

SSB 6120 - S AMD 177

By Senators Marr, Haugen, Swecker

ADOPTED 03/12/2007

1 On page 2, line 12, after "**Sec. 2.**" strike "(1)"

2 On page 2, beginning on line 29, strike all material through line
3 31

4 Beginning on page 4, line 7, strike all of section 5 and insert the
5 following:

6 "**Sec. 5.** RCW 47.06A.020 and 2005 c 319 s 125 are each amended to
7 read as follows:

8 (1) The board shall:

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

11 (b) Solicit from public entities proposed projects that meet
12 eligibility criteria established in accordance with subsection (4) of
13 this section; and

14 (c) Review and evaluate project applications based on criteria
15 established under this section, and prioritize and select projects
16 comprising a portfolio to be funded in part with grants from state
17 funds appropriated for the freight mobility strategic investment
18 program. In determining the appropriate level of state funding for a
19 project, the board shall ensure that state funds are allocated to
20 leverage the greatest amount of partnership funding possible. After
21 selecting projects comprising the portfolio, the board shall submit
22 them as part of its budget request to the office of financial
23 management and the legislature, and by August 1st each year, the board
24 shall provide a copy of its portfolio of selected projects to the
25 department and the commission. The board shall ensure that projects
26 submitted as part of the portfolio are not more appropriately funded
27 with other federal, state, or local government funding mechanisms or

1 programs. The board shall reject those projects that appear to improve
2 overall general mobility with limited enhancement for freight mobility.

3 The department shall consider the portfolio furnished by the board
4 in developing and updating the state's plan for participation in rail
5 infrastructure improvements, and the commission shall consider the
6 portfolio furnished by the board when reviewing the department's plan
7 and making recommendations to the legislature under section 4 of this
8 act. The board shall provide periodic progress reports on its
9 activities to the office of financial management and the senate and
10 house transportation committees.

11 (2) The board may:

12 (a) Accept from any state or federal agency, loans or grants for
13 the financing of any transportation project and enter into agreements
14 with any such agency concerning the loans or grants;

15 (b) Provide technical assistance to project applicants;

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

19 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
20 the purposes of this chapter; and

21 (e) Do all things necessary or convenient to carry out the powers
22 expressly granted or implied under this chapter.

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

28 (4) The board shall utilize threshold project eligibility criteria
29 that, at a minimum, includes the following:

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

31 (b) The project must meet one of the following conditions:

32 (i) It is primarily aimed at reducing identified barriers to
33 freight movement with only incidental benefits to general or personal
34 mobility; or

35 (ii) It is primarily aimed at increasing capacity for the movement
36 of freight with only incidental benefits to general or personal
37 mobility; or

1 (iii) It is primarily aimed at mitigating the impact on communities
2 of increasing freight movement, including roadway/railway conflicts;
3 (~~and~~)

4 (c) The project must have a total public benefit/total public cost
5 ratio of equal to or greater than one; and

6 (d) To the greatest extent possible, the project must be consistent
7 with the benefit/impact analysis developed by the department and
8 freight stakeholders under section 3 of this act, and address the
9 legislative priorities identified in section 1 of this act.

10 (5) From June 11, 1998, through the biennium ending June 30, 2001,
11 the board shall use the multicriteria analysis and scoring framework
12 for evaluating and ranking eligible freight mobility and freight
13 mitigation projects developed by the freight mobility project
14 prioritization committee and contained in the January 16, 1998, report
15 entitled "Project Eligibility, Priority and Selection Process for a
16 Strategic Freight Investment Program." The prioritization process
17 shall measure the degree to which projects address important program
18 objectives and shall generate a project score that reflects a project's
19 priority compared to other projects. The board shall assign scoring
20 points to each criterion that indicate the relative importance of the
21 criterion in the overall determination of project priority. After June
22 30, 2001, the board may supplement and refine the initial project
23 priority criteria and scoring framework developed by the freight
24 mobility project prioritization committee as expertise and experience
25 is gained in administering the freight mobility program.

