

**SENATE BILL 6381**

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senators Haugen and Marr; by request of Governor Gregoire

Read first time 01/13/10. Referred to Committee on Transportation.

1            AN ACT Relating to transportation funding and appropriations;  
2 amending RCW 46.68.290, 36.79.020, 47.12.340, 46.68.320, and 43.19.642;  
3 amending 2009 c 470 § 101, 102, 103, 104, 106, 107, 201, 202, 203, 204,  
4 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218,  
5 219, 220, 222, 223, 224, 225, 302, 303, 304, 306, 307, 308, 309, 310,  
6 311, 401, 402, 403, 404, 405, 406, 407, 503, and 603 (uncodified);  
7 repealing 2009 c 470 § 501 and 502 (uncodified); making appropriations  
8 and authorizing capital improvements; and declaring an emergency.

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

**2009-11 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES--OPERATING**

12            **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as  
13 follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

15 Motor Vehicle Account--State Appropriation . . . . . (~~(\$422,000)~~)  
16 \$417,000

1 The appropriation in this section is subject to the following  
2 conditions and limitations: The entire appropriation is provided  
3 solely for staffing costs to be dedicated to state transportation  
4 activities. Staff hired to support transportation activities must have  
5 practical experience with complex construction projects.

6 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as  
7 follows:

8 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**  
9 Grade Crossing Protective Account--State  
10 Appropriation . . . . . ((~~\$705,000~~))  
11 \$703,000

12 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as  
13 follows:

14 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
15 Motor Vehicle Account--State Appropriation . . . . . ((~~\$3,389,000~~))  
16 \$3,384,000  
17 Puget Sound Ferry Operations Account--State  
18 Appropriation . . . . . \$100,000  
19 TOTAL APPROPRIATION . . . . . ((~~\$3,489,000~~))  
20 \$3,484,000

21 The appropriations in this section are subject to the following  
22 conditions and limitations:

23 (1) \$1,699,000 of the motor vehicle account--state appropriation is  
24 provided solely for the office of regulatory assistance integrated  
25 permitting project.

26 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
27 provided solely for the continued maintenance and support of the  
28 transportation executive information system. Of the amount provided in  
29 this subsection, \$502,000 is for two existing FTEs at the department of  
30 transportation to maintain and support the system.

31 **Sec. 104.** 2009 c 470 s 104 (uncodified) is amended to read as  
32 follows:

33 **FOR THE MARINE EMPLOYEES COMMISSION**  
34 Puget Sound Ferry Operations Account--State  
35 Appropriation . . . . . ((~~\$446,000~~))

1 \$443,000

2 **Sec. 105.** 2009 c 470 s 106 (uncodified) is amended to read as  
3 follows:

4 **FOR THE DEPARTMENT OF AGRICULTURE**

5 Motor Vehicle Account--State Appropriation . . . . . ((~~\$1,507,000~~))  
6 \$1,503,000

7 The appropriation in this section is subject to the following  
8 conditions and limitations:

9 (1) \$351,000 of the motor vehicle account--state appropriation is  
10 provided solely for costs associated with the motor fuel quality  
11 program.

12 (2) \$1,004,000 of the motor vehicle account--state appropriation is  
13 provided solely to test the quality of biofuel. The department must  
14 test fuel quality at the biofuel manufacturer, distributor, and  
15 retailer.

16 **Sec. 106.** 2009 c 470 s 107 (uncodified) is amended to read as  
17 follows:

18 **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

19 Motor Vehicle Account--State Appropriation . . . . . ((~~\$502,000~~))  
20 \$495,000

21 **TRANSPORTATION AGENCIES--OPERATING**

22 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as  
23 follows:

24 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

25 Highway Safety Account--State Appropriation . . . . . ((~~\$2,542,000~~))  
26 \$1,179,000

27 Highway Safety Account--Federal Appropriation . . . . . ((~~\$16,540,000~~))  
28 \$17,238,000

29 School Zone Safety Account--State Appropriation . . . . . ((~~\$3,340,000~~))  
30 \$1,669,000

31 Highway Safety Account--Local Appropriation . . . . . ((~~\$50,000~~))  
32 \$25,000

33 TOTAL APPROPRIATION . . . . . ((~~\$22,472,000~~))

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$2,670,000)~~) \$2,826,000 of the highway safety account-- federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year (~~(2011)~~) 2010. The legislature anticipates that an additional (~~(\$1,830,000)~~) \$1,674,000 will be appropriated from the highway safety account-- federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

(3) The appropriations in this section are for fiscal year 2010 only. Funding for fiscal year 2011 is appropriated to the technical services bureau of the Washington state patrol.

1           **Sec. 202.** 2009 c 470 s 202 (uncodified) is amended to read as  
 2 follows:

3 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

4	Rural Arterial Trust Account--State Appropriation . . . . .	(( <del>\$920,000</del> ))
5		<u>\$453,000</u>
6	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$2,129,000</del> ))
7		<u>\$1,047,000</u>
8	County Arterial Preservation Account--State	
9	Appropriation . . . . .	(( <del>\$1,423,000</del> ))
10		<u>\$702,000</u>
11	TOTAL APPROPRIATION . . . . .	(( <del>\$4,472,000</del> ))
12		<u>\$2,202,000</u>

13           The appropriations in this section are subject to the following  
 14 conditions and limitations: The appropriations in this section are for  
 15 fiscal year 2010 only. Funding for fiscal year 2011 is appropriated to  
 16 the department of transportation - local programs (Program Z -  
 17 operating).

18           **Sec. 203.** 2009 c 470 s 203 (uncodified) is amended to read as  
 19 follows:

20 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

21	Urban Arterial Trust Account--State Appropriation . . . . .	(( <del>\$1,824,000</del> ))
22		<u>\$911,000</u>
23	Transportation Improvement Account--State	
24	Appropriation . . . . .	(( <del>\$1,827,000</del> ))
25		<u>\$913,000</u>
26	TOTAL APPROPRIATION . . . . .	(( <del>\$3,651,000</del> ))
27		<u>\$1,824,000</u>

28           The appropriations in this section are subject to the following  
 29 conditions and limitations: The appropriations in this section are for  
 30 fiscal year 2010 only. Funding for fiscal year 2011 is appropriated to  
 31 the department of transportation - local programs (Program Z -  
 32 operating).

33           **Sec. 204.** 2009 c 470 s 204 (uncodified) is amended to read as  
 34 follows:

35 **FOR THE JOINT TRANSPORTATION COMMITTEE**

36	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$1,901,000</del> ))
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound

1 transit must provide periodic reports to the joint transportation  
2 committee, the sound transit board of directors, and the governor, and  
3 report final recommendations by November 1, 2009.

4 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as  
5 follows:

6 **FOR THE TRANSPORTATION COMMISSION**

7	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$2,237,000</del> ))
8		<u>\$2,225,000</u>
9	Multimodal Transportation Account--State Appropriation . . . .	\$112,000
10	TOTAL APPROPRIATION . . . . .	(( <del>\$2,349,000</del> ))
11		<u>\$2,337,000</u>

12 The appropriations in this section are subject to the following  
13 conditions and limitations:

14 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
15 the transportation commission shall periodically review and, if  
16 necessary, modify the schedule of fares for the Washington state ferry  
17 system. The transportation commission may increase ferry fares,  
18 except no fare schedule modifications may be made prior to September 1,  
19 2009. For purposes of this subsection, "modify" includes increases or  
20 decreases to the schedule. The commission may only approve ferry fare  
21 rate changes that have the same proportionate change for passengers as  
22 for vehicles.

23 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
24 the transportation commission shall periodically review and, if  
25 necessary, modify a schedule of toll charges applicable to the state  
26 route number 167 high occupancy toll lane pilot project, as required  
27 under RCW 47.56.403. For purposes of this subsection, "modify"  
28 includes increases or decreases to the schedule.

29 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,  
30 the transportation commission shall periodically review and, if  
31 necessary, modify the schedule of toll charges applicable to the Tacoma  
32 Narrows bridge, taking into consideration the recommendations of the  
33 citizen advisory committee created under RCW 47.46.091. For purposes  
34 of this subsection, "modify" includes increases or decreases to the  
35 schedule.

36 (4) The commission may name state ferry vessels consistent with its  
37 authority to name state transportation facilities under RCW 47.01.420.

1 When naming or renaming state ferry vessels, the commission shall  
2 investigate selling the naming rights and shall make recommendations to  
3 the legislature regarding this option.

4 (5) \$350,000 of the motor vehicle account--state appropriation is  
5 provided solely for consultant support services to assist the  
6 commission in updating the statewide transportation plan. The updated  
7 plan must be submitted to the legislature by December 1, 2010.

8 ~~((If the commission considers implementing a ferry fuel~~  
9 ~~surcharge, it must first submit an analysis and business plan to the~~  
10 ~~office of financial management and either the joint transportation~~  
11 ~~committee or the transportation committees of the legislature.)) The  
12 commission shall impose a ferry fuel surcharge effective May 1, 2010,  
13 in order to provide a mechanism for raising additional revenues in a  
14 timely manner to help cover increased costs of ferry fuel that exceed  
15 an adopted base level of funding.~~

16 **Sec. 206.** 2009 c 470 s 206 (uncodified) is amended to read as  
17 follows:

18 **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

19 Motor Vehicle Account--State Appropriation . . . . . ((\$695,000))  
20 \$321,000

21 The appropriation in this section is subject to the following  
22 conditions and limitations: ~~((The freight mobility strategic~~  
23 ~~investment board shall, on a quarterly basis, provide status reports to~~  
24 ~~the office of financial management and the transportation committees of~~  
25 ~~the legislature on the delivery of projects funded by this act.)) The  
26 appropriations in this section are for fiscal year 2010 only. Funding  
27 for fiscal year 2011 is appropriated to the department of  
28 transportation - local programs (Program Z - operating).~~

29 **Sec. 207.** 2009 c 470 s 207 (uncodified) is amended to read as  
30 follows:

31 **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

32 State Patrol Highway Account--State  
33 Appropriation . . . . . ((\$228,024,000))  
34 \$226,099,000

35 State Patrol Highway Account--Federal  
36 Appropriation . . . . . ((\$10,602,000))



1		<u>\$10,723,000</u>
2	State Patrol Highway Account--Private/Local	
3	Appropriation . . . . .	(( <del>\$859,000</del> ))
4		<u>\$867,000</u>
5	TOTAL APPROPRIATION . . . . .	(( <del>\$239,485,000</del> ))
6		<u>\$237,689,000</u>

7       The appropriations in this section are subject to the following  
8 conditions and limitations:

9       (1) Washington state patrol officers engaged in off-duty uniformed  
10 employment providing traffic control services to the department of  
11 transportation or other state agencies may use state patrol vehicles  
12 for the purpose of that employment, subject to guidelines adopted by  
13 the chief of the Washington state patrol. The Washington state patrol  
14 shall be reimbursed for the use of the vehicle at the prevailing state  
15 employee rate for mileage and hours of usage, subject to guidelines  
16 developed by the chief of the Washington state patrol, and Cessna  
17 pilots funded from the state patrol highway account who are certified  
18 to fly the King Airs may pilot those aircraft for general fund purposes  
19 with the general fund reimbursing the state patrol highway account an  
20 hourly rate to cover the costs incurred during the flights since the  
21 aviation section will no longer be part of the Washington state patrol  
22 cost allocation system as of July 1, 2009.

23       (2) The patrol shall not account for or record locally provided DUI  
24 cost reimbursement payments as expenditure credits to the state patrol  
25 highway account. The patrol shall report the amount of expected  
26 locally provided DUI cost reimbursements to the office of financial  
27 management and transportation committees of the legislature by  
28 September 30th of each year.

29       (3) During the 2009-11 fiscal biennium, the Washington state patrol  
30 shall continue to perform traffic accident investigations on Thurston  
31 county roads, and shall work with the county to transition the traffic  
32 accident investigations on Thurston county roads to the county by July  
33 1, 2011.

34       (4) Within existing resources, the Washington state patrol shall  
35 make every reasonable effort to increase the enrollment in each academy  
36 class that commences during the 2009-11 fiscal biennium to fifty-five  
37 cadets.

1 (5) The Washington state patrol shall collaborate with the  
2 Washington traffic safety commission to develop and implement the  
3 target zero trooper pilot program referenced in section 201 of this  
4 act.

5 (6) The Washington state patrol shall discuss the implementation of  
6 the pilot program described under section 218(2) of this act with any  
7 union representing the affected employees.

8 (7) The Washington state patrol shall assign necessary personnel  
9 and equipment to implement and operate the pilot program described  
10 under section 218(2) of this act using the portion of the automated  
11 traffic safety camera fines deposited into the state patrol highway  
12 account, but not to exceed \$370,000. If the fines deposited into the  
13 state patrol highway account from automated traffic safety camera  
14 infractions do not reach \$370,000, the department of transportation  
15 shall remit funds necessary to the Washington state patrol to ensure  
16 the completion of the pilot program.

17 **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as  
18 follows:

19 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**  
20 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))  
21 \$1,652,000

22 **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as  
23 follows:

24 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**  
25 State Patrol Highway Account--State  
26 Appropriation . . . . . ((~~\$105,680,000~~))  
27 \$109,229,000  
28 State Patrol Highway Account--Private/Local  
29 Appropriation . . . . . ((~~\$2,008,000~~))  
30 \$2,510,000  
31 Highway Safety Account--State Appropriation . . . . . \$1,359,000  
32 Highway Safety Account--Federal Appropriation . . . . . \$17,273,000  
33 Highway Safety Account--Private/Local Appropriation . . . . . \$25,000  
34 School Zone Safety Account--State Appropriation . . . . . \$1,671,000  
35 TOTAL APPROPRIATION . . . . . ((~~\$107,688,000~~))  
36 \$132,067,000

1 The appropriations in this section are subject to the following  
2 conditions and limitations:

3 (1) The Washington state patrol shall work with the risk management  
4 division in the office of financial management in compiling the  
5 Washington state patrol's data for establishing the agency's risk  
6 management insurance premiums to the tort claims account. The office  
7 of financial management and the Washington state patrol shall submit a  
8 report to the legislative transportation committees by December 31st of  
9 each year on the number of claims, estimated claims to be paid, method  
10 of calculation, and the adjustment in the premium.

11 (2) (~~(\$8,673,000)~~) \$10,793,000 of the total appropriation is  
12 provided solely for automobile fuel in the 2009-11 fiscal biennium.

13 (3) \$7,421,000 of the total appropriation is provided solely for  
14 the purchase of pursuit vehicles.

15 (4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is  
16 provided solely for vehicle repair and maintenance costs of vehicles  
17 used for highway purposes.

18 (5) \$384,000 of the total appropriation is provided solely for the  
19 purchase of mission vehicles used for highway purposes in the  
20 commercial vehicle and traffic investigation sections of the Washington  
21 state patrol.

22 (6) The Washington state patrol may submit information technology-  
23 related requests for funding only if the patrol has coordinated with  
24 the department of information services as required under section 601 of  
25 this act.

26 (7) \$345,000 of the state patrol highway account--state  
27 appropriation is provided solely for the implementation of Engrossed  
28 Substitute House Bill No. 1445 (domestic partners/Washington state  
29 patrol retirement system). If Engrossed Substitute House Bill No. 1445  
30 is not enacted by June 30, 2009, the amount provided in this subsection  
31 shall lapse.

32 (8) Fiscal year 2011 funding from the Washington traffic safety  
33 commission is appropriated to the technical services bureau to  
34 consolidate state functions and accountability into one agency.

35 **Sec. 210.** 2009 c 470 s 210 (uncodified) is amended to read as  
36 follows:

1     **FOR THE DEPARTMENT OF LICENSING**

2	Marine Fuel Tax Refund Account--State Appropriation . . . . .	\$32,000
3	Motorcycle Safety Education Account--State	
4	Appropriation . . . . .	((( <del>\$4,373,000</del> )))
5		<u>\$4,360,000</u>
6	Wildlife Account--State Appropriation . . . . .	((( <del>\$837,000</del> )))
7		<u>\$827,000</u>
8	Highway Safety Account--State Appropriation . . . . .	((( <del>\$145,085,000</del> )))
9		<u>\$144,774,000</u>
10	Highway Safety Account--Federal Appropriation . . . . .	((( <del>\$8,000</del> )))
11		<u>\$920,000</u>
12	Motor Vehicle Account--State Appropriation . . . . .	((( <del>\$78,805,000</del> )))
13		<u>\$78,376,000</u>
14	Motor Vehicle Account--Federal Appropriation . . . . .	\$242,000
15	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$1,372,000
16	Department of Licensing Services Account--State	
17	Appropriation . . . . .	((( <del>\$3,867,000</del> )))
18		<u>\$3,844,000</u>
19	Washington State Patrol Highway Account--State	
20	Appropriation . . . . .	\$738,000
21	Ignition Interlock Device Revolving Account--State	
22	Appropriation . . . . .	((( <del>\$2,490,000</del> )))
23		<u>\$1,765,000</u>
24	TOTAL APPROPRIATION . . . . .	((( <del>\$237,849,000</del> )))
25		<u>\$237,250,000</u>

26           The appropriations in this section are subject to the following  
27 conditions and limitations:

28           (1)(a) By November 1, 2009, the department of licensing, working  
29 with the department of revenue, shall analyze and plan for the transfer  
30 by July 1, 2010, of the administration of fuel taxes imposed under  
31 chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law  
32 from the department of licensing to the department of revenue. By  
33 November 1, 2009, the departments shall report findings and  
34 recommendations to the governor and the transportation and fiscal  
35 committees of the legislature.

