

VETO MESSAGE ON SSB 6241

March 31, 2006

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to portions of Sections 204, 212(6), 213(5), 214(5), 304(16), 307(8), and 309(19) of Substitute Senate Bill 6241 entitled:

"AN ACT Relating to transportation funding and appropriations."

My reasons for vetoing portions of the above-noted Sections are as follows:

Section 204, page 6, Board of Pilotage Commissioners, Trainee Stipends

Section 204 provides additional appropriation authority to the Board of Pilotage Commissioners for pilot trainee stipends. Appropriation authority was provided in Engrossed Substitute Senate Bill 6870, which was enacted by the Legislature and signed into law on March 14, 2006. Leaving Section 204 intact would increase the Board of Pilotage Commissioners' appropriation authority above the intended amount and would exceed the revenue available to the agency. Therefore, I have vetoed Section 204.

Section 212(6), page 18, Department of Licensing - Information Services, Parking Privileges

This proviso funds implementation of Substitute House Bill 2389 and stipulates that the appropriation will lapse if the bill is not enacted. Substitute House Bill 2389 did not pass the Legislature. Therefore, I have vetoed Section 212(6).

Section 213(5), page 19, Department of Licensing - Vehicle Services, Parking Privileges

This proviso funds implementation of Substitute House Bill 2389 and stipulates that the appropriation will lapse if the bill is not enacted. Substitute House Bill 2389 did not pass the Legislature. Therefore, I have vetoed Section 213(5).

Section 214(5), pages 20-21, Department of Licensing, Federal Real ID

Section 214(5) directs the Department of Licensing to join in any lawsuit filed by other states seeking funding to implement the provisions of Title II of P.L. 109-13 (improved security for driver's license and personal identification cards (Federal Real ID Act)) whenever the department is legally and ethically permitted to do so. This language is overly

prescriptive. I will engage the federal government on this issue when it is prudent and in the best interest of Washington State to do so. But legal action, whether unilateral or in conjunction with other states, will only be undertaken following a rigorous review of the issues and consultation with the state's Attorney General. Therefore, I have vetoed Section 214(5).

Section 304(16), pages 47-48, Department of Transportation - Improvements, SR 520 Plan

Section 304(16) earmarks \$250,000 for the City of Seattle to prepare a State Route 520 expansion impact plan and prohibits the Department of Transportation from beginning construction on the State Route 520 bridge replacement and High Occupancy Vehicle project until agreements have been reached with the City of Seattle. This subsection contradicts Section 304(18), which sets forth the National Environmental Policy Act (NEPA) requirements that the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate. It is incumbent upon the department to follow state and federal environmental laws and not delegate decision making to the City of Seattle. Therefore, I have vetoed Section 304(16).

Section 307(8), page 54, Department of Transportation - Ferries, Auto-Passenger Ferries

Section 307(8) provides funding for auto-passenger ferry vessels using the process identified in Substitute Senate Bill 6853, which did not pass the Legislature. While the Legislature considered the ferry vessel procurement process in Substitute Senate Bill 6853, it was not its intent to eliminate funding for ferry vessels. Therefore, I have vetoed Section 307(8) with the understanding that the funding remains available to the Department of Transportation for the procurement of ferry vessels.

Section 309(19), pages 61-62, Department of Transportation - Local Programs, RTPOs

Section 309(19) requires regional transportation planning organizations (RTPOs) that receive federal surface transportation program funding to distribute funds based on a prioritized competitive basis rather than by formula. It also prohibits funds from being used for administration. While I strongly support this legislative intent, I believe these changes should be phased in over time in order to avoid disruptions to project programming and delivery. RTPOs are required by federal law to prepare four-year Transportation Improvement Programs. The current transportation improvement program covers calendar years 2006 through 2008. Therefore, I have vetoed Section 309(19).

However, effective with the development of the 2008 Transportation Improvement Programs, I am directing the

Department of Transportation to work with RTPOs to ensure that it prioritizes project selections based on regional priorities such as growth management, congestion relief, safety, economic development, or other regional priorities that support state and federal policies. In addition, the department shall retain a full and transparent accounting of all federal surface transportation program funds and their uses.

With the exception of the above-noted portions of Sections 204, 212(6), 213(5), 214(5), 304(16), 307(8), and 309(19), Substitute Senate Bill 6241 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor