the best interest of the public highways
36 of the state that any new toll bridge or bridges be constructed upon

1 any public highway and across any stream, body of water, gulch,
2 navigable water, swamp, or other topographical formation and operated
3 by the state the ((~~commission~~)) department shall adopt a resolution
4 declaring that public interest and necessity require the construction
5 of such toll bridge or bridges and authorizing the issuance of revenue
6 bonds for the purpose of obtaining funds in an amount not in excess of
7 that estimated to be required for such construction. The issuance of
8 bonds as provided in this chapter for the construction of more than one
9 toll bridge may at the discretion of the ((~~commission~~)) department be
10 included in the same authority and issue of bonds.

11 **Sec. 51.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read
12 as follows:

13 Before the department proceeds with any action to secure a right of
14 way or with construction of any toll bridge under the provisions of
15 this chapter, the ((~~commission~~)) department shall first pass a
16 resolution that public interest and necessity require the acquisition
17 of right of way for and the construction of the toll bridge. The
18 resolution is conclusive evidence (1) of the public necessity of such
19 construction; (2) that the property is necessary therefor; and (3) that
20 the proposed construction is planned or located in a manner which will
21 be most compatible with the greatest public good and the least private
22 injury. When it becomes necessary for the department to condemn any
23 real estate to be used in connection with any such bridge, the attorney
24 general of the state shall represent the department. In eminent domain
25 proceedings to acquire property for any of the purposes of this
26 chapter, any toll bridge, real property, personal property, franchises,
27 rights, easements, or other property or privileges appurtenant thereto
28 appropriated or dedicated to a public use or purpose by any person,
29 firm, private, public, or municipal corporation, county, city, town,
30 district, or any political subdivision of the state, may be condemned
31 and taken, and the acquisition and use as provided in this chapter for
32 the same public use or purpose to which the property has been so
33 appropriated or dedicated, or for any other public use or purpose, is
34 a superior and permanent right and necessity, and a more necessary use
35 and purpose than the public use or purpose to which the property has
36 already been appropriated or dedicated. It is not necessary in any
37 eminent domain proceedings under this chapter to plead or prove any

1 acts or proceedings preliminary or prior to the adoption of the
2 resolution hereinbefore referred to describing the property sought to
3 be taken and directing such proceedings.

4 **Sec. 52.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended
5 to read as follows:

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

11 **Sec. 53.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended
12 to read as follows:

13 Whenever a proposed toll bridge, toll road, toll tunnel, or any
14 other toll facility of any sort is to be constructed, any city, county,
15 or other political subdivision located in relation to such facility so
16 as to benefit directly or indirectly thereby, may, either jointly or
17 separately, at the request of the ~~((transportation commission))~~
18 department advance or contribute money, or bonds, rights of way, labor,
19 materials, and other property toward the expense of building the toll
20 facility, and for preliminary surveys and the preparation of plans and
21 estimates of cost therefor and other preliminary expenses. Any such
22 city, county, or other political subdivision may, either jointly or
23 separately, at the request of the ~~((transportation commission))~~
24 department advance or contribute money or bonds for the purpose of
25 guaranteeing the payment of interest or principal on the bonds issued
26 by the ~~((commission))~~ department to finance the toll facility.
27 Appropriations for such purposes may be made from any funds available,
28 including county road funds received from or credited by the state, or
29 funds obtained by excess tax levies made pursuant to law or the
30 issuance of general obligation bonds for this purpose. General
31 obligation bonds issued by a city, county, or political subdivision may
32 ~~((with the consent of the commission))~~ be placed with the department of
33 transportation to be sold by the department to provide funds for such
34 purpose. Money, or bonds, or property so advanced or contributed may
35 be immediately transferred or delivered to the department to be used
36 for the purpose for which contribution was made. The ~~((commission))~~

1 department may enter into an agreement with a city, county, or other
2 political subdivision to repay any money, or bonds or the value of a
3 right of way, labor, materials, or other property so advanced or
4 contributed. The (~~commission~~) department may make such repayment to
5 a city, county, or other political subdivision and reimburse the state
6 for any expenditures made by it in connection with the toll facility
7 out of tolls and other revenues for the use of the toll facility.

8 **Sec. 54.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to read
9 as follows:

10 The governor is authorized to take such actions as may be necessary
11 to insure the continued operation of the Puget Sound ferry and toll
12 bridge system under any emergency circumstances which threaten the
13 continued operation of the system. In the event of such an emergency,
14 the governor may assume all the powers granted by law to the
15 (~~transportation commission and~~) department of transportation with
16 respect to the ferry system. In addition, notwithstanding the
17 provisions of chapters 47.60 and 47.64 RCW, the governor may contract
18 with any qualified persons for the operation of the Washington state
19 ferry system, or any part thereof, or for ferry service to be provided
20 by privately owned vessels. Administrative costs to the office of the
21 governor incurred in the exercise of this authority shall be reimbursed
22 by the department.

