

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6800

59th Legislature
2006 Regular Session

Passed by the Senate March 8, 2006
YEAS 43 NAYS 0

President of the Senate

Passed by the House March 8, 2006
YEAS 83 NAYS 15

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6800** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6800

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen and Rockefeller; by request of Governor Gregoire)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to streamlining state transportation governance;
2 amending RCW 47.01.051, 47.01.061, 47.01.071, 47.01.075, 47.01.091,
3 47.01.101, 47.01.280, 47.05.021, 36.57A.191, 36.78.121, 36.79.120,
4 36.79.130, 36.120.020, 43.10.101, 46.44.042, 46.44.080, 46.44.090,
5 46.44.092, 46.44.096, 46.61.450, 46.68.113, 47.28.010, 47.28.170,
6 47.38.060, 47.52.133, 47.52.145, 47.52.210, 81.112.086, 36.56.121,
7 36.57A.070, 47.10.861, 47.10.862, 47.10.843, 47.10.844, 47.10.834,
8 47.10.835, 47.10.819, 47.10.820, 47.02.120, 47.02.140, 47.17.132,
9 47.24.010, 47.05.030, 47.05.035, 47.05.051, and 47.29.010; reenacting
10 and amending RCW 43.88.030; adding a new section to chapter 47.01 RCW;
11 adding new sections to chapter 47.29 RCW; repealing RCW 44.75.010,
12 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.060, 44.75.070,
13 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 44.75.800,
14 44.75.900, and 44.75.901; and providing an effective date.

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

16 **Sec. 1.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to
17 read as follows:

18 There is hereby created a transportation commission, which shall
19 consist of seven voting members appointed by the governor, with the

1 consent of the senate. The present five members of the highway
2 commission shall serve as five initial members of the transportation
3 commission until their terms of office as highway commission members
4 would have expired. The additional two members provided herein for the
5 transportation commission shall be appointed for initial terms to
6 expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall
7 be for six years. No elective state official (~~((or))~~), state officer, or
8 state employee shall be a member of the commission (~~((, and not more than~~
9 ~~four members of the commission shall at the time of appointment or~~
10 ~~thereafter during their respective terms of office be members of the~~
11 ~~same major political party))~~). At the time of appointment or thereafter
12 during their respective terms of office, four members of the commission
13 shall reside in the western part of the state and three members shall
14 reside in the eastern part of the state as divided north and south by
15 the summit of the Cascade mountains. No more than two members of the
16 commission shall reside in the same county; however, the governor, or
17 his or her designee, shall serve as a nonvoting member of the
18 commission. Commission appointments should reflect both a wide range
19 of transportation interests and a balanced statewide geographic
20 representation. Commissioners (~~((shall not))~~) may be removed from office
21 by the governor before the expiration of their terms (~~((unless for a~~
22 ~~disqualifying change of residence or for cause based upon a~~
23 ~~determination of incapacity, incompetence, neglect of duty, or~~
24 ~~malfeasance in office by the superior court of the state of Washington~~
25 ~~in and for Thurston county upon petition and show cause proceedings~~
26 ~~duly brought therefor in said court and directed to the commissioner in~~
27 ~~question))~~) for cause. No member shall be appointed for more than two
28 consecutive terms.

29 **Sec. 2.** RCW 47.01.061 and 2005 c 319 s 4 are each amended to read
30 as follows:

31 (1) The commission shall meet at such times as it deems advisable
32 but at least (~~((once every month))~~) on a quarterly basis with meetings to
33 be held in different parts of the state. It may adopt its own rules
34 and regulations and may establish its own procedure. It shall act
35 collectively in harmony with recorded resolutions or motions adopted by
36 majority vote of at least four members. The commission may appoint an
37 (~~((administrative secretary))~~) executive director, and shall elect one of

1 its members (~~(chairman)~~) chair for a term of one year. The (~~(chairman~~
2 ~~shall be able to)~~) chair may vote on all matters before the commission.
3 The commission may from time to time retain planners, consultants, and
4 other technical personnel to advise it in the performance of its
5 duties.

6 (2) The commission shall submit to each regular session of the
7 legislature held in an odd-numbered year its own budget proposal
8 necessary for the commission's operations separate from that proposed
9 for the department.

10 (3) Each member of the commission shall be compensated in
11 accordance with RCW 43.03.250 and shall be reimbursed for actual
12 necessary traveling and other expenses in going to, attending, and
13 returning from meetings of the commission, and actual and necessary
14 traveling and other expenses incurred in the discharge of such duties
15 as may be requested by a majority vote of the commission or by the
16 secretary of transportation, but in no event shall (~~(a commissioner be~~
17 ~~compensated in any year for more than one hundred twenty days, except~~
18 ~~the chairman of the commission who may be paid compensation for not~~
19 ~~more than one hundred fifty days)~~) the entire commission membership be
20 compensated for more than one thousand two hundred thirty days
21 combined. Service on the commission shall not be considered as service
22 credit for the purposes of any public retirement system.

23 (4) Each member of the commission shall disclose any actual or
24 potential conflict of interest, if applicable under the circumstance,
25 regarding any commission business.

26 **Sec. 3.** RCW 47.01.071 and 2005 c 319 s 5 are each amended to read
27 as follows:

28 The transportation commission shall have the following functions,
29 powers, and duties:

30 (1) To propose policies to be adopted by the governor and the
31 legislature designed to assure the development and maintenance of a
32 comprehensive and balanced statewide transportation system which will
33 meet the needs of the people of this state for safe and efficient
34 transportation services. Wherever appropriate the policies shall
35 provide for the use of integrated, intermodal transportation systems to
36 implement the social, economic, and environmental policies, goals, and

1 objectives of the people of the state, and especially to conserve
2 nonrenewable natural resources including land and energy. To this end
3 the commission shall:

4 (a) Develop transportation policies which are based on the
5 policies, goals, and objectives expressed and inherent in existing
6 state laws;

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

12 (c) Propose a transportation policy for the state;

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

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

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

23 (3) In conjunction with the provisions under RCW 47.01.075, to
24 provide for public involvement in transportation designed to elicit the
25 public's views both with respect to adequate transportation services
26 and appropriate means of minimizing adverse social, economic,
27 environmental, and energy impact of transportation programs;

28 (4) To prepare a comprehensive and balanced statewide
29 transportation plan which shall be based on the transportation policy
30 adopted by the governor and the legislature, and applicable state and
31 federal laws. The plan must reflect the priorities of government
32 developed by the office of financial management and address regional
33 needs, including multimodal transportation planning. The plan shall be
34 reviewed and revised, and submitted to the governor and the house of
35 representatives and senate standing committees on transportation, prior
36 to each regular session of the legislature during an even-numbered year
37 thereafter. The plan shall be subject to the approval of the
38 legislature in the biennial transportation budget act.