26 (6) It is the intent of the legislature that each freight mobility
27 project contained in the project portfolio submitted by the board
28 utilize the greatest amount of nonstate funding possible. The board
29 shall adopt rules that give preference to projects that contain the
30 greatest levels of financial participation from nonprogram fund
31 sources. The board shall consider twenty percent as the minimum
32 partnership contribution, but shall also ensure that there are
33 provisions allowing exceptions for projects that are located in areas
34 where minimal local funding capacity exists or where the magnitude of
35 the project makes the adopted partnership contribution financially
36 unfeasible.

37 (7) The board shall develop and recommend policies that address
38 operational improvements that primarily benefit and enhance freight

1 movement, including, but not limited to, policies that reduce
2 congestion in truck lanes at border crossings and weigh stations and
3 provide for access to ports during nonpeak hours."

4 On page 6, beginning on line 34, strike all of section 6 and insert
5 the following:

6 "Sec. 6. RCW 47.76.240 and 1995 c 380 s 5 are each amended to read
7 as follows:

8 The state, counties, local communities, ports, railroads, labor,
9 and shippers all benefit from continuation of rail service and should
10 participate in its preservation. Lines that provide benefits to the
11 state and local jurisdictions, such as avoided roadway costs, reduced
12 traffic congestion, economic development potential, environmental
13 protection, and safety, should be assisted through the joint efforts of
14 the state, local jurisdictions, and the private sector.

15 State funding for rail service, rail preservation, and corridor
16 preservation projects must benefit the state's interests. The state's
17 (~~interest is served by reducing public roadway maintenance and repair~~
18 ~~costs, increasing economic development opportunities, increasing~~
19 ~~domestic and international trade, preserving jobs, and enhancing~~
20 ~~safety. State funding for projects is contingent upon appropriate~~
21 ~~local jurisdiction and private sector participation and cooperation.~~
22 ~~Before spending state moneys on projects the department shall seek~~
23 ~~federal, local, and private funding and participation to the greatest~~
24 ~~extent possible)) participation in rail infrastructure improvements is
25 governed by chapter 47.-- RCW (created in section 7 of this act).~~

26 (1) The department of transportation shall continue to monitor the
27 status of the state's mainline and branchline common carrier railroads
28 and preserved rail corridors through the state rail plan and various
29 analyses, and shall seek alternatives to abandonment prior to
30 interstate commerce commission proceedings, where feasible.

31 (2) The utilities and transportation commission shall intervene in
32 interstate commerce commission proceedings on abandonments, when
33 necessary, to protect the state's interest.

34 (3) The department of transportation, in consultation with the
35 Washington state freight rail policy advisory committee, shall

1 establish criteria for evaluating rail projects and corridors of
2 significance to the state.

3 (4) Local jurisdictions may implement rail service preservation
4 projects in the absence of state participation.

5 (5) The department of transportation shall continue to monitor
6 projects for which it provides assistance."

7 Renumber the remaining sections consecutively and correct any
8 internal references accordingly.

9 On page 7, line 2, after "Title" strike "81" and insert "47"

10 On page 7, beginning on line 3, strike all of section 8

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11 On page 1, line 1 of the title, after "infrastructure;" strike the
12 remainder of the title and insert "amending RCW 47.06A.020; and adding
13 a new chapter to Title 47 RCW."

EFFECT: Removes all language relating to making the Freight
Mobility Strategic Investment Board (FMSIB) a division within the
Department of Transportation (DOT). An additional criterion is added
for FMSIB project eligibility: To the greatest extent possible, the
projects selected must be consistent with the benefit/impact analysis
developed by DOT and the stakeholder work group, and address the
legislative priorities identified in the bill. Each year, FMSIB must
furnish a copy of its portfolio of selected projects to DOT and the
transportation commission. DOT must consider the portfolio provided by
FMSIB in developing and updating the state's plan for participation in
rail infrastructure improvements, and the transportation commission
must consider the portfolio provided by FMSIB when reviewing DOT's plan
and reporting to the Legislature. Reconciles chapter 47.76 RCW with
the provisions of the bill.

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