23 **Sec. 55.** RCW 47.60.150 and 2003 c 374 s 3 are each amended to read
24 as follows:

25 Subject to the provisions of RCW 47.60.326, the schedule of charges
26 for the services and facilities of the system shall be fixed and
27 revised from time to time by the (~~commission~~) department so that the
28 tolls and other revenues deposited in the Puget Sound ferry operations
29 account for maintenance and operation, and all moneys in the Puget
30 Sound capital construction account available for debt service will
31 yield annual revenue and income sufficient, after allowance for all
32 operating, maintenance, and repair expenses to pay the interest and
33 principal and sinking fund charges for all outstanding revenue bonds,
34 and to create and maintain a fund for ordinary renewals and
35 replacements: PROVIDED, That if provision is made by any resolution
36 for the issuance of revenue bonds for the creation and maintenance of

1 a special fund for rehabilitating, rebuilding, enlarging, or improving
2 all or any part of the ferry system then such schedule of tolls and
3 rates of charges shall be fixed and revised so that the revenue and
4 income will also be sufficient to comply with such provision.

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

10 **Sec. 56.** RCW 47.60.326 and 2003 c 374 s 4 are each amended to read
11 as follows:

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

16 (2) Prior to February 1st of each odd-numbered year the department
17 shall (~~transmit to the transportation commission~~) make public a
18 report of its review together with its recommendations for the revision
19 of a schedule of charges for the ensuing biennium. The (~~commission~~)
20 department on or before July 1st of that year shall adopt as a rule, in
21 the manner provided by the Washington administrative procedure act, a
22 schedule of charges for the Washington state ferries for the ensuing
23 biennium commencing July 1st. The schedule may initially be adopted as
24 an emergency rule if necessary to take effect on, or as near as
25 possible to, July 1st.

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

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

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

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

35 (d) The efficient distribution of traffic between cross-sound
36 routes;

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

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

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

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

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

12 (4) If at any time during the biennium it appears that projected
13 revenues from the Puget Sound ferry operations account and any other
14 operating subsidy available to the Washington state ferries will be
15 less than the projected total cost of maintenance and operation of the
16 Washington state ferries for the biennium, the department shall
17 forthwith undertake a review of its schedule of charges to ascertain
18 whether or not the schedule of charges should be revised. The
19 department shall, upon completion of its review report, (~~submit~~) make
20 public its recommendation (~~to the transportation commission which~~),
21 and may in its sound discretion revise the schedule of charges as
22 required to meet necessary maintenance and operation expenditures of
23 the ferry system for the biennium or may defer action until the regular
24 annual review and revision of ferry charges as provided in subsection
25 (2) of this section.

26 (5) The provisions of RCW 47.60.330 relating to public
27 participation shall apply to the process of revising ferry tolls under
28 this section.

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

33 (7) Notwithstanding the provisions of this section and chapter
34 81.28 RCW, and using sound business judgment, the chief executive
35 officer of the ferry system may authorize the use of promotional,
36 discounted, and special event fares to the general public and
37 commercial enterprises for the purpose of maximizing capacity use and
38 the revenues collected by the ferry system. The department shall

1 report to the transportation commission a summary of the promotional,
2 discounted, and special event fares offered during each fiscal year and
3 the financial results from these activities.

4 **Sec. 57.** RCW 47.60.330 and 2003 c 374 s 5 are each amended to read
5 as follows:

6 (1) Before a substantial expansion or curtailment in the level of
7 service provided to ferry users, or a revision in the schedule of ferry
8 tolls or charges, the department of transportation shall consult with
9 affected ferry users. The consultation shall be: (a) By public
10 hearing in affected local communities; (b) by review with the affected
11 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting
12 a survey of affected ferry users; or (d) by any combination of (a)
13 through (c). Promotional, discount, and special event fares that are
14 not part of the published schedule of ferry charges or tolls are
15 exempt. The department shall (~~report~~) make public an accounting of
16 all exempt revenues (~~to the transportation commission~~) each fiscal
17 year.

18 (2) There is created a ferry system productivity council consisting
19 of a representative of each ferry advisory committee empanelled under
20 RCW 47.60.310, elected by the members thereof, and two representatives
21 of employees of the ferry system appointed by mutual agreement of all
22 of the unions representing ferry employees, which shall meet from time
23 to time with ferry system management to discuss means of improving
24 ferry system productivity.

25 (3) Before increasing ferry tolls the department of transportation
26 shall consider all possible cost reductions with full public
27 participation as provided in subsection (1) of this section and,
28 consistent with public policy, shall consider adapting service levels
29 equitably on a route-by-route basis to reflect trends in and forecasts
30 of traffic usage. Forecasts of traffic levels shall be developed by
31 the bond covenant traffic engineering firm appointed under the
32 provisions of RCW 47.60.450. Provisions of this section shall not
33 alter obligations under RCW 47.60.450. Before including any toll
34 increase in a budget proposal (~~by the commission~~), the department of
35 transportation shall consult with affected ferry users in the manner
36 prescribed in (1)(b) of this section plus the procedure of either
37 (1)(a) or (c) of this section.