1 The plan shall take into account federal law and regulations
2 relating to the planning, construction, and operation of transportation
3 facilities;

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

8 ~~((To approve the issuance and sale of all bonds authorized by
9 the legislature for capital construction of state highways, toll
10 facilities, Columbia Basin county roads (for which reimbursement to the
11 motor vehicle fund has been provided), urban arterial projects, and
12 aviation facilities;~~

13 ~~(7)) To adopt such rules((, regulations, and policy directives))
14 as may be necessary to carry out reasonably and properly those
15 functions expressly vested in the commission by statute;~~

16 ~~((8)) (7) To contract with the office of financial management or
17 other appropriate state agencies for administrative support, accounting
18 services, computer services, and other support services necessary to
19 carry out its other statutory duties;~~

20 (8) To conduct transportation-related studies and policy analysis
21 to the extent directed by the legislature or governor in the biennial
22 transportation budget act, or as otherwise provided in law, and subject
23 to the availability of amounts appropriated for this specific purpose;
24 and

25 (9) To exercise such other specific powers and duties as may be
26 vested in the transportation commission by this or any other provision
27 of law.

28 **Sec. 4.** RCW 47.01.075 and 2005 c 319 s 6 are each amended to read
29 as follows:

30 (1) The transportation commission shall provide a public forum for
31 the development of transportation policy in Washington state to include
32 coordination with regional transportation planning organizations,
33 transportation stakeholders, counties, cities, and citizens. It may
34 recommend to the secretary of transportation, the governor, and the
35 legislature means for obtaining appropriate citizen and professional
36 involvement in all transportation policy formulation and other matters
37 related to the powers and duties of the department. It may further

1 hold hearings and explore ways to improve the mobility of the
2 citizenry. At least every five years, the commission shall convene
3 regional forums to gather citizen input on transportation issues.

4 (2) Every two years, in coordination with the development of the
5 state biennial budget, the commission shall prepare the statewide
6 multimodal transportation progress report (~~((that outlines the))~~) and
7 propose to the office of financial management transportation priorities
8 (~~((of))~~) for the ensuing biennium. The report must:

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

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

12 (c) Be developed with the input from state, local, and regional
13 jurisdictions, transportation service providers, (~~((and))~~) key
14 transportation stakeholders, and the office of financial management;

15 (d) Be considered by the secretary of transportation and other
16 state transportation-related agencies in preparing proposed agency
17 budgets and executive request legislation;

18 (e) Be submitted by the commission to the governor and the
19 legislature by October 1st of each even-numbered year for consideration
20 by the governor.

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

24 (4) In order to promote a better transportation system, the
25 commission shall offer policy guidance and make recommendations to the
26 governor and the legislature in key issue areas, including but not
27 limited to:

28 (a) Transportation finance;

29 (b) Preserving, maintaining, and operating the statewide
30 transportation system;

31 (c) Transportation infrastructure needs;

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

34 (e) Transportation efficiencies that will improve service delivery
35 and/or coordination;

36 (f) Improved planning and coordination among transportation
37 agencies and providers; (~~((and))~~)

- 1 (g) Use of intelligent transportation systems and other technology-
- 2 based solutions; and
- 3 (h) Reporting of performance against goals, targets, and
- 4 benchmarks.

5 **Sec. 5.** RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to
6 read as follows:

7 The secretary shall establish such advisory councils as are
8 necessary to carry out the purposes of this (~~1977 amendatory act~~)
9 title, and to insure adequate public participation in the planning and
10 development of transportation facilities. Members of such councils
11 shall serve at the pleasure of the secretary and may receive per diem
12 and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060,
13 as now or hereafter amended.

14 **Sec. 6.** RCW 47.01.101 and 2005 c 319 s 7 are each amended to read
15 as follows:

16 The secretary shall have the authority and it shall be his or her
17 duty:

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

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

22 (3) To designate and establish such transportation district,
23 region, or branch offices as may be necessary or convenient, and to
24 appoint assistants and delegate any powers, duties, and functions to
25 them or any officer or employee of the department as deemed necessary
26 to administer the department efficiently;

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

31 (5) To adopt all department rules that are subject to the adoption
32 procedures contained in the state administrative procedure act, except
33 rules subject to adoption by the commission pursuant to statute;

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

1 (7) To provide, under contract or interagency agreement, ~~((full))~~
2 staff support to the commission, including long-term technical and
3 administrative support as needed, to assist it in carrying out its
4 functions, powers, and duties;

5 (8) To execute and implement the biennial operating budget for the
6 operation of the department in accordance with chapter 43.88 RCW and
7 with legislative appropriation;

8 (9) To advise the governor and the legislature with respect to
9 matters under the jurisdiction of the department; and

10 (10) To exercise all other powers and perform all other duties as
11 are now or hereafter provided by law.

12 **Sec. 7.** RCW 47.01.280 and 2005 c 319 s 121 are each amended to
13 read as follows:

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

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

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

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

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

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

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

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

4 **Sec. 8.** RCW 47.05.021 and 2005 c 319 s 8 are each amended to read
5 as follows:

6 (1) The department shall conduct periodic analyses of the entire
7 state highway system(~~(τ)~~) and report to the (~~commission~~) office of
8 financial management and the chairs of the transportation committees of
9 the senate and house of representatives, any subsequent recommendations
10 to subdivide, classify, and subclassify all designated state highways
11 into the following three functional classes:

12 (a) The "principal arterial system" shall consist of a connected
13 network of rural arterial routes with appropriate extensions into and
14 through urban areas, including all routes designated as part of the
15 interstate system, which serve corridor movements having travel
16 characteristics indicative of substantial statewide and interstate
17 travel;

18 (b) The "minor arterial system" shall, in conjunction with the
19 principal arterial system, form a rural network of arterial routes
20 linking cities and other activity centers which generate long distance
21 travel, and, with appropriate extensions into and through urban areas,
22 form an integrated network providing interstate and interregional
23 service; and

24 (c) The "collector system" shall consist of routes which primarily
25 serve the more important intercounty, intracounty, and intraurban
26 travel corridors, collect traffic from the system of local access roads
27 and convey it to the arterial system, and on which, regardless of
28 traffic volume, the predominant travel distances are shorter than on
29 arterial routes.

30 (2) The (~~transportation commission~~) department shall adopt a
31 functional classification of highways. The (~~commission~~) department
32 shall consider (~~the recommendations of the department and testimony~~)
33 comments from the public and local municipalities. The (~~commission~~)
34 department shall give consideration to criteria consistent with this
35 section and federal regulations relating to the functional
36 classification of highways, including but not limited to the following:

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

3 (b) Important traffic generating economic activities, including but
4 not limited to recreation, agriculture, government, business, and
5 industry;

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

8 (d) Directness of travel and distance between points of economic
9 importance;

10 (e) Length of trips;

11 (f) Character and volume of traffic;

12 (g) Preferential consideration for multiple service which shall
13 include public transportation;

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

15 (i) System continuity.

16 (3) The (~~transportation commission~~) department or the legislature
17 shall designate state highways of statewide significance under RCW
18 47.06.140. If the (~~commission~~) department designates a state highway
19 of statewide significance, it shall submit a list of such facilities
20 for adoption by the legislature. This statewide system shall include
21 at a minimum interstate highways and other statewide principal
22 arterials that are needed to connect major communities across the state
23 and support the state's economy.

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

31 **Sec. 9.** RCW 36.57A.191 and 2003 c 363 s 304 are each amended to
32 read as follows:

33 As a condition of receiving state funding, a public transportation
34 benefit area authority shall submit a maintenance and preservation
35 management plan for certification by the department of transportation
36 (~~commission or its successor entity~~). The plan must inventory all

1 transportation system assets within the direction and control of the
2 authority, and provide a preservation plan based on lowest life-cycle
3 cost methodologies.

4 **Sec. 10.** RCW 36.78.121 and 2003 c 363 s 307 are each amended to
5 read as follows:

6 The county road administration board, or its successor entity,
7 shall establish a standard of good practice for maintenance of
8 transportation system assets. This standard must be implemented by all
9 counties no later than December 31, 2007. The board shall develop a
10 model maintenance management system for use by counties. The board
11 shall develop rules to assist the counties in the implementation of
12 this system. Counties shall annually submit their maintenance plans to
13 the board. The board shall compile the county data regarding
14 maintenance management and annually submit it to the (~~transportation~~
15 ~~commission or its successor entity~~) office of financial management.

16 **Sec. 11.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
17 as follows:

18 Counties receiving funds from the rural arterial trust account for
19 construction of arterials and the construction of replacement bridges
20 funded by the federal bridge replacement program on access roads in
21 rural areas shall provide such matching funds as established by rules
22 recommended by the board, subject to review, revision, and final
23 approval by the (~~state transportation commission~~) office of financial
24 management. Matching requirements shall be established after
25 appropriate studies by the board, taking into account financial
26 resources available to counties to meet arterial needs.

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

29 Not later than November 1st of each even-numbered year the board
30 shall prepare and present to the (~~state transportation commission~~)
31 office of financial management a recommended budget for expenditures
32 from the rural arterial trust account during the ensuing biennium. The
33 budget shall contain an estimate of the revenues to be credited to the
34 rural arterial trust account.

1 The (~~state transportation commission~~) office of financial
2 management shall review the budget as recommended, revise the budget as
3 it deems proper, and include the budget as revised as a separate
4 section of the transportation budget which it shall submit to the
5 governor pursuant to chapter 43.88 RCW.

6 **Sec. 13.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

12 (2) "Department" means the Washington state department of
13 transportation.

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

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

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

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

31 (7) "Regional transportation investment plan" or "plan" means a
32 plan to develop, construct, and finance a transportation project or
33 projects.

34 (8) "Transportation project" means:

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

- 1 (i) Adds a lane or new lanes to an existing state or federal
2 highway; or
- 3 (ii) Repairs or replaces a lane or lanes damaged by an event
4 declared an emergency by the governor before January 1, 2002.
- 5 (b) A capital improvement or improvements to all or a portion of a
6 highway of statewide significance, including an extension, and may
7 include the following associated multimodal capital improvements:
- 8 (i) Approaches to highways of statewide significance;
9 (ii) High-occupancy vehicle lanes;
10 (iii) Flyover ramps;
11 (iv) Park and ride lots;
12 (v) Bus pullouts;
13 (vi) Vans for vanpools;
14 (vii) Buses; and
15 (viii) Signalization, ramp metering, and other transportation
16 system management improvements.
- 17 (c) A capital improvement or improvements to all or a portion of a
18 city street, county road, or existing highway or the creation of a new
19 highway that intersects with a highway of statewide significance, if
20 all of the following conditions are met:
- 21 (i) The project is included in a plan that makes highway
22 improvement projects that add capacity to a highway or highways of
23 statewide significance;
- 24 (ii) The secretary of transportation determines that the project
25 would better relieve traffic congestion than investing that same money
26 in adding capacity to a highway of statewide significance;
- 27 (iii) Matching money equal to one-third of the total cost of the
28 project is provided by local entities, including but not limited to a
29 metropolitan planning organization, county, city, port, or private
30 entity in which a county participating in a plan is located. Local
31 entities may use federal grants to meet this matching requirement;
- 32 (iv) In no case may the cumulative regional transportation
33 investment district contribution to all projects constructed under this
34 subsection (8)(c) exceed ten percent of the revenues generated by the
35 district;
- 36 (v) In no case may the cumulative regional transportation
37 investment district contribution to all projects constructed under this
38 subsection (8)(c) exceed one billion dollars; and

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

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

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

11 **Sec. 14.** RCW 43.10.101 and 2005 c 319 s 104 are each amended to
12 read as follows:

13 The attorney general shall prepare annually a report to the
14 transportation committees of the legislature, the governor, the
15 department of transportation, and the transportation commission(~~(, and~~
16 ~~the transportation performance audit board~~)) comprising a comprehensive
17 summary of all cases involving tort claims against the department of
18 transportation involving highways which were concluded and closed in
19 the previous calendar year. The report shall include for each case
20 closed:

21 (1) A summary of the factual background of the case;

22 (2) Identification of the attorneys representing the state and the
23 opposing parties;

24 (3) A synopsis of the legal theories asserted and the defenses
25 presented;

26 (4) Whether the case was tried, settled, or dismissed, and in whose
27 favor;

28 (5) The approximate number of attorney hours expended by the state
29 on the case, together with the corresponding dollar amount billed
30 therefore; and

31 (6) Such other matters relating to the case as the attorney general
32 deems relevant or appropriate, especially including any comments or
33 recommendations for changes in statute law or agency practice that
34 might effectively reduce the exposure of the state to such tort claims.

35 **Sec. 15.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
36 as follows:

1 Subject to the maximum gross weights specified in RCW 46.44.041, it
2 is unlawful to operate any vehicle upon the public highways with a
3 gross weight, including load, upon any tire concentrated upon the
4 surface of the highway in excess of six hundred pounds per inch width
5 of such tire. An axle manufactured after July 31, 1993, carrying more
6 than ten thousand pounds gross weight must be equipped with four or
7 more tires. ~~((Effective January 1, 1997,))~~ An axle carrying more than
8 ten thousand pounds gross weight must have four or more tires,
9 regardless of date of manufacture. Instead of the four or more tires
10 per axle requirements of this section, an axle may be equipped with two
11 tires limited to five hundred pounds per inch width of tire. This
12 section does not apply to vehicles operating under oversize or
13 overweight permits, or both, issued under RCW 46.44.090, while carrying
14 a nonreducible load.

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

26 For the purpose of this section, the width of tire in case of solid
27 rubber or hollow center cushion tires, so long as the use thereof may
28 be permitted by the law, shall be measured between the flanges of the
29 rim. For the purpose of this section, the width of tires in case of
30 pneumatic tires shall be the maximum overall normal inflated width as
31 stipulated by the manufacturer when inflated to the pressure specified
32 and without load thereon.

33 The department of transportation, ~~((under rules adopted by the
34 transportation commission))~~ by rule with respect to state highways, and
35 a local authority, with respect to a public highway under its
36 jurisdiction, may extend the weight table in RCW 46.44.041 to one
37 hundred fifteen thousand pounds. However, the extension must be in

1 compliance with federal law, and vehicles operating under the extension
2 must be in full compliance with the 1997 axle and tire requirements
3 under this section.

4 **Sec. 16.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
5 to read as follows:

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

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

35 The department shall have the same authority as hereinabove granted
36 to local authorities to prohibit or restrict the operation of vehicles
37 upon state highways. The department shall give public notice of

1 closure or restriction. The department may issue special permits for
2 the operation of school buses and motor trucks transporting perishable
3 commodities or commodities necessary for the health and welfare of
4 local residents under specified weight and speed restrictions as may be
5 necessary to protect any state highway from undue damage.

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

8 The department of transportation, pursuant to its rules (~~adopted~~
9 ~~by the transportation commission~~) with respect to state highways, and
10 local authorities, with respect to public highways under their
11 jurisdiction, may, upon application in writing and good cause being
12 shown therefor, issue a special permit in writing, or electronically,
13 authorizing the applicant to operate or move a vehicle or combination
14 of vehicles of a size, weight of vehicle, or load exceeding the maximum
15 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
16 46.44.041 upon any public highway under the jurisdiction of the
17 authority granting such permit and for the maintenance of which such
18 authority is responsible.

19 **Sec. 18.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
20 as follows:

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

24 On two-lane highways, fourteen feet;

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

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

29 These limits apply except under the following conditions:

30 (1) In the case of buildings, the limitations referred to in this
31 section for movement on any two lane state highway other than the
32 national system of interstate and defense highways may be exceeded
33 under the following conditions: (a) Controlled vehicular traffic shall
34 be maintained in one direction at all times; (b) the maximum distance
35 of movement shall not exceed five miles; additional contiguous permits
36 shall not be issued to exceed the five-mile limit: PROVIDED, That when

1 the department of transportation(~~(, pursuant to general rules adopted~~
2 ~~by the transportation commission,~~)) determines a hardship would result,
3 this limitation may be exceeded upon approval of the department of
4 transportation; (c) prior to issuing a permit a qualified
5 transportation department employee shall make a visual inspection of
6 the building and route involved determining that the conditions listed
7 herein shall be complied with and that structures or overhead
8 obstructions may be cleared or moved in order to maintain a constant
9 and uninterrupted movement of the building; (d) special escort or other
10 precautions may be imposed to assure movement is made under the safest
11 possible conditions, and the Washington state patrol shall be advised
12 when and where the movement is to be made;

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

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

19 (4) These limitations may be rescinded when certification is made
20 by military officials, or by officials of public or private power
21 facilities, or when in the opinion of the department of transportation
22 the movement or action is a necessary movement or action: PROVIDED
23 FURTHER, That in the judgment of the department of transportation the
24 structures and highway surfaces on the routes involved are capable of
25 sustaining widths in excess of such limitation;

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

35 The applicant for any special permit shall specifically describe
36 the vehicle or vehicles and load to be operated or moved and the
37 particular state highways for which permit to operate is requested and

1 whether such permit is requested for a single trip or for continuous
2 operation.

3 **Sec. 19.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
4 as follows:

5 In determining fees according to RCW 46.44.0941, mileage on state
6 primary and secondary highways shall be determined from the planning
7 survey records of the department of transportation, and the gross
8 weight of the vehicle or vehicles, including load, shall be declared by
9 the applicant. Overweight on which fees shall be paid will be gross
10 loadings in excess of loadings authorized by law or axle loadings in
11 excess of loadings authorized by law, whichever is the greater. Loads
12 which are overweight and oversize shall be charged the fee for the
13 overweight permit without additional fees being assessed for the
14 oversize features.

15 Special permits issued under RCW 46.44.047, 46.44.0941, or
16 46.44.095, may be obtained from offices of the department of
17 transportation, ports of entry, or other agents appointed by the
18 department.

19 The department may appoint agents for the purposes of selling
20 special motor vehicle permits, temporary additional tonnage permits,
21 and log tolerance permits. Agents so appointed may retain three
22 dollars and fifty cents for each permit sold to defray expenses
23 incurred in handling and selling the permits. If the fee is collected
24 by the department of transportation, the department shall certify the
25 fee so collected to the state treasurer for deposit to the credit of
26 the motor vehicle fund.

27 The department may select a third party contractor, by means of
28 competitive bid, to perform the department's permit issuance function,
29 as provided under RCW 46.44.090. Factors the department shall
30 consider, but is not limited to, in the selection of a third party
31 contractor are economic benefit to both the department and the motor
32 carrier industry, and enhancement of the overall level of permit
33 service. For purposes of this section, "third party contractor" means
34 a business entity that is authorized by the department to issue special
35 permits. The department of transportation (~~commission~~) may adopt
36 rules specifying the criteria that a business entity must meet in order
37 to qualify as a third party contractor under this section.

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

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

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

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

25 **Sec. 21.** RCW 46.68.113 and 2003 c 363 s 305 are each amended to
26 read as follows:

27 During the 2003-2005 biennium, cities and towns shall provide to
28 the transportation commission, or its successor entity, preservation
29 rating information on at least seventy percent of the total city and
30 town arterial network. Thereafter, the preservation rating information
31 requirement shall increase in five percent increments in subsequent
32 biennia. The rating system used by cities and towns must be based upon
33 the Washington state pavement rating method or an equivalent standard
34 approved by the department of transportation (~~commission or its~~
35 ~~successor entity~~). Beginning January 1, 2007, the preservation rating
36 information shall be submitted to the department.

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

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

24 **Sec. 23.** RCW 47.28.170 and 1990 c 265 s 1 are each amended to read
25 as follows:

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

35 The department shall notify any association or organization of
36 contractors filing a request to regularly receive notification.
37 Notification to an association or organization of contractors shall

1 include: (a) The location of the work to be done; (b) the general
2 anticipated nature of the work to be done; and (c) the date determined
3 by the department as reasonable in view of the nature of the work and
4 emergent nature of the problem after which the department will not
5 receive bids.

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

11 (3) The secretary shall review any contract exceeding ~~((two))~~ seven
12 hundred thousand dollars awarded under subsection (1) or (2) of this
13 section with the ~~((transportation commission at its next regularly
14 scheduled meeting))~~ office of financial management within thirty days
15 of the contract award.

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

19 **Sec. 24.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
20 as follows:

21 The ~~((transportation commission))~~ department may designate
22 interstate safety rest areas, as appropriate, as locations for memorial
23 signs to prisoners of war and those missing in action. The
24 ~~((commission))~~ department shall adopt policies for the placement of
25 memorial signs on interstate safety rest areas and may disapprove any
26 memorial sign that it determines to be inappropriate or inconsistent
27 with the policies. The policies shall include, but are not limited to,
28 guidelines for the size and location of and inscriptions on memorial
29 signs. The secretary shall adopt rules for administering this program.
30 Nonprofit associations may have their name identified on a memorial
31 sign if the association bears the cost of supplying and maintaining the
32 memorial sign.

33 **Sec. 25.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
34 as follows:

35 Except as provided in RCW 47.52.134, the ~~((transportation
36 commission))~~ department and the highway authorities of the counties and

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

20 **Sec. 26.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
21 as follows:

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

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

34 (2) If the previously adopted limited access plan was modified by
35 a board of review convened at the request of a county, city, or town,
36 the legislative authority of the county, city, or town shall approve

1 any revisions of the plan which conflict with modifications ordered by
2 the board of review.

3 **Sec. 27.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
4 as follows:

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

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

31 **Sec. 28.** RCW 81.112.086 and 2003 c 363 s 306 are each amended to
32 read as follows:

33 As a condition of receiving state funding, a regional transit
34 authority shall submit a maintenance and preservation management plan
35 for certification by the department of transportation (~~commission or~~
36 ~~its successor entity~~). The plan must inventory all transportation

1 system assets within the direction and control of the transit
2 authority, and provide a plan for preservation of assets based on
3 lowest life-cycle cost methodologies.