36           (b) The analysis and planning directed under this subsection must  
37 include, but is not limited to, the following:

1 (i) Outreach to and solicitation of comment from parties affected  
2 by the fuel taxes, including taxpayers, industry associations, state  
3 and federal agencies, and Indian tribes, and from the transportation  
4 and fiscal committees of the legislature; and

5 (ii) Identification and analysis of relevant factors including, but  
6 not limited to:

7 (A) Taxpayer reporting and payment processes;

8 (B) The international fuel tax agreement;

9 (C) Proportional registration under the provisions of the  
10 international registration plan and chapter 46.87 RCW;

11 (D) Computer systems;

12 (E) Best management practices and efficiencies;

13 (F) Costs; and

14 (G) Personnel matters( (+

15 ~~(iii) Development of recommended actions to accomplish the~~  
16 ~~transfer; and~~

17 ~~(iv) An implementation plan and schedule.~~

18 ~~(c) The report must include draft legislation, which transfers~~  
19 ~~administration of fuel taxes as described under (a) of this subsection~~  
20 ~~to the department of revenue on July 1, 2010, and amends existing law~~  
21 ~~as needed)).~~

22 (2) \$55,845,000 of the highway safety account--state appropriation  
23 is provided solely for the driver examining program. In order to  
24 reduce costs and make the most efficient use of existing resources, the  
25 department may consolidate licensing service offices by closing the  
26 vehicle services counter at the highways licensing building in Olympia  
27 and up to twenty-five licensing service offices.

28 (a) When closing offices, the department may redistribute staff  
29 from consolidated offices to neighboring offices and local community  
30 supercenters.

31 (b) In order to mitigate the effects of office consolidations on  
32 customers, the department shall, within existing resources, provide the  
33 following enhanced services:

34 (i) Extended daily and weekend hours in regional supercenter  
35 offices;

36 (ii) Staffed greeter stations to improve office work flow; and

37 (iii) Self-service stations for online transaction access,  
38 including vehicle renewal transactions.

1 (c) In areas that are not consolidated, the department will work to  
2 reduce costs by identifying opportunities to share facilities with  
3 subagent offices and state, county, or local government offices and by  
4 analyzing hours and days of operation to meet demand.

5 (d) The department shall work with vehicle licensing subagents  
6 regarding potential placement of self-service driver licensing kiosks  
7 in communities that will be affected by licensing services offices  
8 closures. The department may place kiosks in those subagent offices  
9 where both parties agree, and may pay the subagents the fair market  
10 value for any space used for kiosks.

11 (e) The department shall report to the joint transportation  
12 committee by November 30, 2009, on the department's consolidation  
13 implementation to date and its plan for continued implementation.

14 (3) \$11,688,000 of the highway safety account--state appropriation  
15 is provided solely for costs associated with: Issuing enhanced  
16 drivers' licenses and identicards at the enhanced licensing services  
17 offices; extended hours at those licensing services offices; cross-  
18 border tourism education; and other education campaigns. This is the  
19 maximum amount the department may expend for this purpose.

20 (4) (~~(\$2,490,000)~~) \$1,765,000 of the ignition interlock device  
21 revolving account--state appropriation is provided solely for the  
22 department to assist indigent persons with the costs of installing,  
23 removing, and leasing the device, and applicable licensing pursuant to  
24 RCW 46.68.340.

25 (5) By December 31, 2009, the department shall report to the office  
26 of financial management and the transportation committees of the  
27 legislature a cost-benefit analysis of leasing versus purchasing field  
28 office equipment.

29 (6) By December 31, 2009, the department shall submit to the office  
30 of financial management and the transportation committees of the  
31 legislature draft legislation that rewrites RCW 46.52.130 (driving  
32 record abstracts) in plain language.

33 (7) The department may seek federal funds to implement a driver's  
34 license and identicard biometric matching system pilot program to  
35 verify the identity of applicants for, and holders of, drivers'  
36 licenses and identicards. If funds are received, the department shall  
37 report any benefits or problems identified during the course of the  
38 pilot program to the transportation committees of the legislature upon

1 the completion of the program. The department may refer any suspected  
2 criminal activity uncovered during the course of the pilot project to  
3 the appropriate authorities for further investigation or prosecution.

4 (8) The department may submit information technology-related  
5 requests for funding only if the department has coordinated with the  
6 department of information services as required under section 601 of  
7 this act.

8 (9) Consistent with the authority delegated to the director of  
9 licensing under RCW 46.01.100, the department may adopt a new  
10 organizational structure that includes the following programs: (a)  
11 Driver and vehicle services, which must encompass services relating to  
12 driver licensing customers, vehicle industry and fuel tax licensees,  
13 and vehicle and vessel licensing and registration; and (b) driver  
14 policy and programs, which must encompass policy development for all  
15 driver-related programs, including driver examining, driver records,  
16 commercial driver's license testing and auditing, driver training  
17 schools, motorcycle safety, technical services, hearings, driver  
18 special investigations, drivers' data management, central issuance  
19 contract management, and state and federal initiatives.