1 **Sec. 58.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to
2 read as follows:

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

7 The cost of maintenance, upkeep, and repair may be paid from funds
8 appropriated for the construction and maintenance of the primary state
9 highways of the state of Washington.

10 **Sec. 59.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read
11 as follows:

12 In order to provide funds necessary for vessel and terminal
13 acquisition, construction, and major and minor improvements, including
14 long lead time materials acquisition for the Washington state ferries,
15 there shall be issued and sold upon the request of the (~~Washington~~
16 ~~state~~) department of transportation (~~commission~~) and legislative
17 appropriation a total of two hundred ten million dollars of general
18 obligation bonds of the state of Washington.

19 **Sec. 60.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
20 as follows:

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

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

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

28 (3) "Collective bargaining representative" means the persons
29 designated by the secretary of transportation and employee
30 organizations to be the exclusive representatives during collective
31 bargaining negotiations.

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

34 (5) "Ferry employee" means any employee of the marine
35 transportation division of the department of transportation who is a

1 member of a collective bargaining unit represented by a ferry employee
2 organization and does not include an exempt employee pursuant to RCW
3 41.06.079.

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

7 (7) "Ferry system management" means those management personnel of
8 the marine transportation division of the department of transportation
9 who have been vested with the day-to-day management responsibilities of
10 the Washington state ferry system by the (~~transportation commission~~)
11 department and who are not members of a collective bargaining unit
12 represented by a ferry employee organization.

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

20 (9) "Marine employees' commission" means the commission created in
21 RCW 47.64.280.

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

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

36 (12) "Transportation commission" means the commission as defined in
37 RCW 47.01.021.

1 **Sec. 61.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
2 as follows:

3 (1) Any ferry employee organization certified as the bargaining
4 representative shall be the exclusive representative of all ferry
5 employees in the bargaining unit and shall represent all such employees
6 fairly.

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

10 (3) Negotiating sessions, including strategy meetings of ferry
11 system management or employee organizations, mediation, and the
12 deliberative process of arbitrators are exempt from the provisions of
13 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
14 the public by mutual consent of the parties. Any meeting of the
15 (~~transportation commission~~) department, during which a collective
16 bargaining agreement is subject to ratification, shall be open to the
17 public.

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

21 (5) Ferry system employees or any employee organization shall not
22 negotiate or attempt to negotiate directly with (~~a member of the~~
23 ~~transportation commission~~) department personnel if the (~~commission~~)
24 department has appointed or authorized a bargaining representative for
25 the purpose of bargaining with the ferry employees or their
26 representative, unless the (~~member of the commission~~) department
27 personnel is the designated bargaining representative of the ferry
28 system.

29 (6) The negotiation of a proposed collective bargaining agreement
30 by representatives of ferry system management and a ferry employee
31 organization shall commence in each odd-numbered year immediately
32 following adoption by the legislature and approval by the governor of
33 the biennial budget.

34 (7) Until a new collective bargaining agreement is negotiated, or
35 until an award is made by the arbitrator, the terms and conditions of
36 the previous collective bargaining agreement shall remain in force.
37 The wage and benefit provisions of any collective bargaining agreement,
38 or arbitrator's award in lieu thereof, that is concluded after July 1st

1 of an odd-numbered year shall be retroactive to July 1st. It is the
2 intent of this section that the collective bargaining agreement or
3 arbitrator's award shall commence on July 1st of each odd-numbered year
4 and shall terminate on June 30th of the next odd-numbered year to
5 coincide with the ensuing biennial budget year, as defined by RCW
6 43.88.020(7), to the extent practical.

7 (8) Any ferry union contract terminating before July 1, 1983,
8 shall, with the agreement of the parties, remain in effect until a
9 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
10 through 47.64.280. The contract may be retroactive to the expiration
11 date of the prior contract, and the cost to the department of three
12 months retroactive compensation and benefits for this 1983 contract
13 negotiation only shall not be included in calculating the limitation
14 imposed by RCW 47.64.180. If the parties cannot agree to contract
15 extension, any increase agreed to for the three-month period shall be
16 included in calculating the limit imposed by RCW 47.64.180.

17 (9) Any ferry union contract which would terminate after July 1,
18 1983, may, by agreement of the parties, be terminated as of July 1,
19 1983, and a new contract concluded pursuant to RCW 47.64.006,
20 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
21 after July 1, 1983, is subject to this chapter only upon its expiration
22 and shall not be renewed for a period beyond July 1, 1985.

23 NEW SECTION. **Sec. 62.** Part headings used in this act are not part
24 of the law.

25 NEW SECTION. **Sec. 63.** Sections 1 and 2 of this act take effect
26 July 1, 2004. The remainder of this act takes effect July 1, 2005.

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