4 **Sec. 29.** RCW 36.56.121 and 2003 c 363 s 303 are each amended to
5 read as follows:

6 As a condition of receiving state funding, a county that has
7 assumed the transportation functions of a metropolitan municipal
8 corporation shall submit a maintenance and preservation management plan
9 for certification by the ~~((transportation commission or its successor
10 entity))~~ department of transportation. The plan must inventory all
11 transportation system assets within the direction and control of the
12 county, and provide a preservation plan based on lowest life-cycle cost
13 methodologies.

14 **Sec. 30.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
15 as follows:

16 The comprehensive transit plan adopted by the authority shall be
17 reviewed by the state department of transportation ~~((commission))~~ to
18 determine:

19 (1) The completeness of service to be offered and the economic
20 viability of the transit system proposed in such comprehensive transit
21 plan;

22 (2) Whether such plan integrates the proposed transportation system
23 with existing transportation modes and systems that serve the benefit
24 area;

25 (3) Whether such plan coordinates that area's system and service
26 with nearby public transportation systems;

27 (4) Whether such plan is eligible for matching state or federal
28 funds(~~+~~

29 ~~After reviewing the comprehensive transit plan, the state
30 transportation commission shall have sixty days in which to approve
31 such plan and to certify to the state treasurer that such public
32 transportation benefit area shall be eligible to receive the motor
33 vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as
34 now or hereafter amended in the manner prescribed by chapter 82.44 RCW,
35 as now or hereafter amended. To be approved a plan shall provide for
36 coordinated transportation planning, the integration of such proposed~~

1 ~~transportation program with other transportation systems operating in~~
2 ~~areas adjacent to, or in the vicinity of the proposed public~~
3 ~~transportation benefit area, and be consistent with the public~~
4 ~~transportation coordination criteria adopted pursuant to the urban mass~~
5 ~~transportation act of 1964 as amended as of July 1, 1975. In the event~~
6 ~~such comprehensive plan is disapproved and ruled ineligible to receive~~
7 ~~motor vehicle tax proceeds, the state transportation commission shall~~
8 ~~provide written notice to the authority within thirty days as to the~~
9 ~~reasons for such plan's disapproval and such ineligibility. The~~
10 ~~authority may resubmit such plan upon reconsideration and correction of~~
11 ~~such deficiencies in the plan cited in such notice of disapproval)).~~

12 **Sec. 31.** RCW 47.10.861 and 2003 c 147 s 1 are each amended to read
13 as follows:

14 In order to provide funds necessary for the location, design, right
15 of way, and construction of selected projects or improvements that are
16 identified as transportation 2003 projects or improvements in the
17 omnibus transportation budget, there shall be issued and sold upon the
18 request of the secretary of the department of transportation
19 ~~((commission))~~ a total of two billion six hundred million dollars of
20 general obligation bonds of the state of Washington.

21 **Sec. 32.** RCW 47.10.862 and 2003 c 147 s 2 are each amended to read
22 as follows:

23 Upon the request of the secretary of the department of
24 transportation ~~((commission))~~, as appropriate, the state finance
25 committee shall supervise and provide for the issuance, sale, and
26 retirement of the bonds in RCW 47.10.861 through 47.10.866 in
27 accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861
28 through 47.10.866 shall be sold in the manner, at time or times, in
29 amounts, and at the price as the state finance committee shall
30 determine. No bonds may be offered for sale without prior legislative
31 appropriation of the net proceeds of the sale of the bonds.

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

1 **Sec. 33.** 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 secretary of the department of transportation (~~commission~~) a maximum
7 of one billion nine hundred million dollars of general obligation bonds
8 of the state of Washington.

9 **Sec. 34.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
10 read as follows:

11 Upon the request of the secretary of the department of
12 transportation (~~commission~~), the state finance committee shall
13 supervise and provide for the issuance, sale, and retirement of the
14 bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with
15 chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848
16 shall be sold in such manner, at such time or times, in such amounts,
17 and at such price as the state finance committee shall determine. No
18 such bonds may be offered for sale without prior legislative
19 appropriation of the net 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. 35.** RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each
26 amended to read as follows:

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

33 **Sec. 36.** RCW 47.10.835 and 1994 c 183 s 3 are each amended to read
34 as follows:

35 Upon the request of the secretary of the department of

1 transportation (~~commission~~), the state finance committee shall
2 supervise and provide for the issuance, sale, and retirement of the
3 bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with
4 chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841
5 shall be sold in such manner, at such time or times, in such amounts,
6 and at such price as the state finance committee shall determine. No
7 such bonds may be offered for sale without prior legislative
8 appropriation of the net proceeds of the sale of the bonds. In making
9 such appropriation of the net proceeds of the sale of the bonds, the
10 legislature shall specify what portion of the appropriation is provided
11 for possible loans and what portion of the appropriation is provided
12 for other forms of cash contributions to projects.

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

18 **Sec. 37.** RCW 47.10.819 and 1993 c 432 s 1 are each amended to read
19 as follows:

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

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

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

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

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

5 **Sec. 38.** RCW 47.10.820 and 1993 c 432 s 2 are each amended to read
6 as follows:

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

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

21 **Sec. 39.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
22 as follows:

23 For the purpose of providing funds for the acquisition of
24 headquarters facilities for district 1 of the department of
25 transportation and costs incidental thereto, together with all
26 improvements and equipment required to make the facilities suitable for
27 the department's use, there shall be issued and sold upon the request
28 of the (~~Washington transportation commission~~) secretary of the
29 department of transportation a total of fifteen million dollars of
30 general obligation bonds of the state of Washington.

31 **Sec. 40.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
32 as follows:

33 Upon the request of the secretary of the department of
34 transportation (~~commission~~), the state finance committee shall
35 supervise and provide for the issuance, sale, and retirement of the

1 bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with
2 chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190
3 shall be sold in such manner, at such time or times, in such amounts,
4 and at such price as the state finance committee shall determine.
5 Except for the purpose of repaying the loan from the motor vehicle
6 fund, no such bonds may be offered for sale without prior legislative
7 appropriation of the net proceeds of the sale of the bonds.

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

13 **Sec. 41.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
14 as follows:

15 A state highway to be known as state route number 35 is established
16 as follows:

17 Beginning at the Washington-Oregon boundary line thence northerly
18 to a junction with state route number 14 in the vicinity of White
19 Salmon(~~(; however, until such time as a bridge across the Columbia~~
20 ~~River is constructed at a location adopted by the transportation~~
21 ~~commission no existing route may be maintained or improved by the~~
22 ~~transportation commission as a temporary route for state route number~~
23 35)).