20 (10) The legislature finds that measuring the performance of the  
21 department requires the measurement of quality, timeliness, and unit  
22 cost of services delivered to customers. Consequently:

23 (a) The department shall develop a set of metrics that measure that  
24 performance and report to the transportation committees of the house of  
25 representatives and the senate and to the office of financial  
26 management on the development of these measurements along with  
27 recommendations to the 2010 legislature on which measurements must  
28 become a part of the next omnibus transportation appropriations act;

29 (b) The department shall study the process in place at the  
30 licensing services office and present to the 2010 legislature  
31 recommendations for process changes to improve efficiencies for both  
32 the department and the customer; and

33 (c) The department shall, on a quarterly basis, report to the  
34 transportation committees of the legislature the following monthly data  
35 by licensing service office locations: (i) Lease costs; (ii) salary  
36 and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of  
37 transactions completed, by type of transaction; and (vi) office hours.

1       **Sec. 211.** 2009 c 470 s 211 (uncodified) is amended to read as  
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND**  
4 **MAINTENANCE--PROGRAM B**

5	High Occupancy Toll Lanes Operations Account--State	
6	Appropriation . . . . .	(( <del>\$2,867,000</del> ))
7		<u>\$2,856,000</u>
8	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$585,000</del> ))
9		<u>\$576,000</u>
10	Tacoma Narrows Toll Bridge Account--State	
11	Appropriation . . . . .	(( <del>\$27,358,000</del> ))
12		<u>\$26,410,000</u>
13	State Route Number 520 Corridor Account--State	
14	Appropriation . . . . .	\$58,088,000
15	TOTAL APPROPRIATION . . . . .	(( <del>\$88,898,000</del> ))
16		<u>\$87,930,000</u>

17       The appropriations in this section are subject to the following  
18 conditions and limitations:

19       (1) The department shall make detailed quarterly expenditure  
20 reports available to the transportation commission and to the public on  
21 the department's web site using current department resources. The  
22 reports must include a summary of revenue generated by tolls on the  
23 Tacoma Narrows bridge and an itemized depiction of the use of that  
24 revenue.

25       (2) The department shall work with the office of financial  
26 management to review insurance coverage, deductibles, and limitations  
27 on tolled facilities to assure that the assets are well protected at a  
28 reasonable cost. Results from this review must be used to negotiate  
29 any future new or extended insurance agreements.

30       (3) \$58,088,000 of the state route number 520 corridor account--  
31 state appropriation is provided solely for the costs directly related  
32 to tolling the state route number 520 floating bridge. Of this amount,  
33 \$175,000 is for the immediate costs necessary to pursue a request for  
34 proposal to implement variable, open road tolling on the state route  
35 number 520 floating bridge. The request for proposal must include  
36 tolling infrastructure and signage, customer service centers,  
37 collection and billing procedures, and, to the extent practicable, the  
38 maintenance and dispensing of transponders by the vendor. The



1 remaining (~~(\$57,913,000)~~) \$57,783,000 must be retained in unallotted  
2 status, and may only be released by the office of financial management  
3 after consultation with the joint transportation committee following  
4 the committee's examination of toll operations costs referenced in  
5 section 204(2) of this act. The amount provided in this subsection is  
6 contingent on the enactment of (a) Engrossed Substitute House Bill No.  
7 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other  
8 legislation authorizing bonds for the state route number 520 corridor  
9 projects. If the conditions of this subsection are not satisfied, the  
10 amount provided in this subsection shall lapse.

11 **Sec. 212.** 2009 c 470 s 212 (uncodified) is amended to read as  
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM**  
14 **C**

15	Transportation Partnership Account--State	
16	Appropriation . . . . .	\$2,675,000
17	Motor Vehicle Account--State Appropriation . . . . .	( <del>(\$67,811,000)</del> )
18		<u>\$68,867,000</u>
19	Motor Vehicle Account--Federal Appropriation . . . . .	\$240,000
20	Multimodal Transportation Account--State	
21	Appropriation . . . . .	\$363,000
22	Transportation 2003 Account (Nickel Account)--State	
23	Appropriation . . . . .	\$2,676,000
24	TOTAL APPROPRIATION . . . . .	( <del>(\$73,765,000)</del> )
25		<u>\$74,821,000</u>

26 The appropriations in this section are subject to the following  
27 conditions and limitations:

28 (1) The department shall consult with the office of financial  
29 management and the department of information services to: (a) Ensure  
30 that the department's current and future system development is  
31 consistent with the overall direction of other key state systems; and  
32 (b) when possible, use or develop common statewide information systems  
33 to encourage coordination and integration of information used by the  
34 department and other state agencies and to avoid duplication.

35 (2) \$1,216,000 of the transportation partnership account--state  
36 appropriation and \$1,216,000 of the transportation 2003 account (nickel  
37 account)--state appropriation are provided solely for the department to

1 develop a project management and reporting system which is a collection  
 2 of integrated tools for capital construction project managers to use to  
 3 perform all the necessary tasks associated with project management.  
 4 The department shall integrate commercial off-the-shelf software with  
 5 existing department systems and enhanced approaches to data management  
 6 to provide web-based access for multi-level reporting and improved  
 7 business work flows and reporting. On a quarterly basis, the  
 8 department shall report to the office of financial management and the  
 9 transportation committees of the legislature on the status of the  
 10 development and integration of the system. At a minimum, the reports  
 11 shall indicate the status of the work as it compares to the work plan,  
 12 any discrepancies, and proposed adjustments necessary to bring the  
 13 project back on schedule or budget if necessary.

14 (3) The department may submit information technology-related  
 15 requests for funding only if the department has coordinated with the  
 16 department of information services as required under section 601 of  
 17 this act.

18 **Sec. 213.** 2009 c 470 s 213 (uncodified) is amended to read as  
 19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS**  
 21 **AND CONSTRUCTION--PROGRAM D--OPERATING**

22 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$25,501,000</del> ))
23	<u>\$26,505,000</u>

24 The appropriation in this section is subject to the following  
 25 conditions and limitations: \$1,003,000 of the motor vehicle  
 26 account--state appropriation is provided solely for the department's  
 27 compliance with the national pollution discharge elimination system  
 28 permit.

29 **Sec. 214.** 2009 c 470 s 214 (uncodified) is amended to read as  
 30 follows:

31 **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

32 Aeronautics Account--State Appropriation . . . . .	(( <del>\$6,009,000</del> ))
33	<u>\$5,986,000</u>
34 Aeronautics Account--Federal Appropriation . . . . .	\$2,150,000
35 TOTAL APPROPRIATION . . . . .	(( <del>\$8,159,000</del> ))
36	<u>\$8,136,000</u>

1 The appropriations in this section are subject to the following  
2 conditions and limitations:

3 (1) \$50,000 of the aeronautics account--state appropriation is a  
4 reappropriation provided solely to pay any outstanding obligations of  
5 the aviation planning council, which expires July 1, 2009.

6 (2) \$150,000 of the aeronautics account--state appropriation is a  
7 reappropriation provided solely to complete runway preservation  
8 projects.

9 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as  
10 follows:

11 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**  
12 **SUPPORT--PROGRAM H**

13	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$48,032,000</del> ))
14		<u>\$49,884,000</u>
15	Motor Vehicle Account--Federal Appropriation . . . . .	\$500,000
16	Multimodal Transportation Account--State	
17	Appropriation . . . . .	\$250,000
18	(( <del>Water Pollution Account--State Appropriation . . . . .</del>	<del>\$2,000,000</del> ))
19	TOTAL APPROPRIATION . . . . .	(( <del>\$50,782,000</del> ))
20		<u>\$50,634,000</u>

21 The appropriations in this section are subject to the following  
22 conditions and limitations:

23 (1) The department shall develop a plan for all current and future  
24 surplus property parcels based on the recommendations from the surplus  
25 property legislative work group that were presented to the senate  
26 transportation committee on February 26, 2009. The plan must include,  
27 at a minimum, strategies for maximizing the number of parcels sold, a  
28 schedule that optimizes proceeds, a recommended cash discount, a plan  
29 to report to the joint transportation committee, a recommendation for  
30 regional incentives, and a recommendation for equivalent value  
31 exchanges. This plan must accompany the department's 2010 supplemental  
32 budget request.

33 ((+3)) (2) The legislature recognizes that the Dryden pit site  
34 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned  
35 real property under the jurisdiction of the department of  
36 transportation, and that the public would benefit significantly from  
37 the complete enjoyment of the natural scenic beauty and recreational

1 opportunities available at the site. Therefore, pursuant to RCW  
2 47.12.080, the legislature declares that transferring the property to  
3 the department of fish and wildlife is consistent with the public  
4 interest in order to preserve the area for the use of the public. The  
5 department of transportation shall, as soon as is practicable, transfer  
6 and convey the Dryden pit site to the department of fish and wildlife  
7 for adequate consideration in the amount of no less than \$600,000, the  
8 proceeds of which must be deposited in the motor vehicle fund. By July  
9 1, 2009, the department shall submit a status report regarding the  
10 transaction to the chairs of the legislative transportation committees.

11 ~~((5) \$750,000))~~ (3) \$2,425,000 of the motor vehicle account--state  
12 appropriation is provided solely for the department's compliance with  
13 its national pollution discharge elimination system permit.

14 ~~((6))~~ (4) The department shall provide updated information on six  
15 project milestones for all active projects, funded in part or in whole  
16 with 2005 transportation partnership account funds or 2003 nickel  
17 account funds, on a quarterly basis in the transportation executive  
18 information system (TEIS). The department shall also provide updated  
19 information on six project milestones for projects, funded with  
20 preexisting funds and that are agreed to by the legislature, office of  
21 financial management, and the department, on a quarterly basis in TEIS.

22 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as  
23 follows:

24 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**  
25 **K**

26	Motor Vehicle Account--State Appropriation . . . . .	<del>(\$615,000)</del>
27		<u>\$604,000</u>
28	Multimodal Transportation Account--State Appropriation . . . . .	\$200,000
29	TOTAL APPROPRIATION . . . . .	<del>(\$815,000)</del>
30		<u>\$804,000</u>

31 The appropriations in this section are subject to the following  
32 conditions and limitations:

33 (1) \$200,000 of the multimodal transportation account--state  
34 appropriation is provided solely for the department to develop and  
35 implement public private partnerships at high priority terminals as  
36 identified in the January 12, 2009, final report on joint development

1 opportunities at Washington state ferries terminals. The department  
2 shall first consider a mutually beneficial agreement at the Edmonds  
3 terminal.

4 (2) \$50,000 of the motor vehicle account--state appropriation is  
5 provided solely for the department to investigate the potential to  
6 generate revenue from web site sponsorships and similar ventures and,  
7 if feasible, pursue partnership opportunities.

8 **Sec. 217.** 2009 c 470 s 217 (uncodified) is amended to read as  
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

11 Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$347,637,000</del> ))
	<u>\$352,463,000</u>
13 Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$2,000,000</del> ))
	<u>\$22,000,000</u>
15 Motor Vehicle Account--Private/Local Appropriation . . . . .	\$5,797,000
16 ( <del>Water Pollution Account--State Appropriation . . . . .</del> )	<del>\$12,500,000</del> )
17 TOTAL APPROPRIATION . . . . .	(( <del>\$367,934,000</del> ))
	<u>\$380,260,000</u>

18

19 The appropriations in this section are subject to the following  
20 conditions and limitations:

21 (1) If portions of the appropriations in this section are required  
22 to fund maintenance work resulting from major disasters not covered by  
23 federal emergency funds such as fire, flooding, snow, and major slides,  
24 supplemental appropriations must be requested to restore state funding  
25 for ongoing maintenance activities.

26 (2) The department shall request an unanticipated receipt for any  
27 federal moneys received for emergency snow and ice removal and shall  
28 place an equal amount of the motor vehicle account--state into  
29 unallotted status. This exchange shall not affect the amount of  
30 funding available for snow and ice removal.