24 **Sec. 42.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
25 read as follows:

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

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

17 **Sec. 43.** RCW 43.88.030 and 2005 c 386 s 3 and 2005 c 319 s 108 are
18 each reenacted and amended to read as follows:

19 (1) The director of financial management shall provide all agencies
20 with a complete set of instructions for submitting biennial budget
21 requests to the director at least three months before agency budget
22 documents are due into the office of financial management. The budget
23 document or documents shall consist of the governor's budget message
24 which shall be explanatory of the budget and shall contain an outline
25 of the proposed financial policies of the state for the ensuing fiscal
26 period, as well as an outline of the proposed six-year financial
27 policies where applicable, and shall describe in connection therewith
28 the important features of the budget. The biennial budget document or
29 documents shall also describe performance indicators that demonstrate
30 measurable progress towards priority results. The message shall set
31 forth the reasons for salient changes from the previous fiscal period
32 in expenditure and revenue items and shall explain any major changes in
33 financial policy. Attached to the budget message shall be such
34 supporting schedules, exhibits and other explanatory material in
35 respect to both current operations and capital improvements as the
36 governor shall deem to be useful to the legislature. The budget
37 document or documents shall set forth a proposal for expenditures in

1 the ensuing fiscal period, or six-year period where applicable, based
2 upon the estimated revenues and caseloads as approved by the economic
3 and revenue forecast council and caseload forecast council or upon the
4 estimated revenues and caseloads of the office of financial management
5 for those funds, accounts, sources, and programs for which the forecast
6 councils do not prepare an official forecast. Revenues shall be
7 estimated for such fiscal period from the source and at the rates
8 existing by law at the time of submission of the budget document,
9 including the supplemental budgets submitted in the even-numbered years
10 of a biennium. However, the estimated revenues and caseloads for use
11 in the governor's budget document may be adjusted to reflect budgetary
12 revenue transfers and revenue and caseload estimates dependent upon
13 budgetary assumptions of enrollments, workloads, and caseloads. All
14 adjustments to the approved estimated revenues and caseloads must be
15 set forth in the budget document. The governor may additionally
16 submit, as an appendix to each supplemental, biennial, or six-year
17 agency budget or to the budget document or documents, a proposal for
18 expenditures in the ensuing fiscal period from revenue sources derived
19 from proposed changes in existing statutes.

20 ~~((Supplemental and biennial documents shall reflect a six year~~
21 ~~expenditure plan consistent with estimated revenues from existing~~
22 ~~sources. Any additional revenue resulting from proposed changes to~~
23 ~~existing statutes shall be separately identified within the document as~~
24 ~~well as related expenditures for the six year period.))~~

25 The budget document or documents shall also contain:

26 (a) Revenues classified by fund and source for the immediately past
27 fiscal period, those received or anticipated for the current fiscal
28 period, and those anticipated for the ensuing biennium;

29 (b) The undesignated fund balance or deficit, by fund;

30 (c) Such additional information dealing with expenditures,
31 revenues, workload, performance, and personnel as the legislature may
32 direct by law or concurrent resolution;

33 (d) Such additional information dealing with revenues and
34 expenditures as the governor shall deem pertinent and useful to the
35 legislature;

36 (e) Tabulations showing expenditures classified by fund, function,
37 and agency;

1 (f) The expenditures that include nonbudgeted, nonappropriated
2 accounts outside the state treasury;

3 (g) Identification of all proposed direct expenditures to implement
4 the Puget Sound water quality plan under chapter 90.71 RCW, shown by
5 agency and in total; and

6 (h) Tabulations showing each postretirement adjustment by
7 retirement system established after fiscal year 1991, to include, but
8 not be limited to, estimated total payments made to the end of the
9 previous biennial period, estimated payments for the present biennium,
10 and estimated payments for the ensuing biennium.

11 (2) The budget document or documents shall include detailed
12 estimates of all anticipated revenues applicable to proposed operating
13 or capital expenditures and shall also include all proposed operating
14 or capital expenditures. The total of beginning undesignated fund
15 balance and estimated revenues less working capital and other reserves
16 shall equal or exceed the total of proposed applicable expenditures.
17 The budget document or documents shall further include:

18 (a) Interest, amortization and redemption charges on the state
19 debt;

20 (b) Payments of all reliefs, judgments, and claims;

21 (c) Other statutory expenditures;

22 (d) Expenditures incident to the operation for each agency;

23 (e) Revenues derived from agency operations;

24 (f) Expenditures and revenues shall be given in comparative form
25 showing those incurred or received for the immediately past fiscal
26 period and those anticipated for the current biennium and next ensuing
27 biennium;

28 (g) A showing and explanation of amounts of general fund and other
29 funds obligations for debt service and any transfers of moneys that
30 otherwise would have been available for appropriation;

31 (h) Common school expenditures on a fiscal-year basis;

32 (i) A showing, by agency, of the value and purpose of financing
33 contracts for the lease/purchase or acquisition of personal or real
34 property for the current and ensuing fiscal periods; and

35 (j) A showing and explanation of anticipated amounts of general
36 fund and other funds required to amortize the unfunded actuarial
37 accrued liability of the retirement system specified under chapter

1 41.45 RCW, and the contributions to meet such amortization, stated in
2 total dollars and as a level percentage of total compensation.

3 (3) The governor's operating budget document or documents shall
4 reflect the statewide priorities as required by RCW 43.88.090.

5 (4) The governor's operating budget document or documents shall
6 identify activities that are not addressing the statewide priorities.

7 (5) A separate capital budget document or schedule shall be
8 submitted that will contain the following:

9 (a) A statement setting forth a long-range facilities plan for the
10 state that identifies and includes the highest priority needs within
11 affordable spending levels;

12 (b) A capital program consisting of proposed capital projects for
13 the next biennium and the two biennia succeeding the next biennium
14 consistent with the long-range facilities plan. Inasmuch as is
15 practical, and recognizing emergent needs, the capital program shall
16 reflect the priorities, projects, and spending levels proposed in
17 previously submitted capital budget documents in order to provide a
18 reliable long-range planning tool for the legislature and state
19 agencies;

20 (c) A capital plan consisting of proposed capital spending for at
21 least four biennia succeeding the next biennium;

22 (d) A strategic plan for reducing backlogs of maintenance and
23 repair projects. The plan shall include a prioritized list of specific
24 facility deficiencies and capital projects to address the deficiencies
25 for each agency, cost estimates for each project, a schedule for
26 completing projects over a reasonable period of time, and
27 identification of normal maintenance activities to reduce future
28 backlogs;

29 (e) A statement of the reason or purpose for a project;

30 (f) Verification that a project is consistent with the provisions
31 set forth in chapter 36.70A RCW;

32 (g) A statement about the proposed site, size, and estimated life
33 of the project, if applicable;

34 (h) Estimated total project cost;

35 (i) For major projects valued over five million dollars, estimated
36 costs for the following project components: Acquisition, consultant
37 services, construction, equipment, project management, and other costs

1 included as part of the project. Project component costs shall be
2 displayed in a standard format defined by the office of financial
3 management to allow comparisons between projects;

4 (j) Estimated total project cost for each phase of the project as
5 defined by the office of financial management;

6 (k) Estimated ensuing biennium costs;

7 (l) Estimated costs beyond the ensuing biennium;

8 (m) Estimated construction start and completion dates;

9 (n) Source and type of funds proposed;

10 (o) Estimated ongoing operating budget costs or savings resulting
11 from the project, including staffing and maintenance costs;

12 (p) For any capital appropriation requested for a state agency for
13 the acquisition of land or the capital improvement of land in which the
14 primary purpose of the acquisition or improvement is recreation or
15 wildlife habitat conservation, the capital budget document, or an
16 omnibus list of recreation and habitat acquisitions provided with the
17 governor's budget document, shall identify the projected costs of
18 operation and maintenance for at least the two biennia succeeding the
19 next biennium. Omnibus lists of habitat and recreation land
20 acquisitions shall include individual project cost estimates for
21 operation and maintenance as well as a total for all state projects
22 included in the list. The document shall identify the source of funds
23 from which the operation and maintenance costs are proposed to be
24 funded;

25 (q) Such other information bearing upon capital projects as the
26 governor deems to be useful;

27 (r) Standard terms, including a standard and uniform definition of
28 normal maintenance, for all capital projects;

29 (s) Such other information as the legislature may direct by law or
30 concurrent resolution.

31 For purposes of this subsection (5), the term "capital project"
32 shall be defined subsequent to the analysis, findings, and
33 recommendations of a joint committee comprised of representatives from
34 the house capital appropriations committee, senate ways and means
35 committee, legislative evaluation and accountability program committee,
36 and office of financial management.

37 (6) No change affecting the comparability of agency or program
38 information relating to expenditures, revenues, workload, performance

1 and personnel shall be made in the format of any budget document or
2 report presented to the legislature under this section or RCW
3 43.88.160(1) relative to the format of the budget document or report
4 which was presented to the previous regular session of the legislature
5 during an odd-numbered year without prior legislative concurrence.
6 Prior legislative concurrence shall consist of (a) a favorable majority
7 vote on the proposal by the standing committees on ways and means of
8 both houses if the legislature is in session or (b) a favorable
9 majority vote on the proposal by members of the legislative evaluation
10 and accountability program committee if the legislature is not in
11 session.

12 NEW SECTION. **Sec. 44.** A new section is added to chapter 47.01 RCW
13 to read as follows:

14 (1) The transportation commission may review the performance and
15 outcome measures of transportation-related agencies. The purpose of
16 these reviews is to ensure that the legislature and the governor have
17 the means to adequately and accurately assess the performance and
18 outcomes of those agencies and departments.

19 (2) The performance and outcome measures and benchmarks of each
20 transportation-related agency or department may be reviewed at the
21 discretion of the transportation commission, or at the request of the
22 legislature or the governor. In setting the schedule and the extent of
23 performance reviews, the commission shall consider the timing and
24 results of other recent state, federal, and independent reviews and
25 audits, the seriousness of past findings, any inadequate remedial
26 action taken by an agency or department, whether an agency or
27 department lacks performance and outcome measures, and the desirability
28 to include a diverse range of agencies or programs each year. The
29 commission shall avoid duplication of effort in conducting performance
30 reviews by coordinating with the state auditor, joint legislative audit
31 and review committee, the citizen advisory board, and the governor's
32 performance review process.

33 (3) The reviews may include, but are not limited to:

34 (a) A determination of whether the performance and outcome measures
35 are consistent with legislative mandates, strategic plans, mission
36 statements, and goals and objectives, and whether the legislature has

1 established clear mandates, strategic plans, mission statements, and
2 goals and objectives that lend themselves to performance and outcome
3 measurement;

4 (b) An examination of how agency management uses the measures to
5 manage resources in an efficient and effective manner;

6 (c) An assessment of how performance benchmarks are established for
7 the purpose of assessing overall performance compared to external
8 standards and benchmarks;

9 (d) An examination of how an analysis of the measurement data is
10 used to make planning and operational improvements;

11 (e) A determination of how performance and outcome measures are
12 used in the budget planning, development, and allotment processes and
13 the extent to which the agency is in compliance with its
14 responsibilities under RCW 43.88.090;

15 (f) A review of how performance data are reported to and used by
16 the legislature both in policy development and resource allocation;

17 (g) An assessment of whether the performance measure data are
18 reliable and collected in a uniform and timely manner;

19 (h) A determination whether targeted funding investments and
20 established priorities of government actually produce the intended and
21 expected services and benefits; and

22 (i) Recommendations as necessary or appropriate.

23 (4) For the purposes of this section, "transportation-related
24 agencies" means any state or local agency, board, special purpose
25 district, or commission that receives or generates funding primarily
26 for transportation-related purposes. At a minimum, the department of
27 transportation, the Washington state patrol, the department of
28 licensing, the transportation improvement board or its successor
29 entity, the county road administration board or its successor entity,
30 and the traffic safety commission are considered transportation-related
31 agencies.

32 (5) The state auditor, legislative auditor, governor, and director
33 of the office of financial management shall report to the
34 transportation commission on an annual basis concerning their
35 performance improvement efforts to ensure coordination and avoid
36 duplication of effort.

1 **Sec. 45.** RCW 47.05.030 and 2005 c 319 s 9 are each amended to read
2 as follows:

3 The transportation commission shall ~~((adopt))~~ develop a
4 comprehensive ten-year investment program specifying program objectives
5 and performance measures for the preservation and improvement programs
6 defined in this section. The adopted ten-year investment program must
7 be forwarded as a recommendation to the governor and the legislature,
8 and is subject to the approval of the legislature in the biennial
9 transportation budget act. In the specification of investment program
10 objectives and performance measures, the transportation commission, in
11 consultation with the Washington state department of transportation,
12 shall define and adopt standards for effective programming and
13 prioritization practices including a needs analysis process. The
14 analysis process must ensure the identification of problems and
15 deficiencies, the evaluation of alternative solutions and trade-offs,
16 and estimations of the costs and benefits of prospective projects.
17 ~~((The investment program must be revised based on directions by the~~
18 ~~office of financial management.))~~ The investment program must be based
19 upon the needs identified in the state-owned highway component of the
20 statewide comprehensive transportation plan ~~((as defined in RCW~~
21 ~~47.01.071(3))~~).

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

- 27 (a) Life-cycle cost analysis;
- 28 (b) Traffic volume;
- 29 (c) Subgrade soil conditions;
- 30 (d) Environmental and weather conditions;
- 31 (e) Materials available; and
- 32 (f) Construction factors.

33 The comprehensive ten-year investment program for preservation must
34 identify projects for two years and an investment plan for the
35 remaining eight years.

36 (2) The improvement program consists of investments needed to
37 address identified deficiencies on the state highway system to increase
38 mobility, address congestion, and improve safety, support for the

1 economy, and protection of the environment. The ten-year investment
2 program for improvements must identify projects for two years and major
3 deficiencies proposed to be addressed in the ten-year period giving
4 consideration to relative benefits and life cycle costing. The
5 transportation commission shall give higher priority for correcting
6 identified deficiencies on those facilities classified as facilities of
7 statewide significance as defined in RCW 47.06.140. Project
8 prioritization must be based primarily upon cost-benefit analysis,
9 where appropriate.

10 ~~((The transportation commission shall approve and present the
11 comprehensive ten-year investment program to the governor and the
12 legislature as directed by the office of financial management.))~~

13 **Sec. 46.** RCW 47.05.035 and 2005 c 319 s 10 are each amended to
14 read as follows:

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

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

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

36 (4) The department shall allocate the estimated revenue between

1 preservation and improvement programs giving primary consideration to
2 the following factors:

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

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

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

9 (d) The availability of dedicated funds for a specific type of
10 work.

11 (5) The ~~((commission shall review the results of the department's
12 findings and shall consider those))~~ department shall consider the
13 findings in this section in the development of the ten-year investment
14 program.