31 (3) The department shall request an unanticipated receipt for any  
32 private or local funds received for reimbursements of third party  
33 damages that are in excess of the motor vehicle account--private/local  
34 appropriation.

35 (4) ((~~\$2,000,000~~)) \$22,000,000 of the motor vehicle account--  
36 federal appropriation is for unanticipated federal funds that may be  
37 received during the 2009-11 fiscal biennium. Upon receipt of the

1 funds, the department shall provide a report on the use of the funds to  
2 the transportation committees of the legislature and the office of  
3 financial management.

4 (5) The department may incur costs related to the maintenance of  
5 the decorative lights on the Tacoma Narrows bridge only if:

6 (a) The nonprofit corporation, narrows bridge lights organization,  
7 maintains an account balance sufficient to reimburse the department for  
8 all costs; and

9 (b) The department is reimbursed from the narrows bridge lights  
10 organization within three months from the date any maintenance work is  
11 performed. If the narrows bridge lights organization is unable to  
12 reimburse the department for any future costs incurred, the lights must  
13 be removed at the expense of the narrows bridge lights organization  
14 subject to the terms of the contract.

15 (6) The department may work with the department of corrections to  
16 utilize corrections crews for the purposes of litter pickup on state  
17 highways.

18 (7) \$650,000 of the motor vehicle account--state appropriation is  
19 provided solely for increased asphalt costs. If Senate Bill No. 5976  
20 is not enacted by June 30, 2009, the amount provided in this subsection  
21 shall lapse.

22 (8) \$16,800,000 of the motor vehicle account--state appropriation  
23 is provided solely for the high priority maintenance backlog.  
24 Addressing the maintenance backlog must result in increased levels of  
25 service.

26 (~~(10) \$750,000~~) (9) \$1,140,000 of the motor vehicle account--  
27 state appropriation is provided solely for the department's compliance  
28 with its national pollution discharge elimination system permit.

29 (10) Up to \$500,000 of the motor vehicle account--state  
30 appropriation is provided solely to accelerate the use of biodiesel  
31 fuel by the department. The department may transfer any portion of the  
32 appropriation provided in this section to section 222 of this act for  
33 the department of transportation - marine division after approval by  
34 the office of financial management.

35 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as  
36 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**  
2 **OPERATING**

3	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$51,526,000</del> ))
4		<u>\$51,375,000</u>
5	Motor Vehicle Account--Federal Appropriation . . . . .	\$2,050,000
6	Motor Vehicle Account--Private/Local Appropriation . . . . .	\$127,000
7	TOTAL APPROPRIATION . . . . .	(( <del>\$53,703,000</del> ))
8		<u>\$53,552,000</u>

9 The appropriations in this section are subject to the following  
10 conditions and limitations:

11 (1) \$2,400,000 of the motor vehicle account--state appropriation is  
12 provided solely for low-cost enhancements. The department shall give  
13 priority to low-cost enhancement projects that improve safety or  
14 provide congestion relief. The department shall prioritize low-cost  
15 enhancement projects on a statewide rather than regional basis. By  
16 September 1st of each even-numbered year, the department shall provide  
17 a report to the legislature listing all low-cost enhancement projects  
18 prioritized on a statewide rather than regional basis completed in the  
19 prior year.

20 (2) The department, in consultation with the Washington state  
21 patrol, may continue a pilot program for the patrol to issue  
22 infractions based on information from automated traffic safety cameras  
23 in roadway construction zones on state highways. For the purpose of  
24 this pilot program, during the 2009-11 fiscal biennium, a roadway  
25 construction zone includes areas where public employees or private  
26 contractors are not present but where a driving condition exists that  
27 would make it unsafe to drive at higher speeds, such as, when the  
28 department is redirecting or realigning lanes on any public roadway  
29 pursuant to ongoing construction. The department shall use the  
30 following guidelines to administer the program:

31 (a) Automated traffic safety cameras may only take pictures of the  
32 vehicle and vehicle license plate and only while an infraction is  
33 occurring. The picture must not reveal the face of the driver or of  
34 passengers in the vehicle;

35 (b) The department shall plainly mark the locations where the  
36 automated traffic safety cameras are used by placing signs on locations  
37 that clearly indicate to a driver that he or she is entering a roadway

1 construction zone where traffic laws are enforced by an automated  
2 traffic safety camera;

3 (c) Notices of infractions must be mailed to the registered owner  
4 of a vehicle within fourteen days of the infraction occurring;

5 (d) The owner of the vehicle is not responsible for the violation  
6 if the owner of the vehicle, within fourteen days of receiving  
7 notification of the violation, mails to the patrol, a declaration under  
8 penalty of perjury, stating that the vehicle involved was, at the time,  
9 stolen or in the care, custody, or control of some person other than  
10 the registered owner, or any other extenuating circumstances;

11 (e) For purposes of the 2009-11 fiscal biennium pilot program,  
12 infractions detected through the use of automated traffic safety  
13 cameras are not part of the registered owner's driving record under RCW  
14 46.52.101 and 46.52.120. Additionally, infractions generated by the  
15 use of automated traffic safety cameras must be processed in the same  
16 manner as parking infractions for the purposes of RCW 3.50.100,  
17 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the  
18 fine issued under this subsection (2) for an infraction generated  
19 through the use of an automated traffic safety camera is one hundred  
20 thirty-seven dollars. The court shall remit thirty-two dollars of the  
21 fine to the state treasurer for deposit into the state patrol highway  
22 account; and

23 (f) If a notice of infraction is sent to the registered owner and  
24 the registered owner is a rental car business, the infraction must be  
25 dismissed against the business if it mails to the patrol, within  
26 fourteen days of receiving the notice, a declaration under penalty of  
27 perjury of the name and known mailing address of the individual driving  
28 or renting the vehicle when the infraction occurred. If the business  
29 is unable to determine who was driving or renting the vehicle at the  
30 time the infraction occurred, the business must sign a declaration  
31 under penalty of perjury to this effect. The declaration must be  
32 mailed to the patrol within fourteen days of receiving the notice of  
33 traffic infraction. Timely mailing of this declaration to the issuing  
34 agency relieves a rental car business of any liability under this  
35 section for the notice of infraction. A declaration form suitable for  
36 this purpose must be included with each automated traffic infraction  
37 notice issued, along with instructions for its completion and use.