15 **Sec. 47.** RCW 47.05.051 and 2005 c 319 s 11 are each amended to
16 read as follows:

17 ~~((1))~~ The comprehensive ten-year investment program shall be
18 based upon the needs identified in the state-owned highway component of
19 the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as
20 defined in RCW 47.01.071(4))~~ and priority selection systems that
21 incorporate the following criteria:

22 ~~((a))~~ (1) Priority programming for the preservation program shall
23 take into account the following, not necessarily in order of
24 importance:

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

- 28 ~~((A))~~ (i) Life-cycle cost analysis;
- 29 ~~((B))~~ (ii) Traffic volume;
- 30 ~~((C))~~ (iii) Subgrade soil conditions;
- 31 ~~((D))~~ (iv) Environmental and weather conditions;
- 32 ~~((E))~~ (v) Materials available; and
- 33 ~~((F))~~ (vi) Construction factors;

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

36 ~~((iii))~~ (c) Minimizing life-cycle costs. ~~((The transportation~~

1 ~~commission in carrying out the provisions of this section may delegate~~
2 ~~to the department of transportation the authority to select~~
3 ~~preservation projects to be included in the ten year program.~~

4 ~~(b))~~ (2) Priority programming for the improvement program must be
5 based primarily upon the following, not necessarily in order of
6 importance:

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

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

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

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

16 ~~((e))~~ (3) Priority programming for the improvement program may
17 also take into account:

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

20 ~~((ii))~~ (b) The cost-effective movement of people and goods;

21 ~~((iii))~~ (c) Accident and accident risk reduction;

22 ~~((iv))~~ (d) Protection of the state's natural environment;

23 ~~((v))~~ (e) Continuity and systematic development of the highway
24 transportation network;

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

28 ~~((A))~~ (i) Support for development in and revitalization of
29 existing downtowns;

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

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

34 ~~((D))~~ (iv) Opportunities for multimodal transportation; and

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

37 ~~((vii))~~ (g) Consistency with regional transportation plans
38 developed under chapter 47.80 RCW;

1 ~~((viii))~~ (h) Public views concerning proposed improvements;
2 ~~((ix))~~ (i) The conservation of energy resources;
3 ~~((x))~~ (j) Feasibility of financing the full proposed improvement;
4 ~~((xi))~~ (k) Commitments established in previous legislative
5 sessions;

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

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

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

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

33 **Sec. 48.** RCW 47.29.010 and 2005 c 317 s 1 are each amended to read
34 as follows:

35 (1) The legislature finds that the public-private
36 ~~((transportation))~~ transportation initiatives act created under
37 chapter 47.46 RCW has not met the needs and expectations of the public

1 or private sectors for the development of transportation projects. The
2 legislature intends to phase out chapter 47.46 RCW coincident with the
3 completion of the Tacoma Narrows Bridge - SR 16 public-private
4 partnership. From July 24, 2005, this chapter will provide a more
5 desirable and effective approach to developing transportation projects
6 in partnership with the private sector by applying lessons learned from
7 other states and from this state's ten-year experience with chapter
8 47.46 RCW.

9 (2) It is the legislature's intent to achieve the following goals
10 through the creation of this new approach to public-private
11 partnerships:

12 (a) To provide a well-defined mechanism to facilitate the
13 collaboration between public and private entities in transportation;

14 (b) To bring innovative thinking from the private sector and other
15 states to bear on public projects within the state;

16 (c) To provide greater flexibility in achieving the transportation
17 projects; and

18 (d) To allow for creative cost and risk sharing between the public
19 and private partners.

20 (3) The legislature intends that the powers granted in this chapter
21 to the commission or department are in addition to any powers granted
22 under chapter 47.56 RCW.

23 (4) It is further the intent of the legislature that (~~the~~
24 ~~commission shall be responsible for receiving, reviewing, and approving~~
25 ~~proposals with technical support of the department; rule making; and~~
26 ~~for oversight of contract execution. The department shall be~~
27 ~~responsible for evaluating proposals and negotiating contracts)) an
28 expert review panel be established for each project developed under
29 this act. Expert review panels shall be responsible for reviewing
30 selected proposals, analyzing and reviewing tentative agreements, and
31 making recommendations to the governor and the transportation
32 commission on the advisability of executing agreements under this act.~~

33 **NEW SECTION. Sec. 49.** A new section is added to chapter 47.29 RCW
34 to read as follows:

35 (1) The department shall establish an expert review panel to
36 review, analyze, and make recommendations to the governor and the
37 transportation commission on whether to approve, reject, or continue

1 negotiations on a proposed project agreement under this chapter. The
2 department shall provide staff to support the expert review panel, if
3 requested by the panel. The expert review panel may utilize any of the
4 consultants under contract for the department, and the expert review
5 panel may contract for consulting expertise in specific areas as it
6 deems necessary to ensure a thorough and critical review of any
7 proposed project agreement.

8 (2) The governor shall appoint members of an expert review panel
9 that have experience in large capital project delivery, public-private
10 partnerships, public financing of infrastructure improvements, or other
11 areas of expertise that will benefit the panel. The panel shall
12 consist of no less than three, but no more than five members, as
13 determined by the governor.

14 NEW SECTION. **Sec. 50.** A new section is added to chapter 47.29 RCW
15 to read as follows:

16 Upon receiving the recommendations of the expert review panel as
17 provided in section 49 of this act, and upon consultation with the
18 governor, the transportation commission shall either execute the
19 proposed project agreement, reject the proposed project agreement, or
20 continue further negotiations between the state and a private partner.
21 The execution of any agreement or the rejection of any agreement shall
22 constitute a final action for legal or administrative purposes.

23 NEW SECTION. **Sec. 51.** The following acts or parts of acts are
24 each repealed:

- 25 (1) RCW 44.75.010 (Intent) and 2003 c 362 s 1;
- 26 (2) RCW 44.75.020 (Definitions) and 2005 c 319 s 16 & 2003 c 362 s
27 2;
- 28 (3) RCW 44.75.030 (Board created--Membership) and 2005 c 319 s 17
29 & 2003 c 362 s 3;
- 30 (4) RCW 44.75.040 (Procedures, compensation, support) and 2005 c
31 319 s 18 & 2003 c 362 s 4;
- 32 (5) RCW 44.75.050 (Reviews of transportation-related agencies) and
33 2005 c 319 s 19 & 2003 c 362 s 5;
- 34 (6) RCW 44.75.060 (Review methodology) and 2003 c 362 s 6;
- 35 (7) RCW 44.75.070 (Scope of reviews) and 2003 c 362 s 7;

- 1 (8) RCW 44.75.080 (Direction of audit) and 2005 c 319 s 20 & 2003
2 c 362 s 8;
- 3 (9) RCW 44.75.090 (Professional experts) and 2005 c 319 s 21 & 2003
4 c 362 s 9;
- 5 (10) RCW 44.75.100 (Audit reports) and 2005 c 319 s 22 & 2003 c 362
6 s 10;
- 7 (11) RCW 44.75.110 (Scope of audit) and 2005 c 319 s 23 & 2003 c
8 362 s 11;
- 9 (12) RCW 44.75.120 (Contents of report) and 2005 c 319 s 24 & 2003
10 c 362 s 12;
- 11 (13) RCW 44.75.800 (Department of transportation audit) and 2003 c
12 362 s 15;
- 13 (14) RCW 44.75.900 (Captions--2003 c 362) and 2003 c 362 s 18; and
14 (15) RCW 44.75.901 (Effective date--2003 c 362) and 2003 c 362 s
15 19.

16 NEW SECTION. **Sec. 52.** This act takes effect July 1, 2006.

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