1 (3) The department shall implement a pilot project to evaluate the  
2 benefits of using electronic traffic flagging devices. Electronic  
3 traffic flagging devices must be tested by the department at multiple  
4 sites and reviewed for efficiency and safety. The department shall  
5 report to the transportation committees of the legislature on the best  
6 use and practices involving electronic traffic flagging devices,  
7 including recommendations for future use, by June 30, 2010.

8 ~~((4) \$173,000 of the motor vehicle account--state appropriation is  
9 provided solely for the department to continue a pilot tow truck  
10 incentive program and to expand the program to other areas of the  
11 state. The department may provide incentive payments to towing  
12 companies that meet clearance goals on accidents that involve heavy  
13 trucks. The department shall report to the office of financial  
14 management and the transportation committees of the legislature on the  
15 effectiveness of the clearance goals and submit recommendations to  
16 improve the pilot program with the department's 2010 supplemental  
17 omnibus transportation appropriations act submittal.))~~

18 **Sec. 219.** 2009 c 470 s 219 (uncodified) is amended to read as  
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND**  
21 **SUPPORT--PROGRAM S**

22	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$29,153,000</del> ))
23		<u>\$29,103,000</u>
24	Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
25	Multimodal Transportation Account--State	
26	Appropriation . . . . .	\$973,000
27	State Route Number 520 Corridor Account--State	
28	Appropriation . . . . .	\$264,000
29	TOTAL APPROPRIATION . . . . .	(( <del>\$30,420,000</del> ))
30		<u>\$30,370,000</u>

31 The appropriations in this section are subject to the following  
32 conditions and limitations: \$264,000 of the state route number 520  
33 corridor account--state appropriation is provided solely for the costs  
34 directly related to tolling the state route number 520 floating bridge.  
35 This amount must be retained in unallotted status, and may only be  
36 released by the office of financial management after consultation with  
37 the joint transportation committee following the committee's

1 examination of toll operations costs referenced in section 204(2) of  
2 this act. The amount provided in this section is contingent on the  
3 enactment of (1) Engrossed Substitute House Bill No. 2211 and (2)  
4 either Engrossed Substitute House Bill No. 2326 or other legislation  
5 authorizing bonds for the state route number 520 corridor projects. If  
6 the conditions of this section are not satisfied, the amount provided  
7 in this section shall lapse.

8 **Sec. 220.** 2009 c 470 s 220 (uncodified) is amended to read as  
9 follows:

10 **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA,**  
11 **AND RESEARCH--PROGRAM T**

12	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$24,724,000</del> ))
13		<u>\$23,912,000</u>
14	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$19,116,000</del> ))
15		<u>\$22,116,000</u>
16	Multimodal Transportation Account--State	
17	Appropriation . . . . .	(( <del>\$696,000</del> ))
18		<u>\$1,096,000</u>
19	Multimodal Transportation Account--Federal	
20	Appropriation . . . . .	\$2,809,000
21	Multimodal Transportation Account--Private/Local	
22	Appropriation . . . . .	\$100,000
23	TOTAL APPROPRIATION . . . . .	(( <del>\$47,445,000</del> ))
24		<u>\$50,033,000</u>

25 The appropriations in this section are subject to the following  
26 conditions and limitations:

27 (1) \$150,000 of the motor vehicle account--federal appropriation is  
28 provided solely for the costs to develop an electronic map-based  
29 computer application that will enable law enforcement officers and  
30 others to more easily locate collisions and other incidents in the  
31 field.

32 (2) \$400,000 of the ((~~motor vehicle~~)) multimodal transportation  
33 account--state appropriation is provided solely for a diesel multiple  
34 unit feasibility and initial planning study. The study must evaluate  
35 potential service on the Stampede Pass line from Maple Valley to Auburn  
36 via Covington. The study must evaluate the potential demand for  
37 service, the business model and capital needs for launching and running

1 the line, and the need for improvements in switching, signaling, and  
2 tracking. A report on the study must be submitted to the legislature  
3 by June 30, 2010.

4 (3) \$243,000 of the motor vehicle account--state appropriation and  
5 \$81,000 of the motor vehicle account--federal appropriation are  
6 provided solely for the development of a freight database to help guide  
7 freight investment decisions and track project effectiveness. The  
8 database must be based on truck movement tracked through geographic  
9 information system technology. TransNow shall contribute additional  
10 federal funds that are not appropriated in this act. The department  
11 shall work with the freight mobility strategic investment board to  
12 implement this database.

13 **Sec. 221.** 2009 c 470 s 222 (uncodified) is amended to read as  
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM**  
16 **V**

17	Regional Mobility Grant Program Account--State	
18	Appropriation . . . . .	\$54,677,000
19	Multimodal Transportation Account--State	
20	Appropriation . . . . .	(( <del>\$65,795,000</del> ))
21		<u>\$65,723,000</u>
22	Multimodal Transportation Account--Federal	
23	Appropriation . . . . .	\$2,582,000
24	Multimodal Transportation Account--Private/Local	
25	Appropriation . . . . .	\$1,027,000
26	TOTAL APPROPRIATION . . . . .	(( <del>\$124,081,000</del> ))
27		<u>\$124,009,000</u>

28 The appropriations in this section are subject to the following  
29 conditions and limitations:

30 (1) \$25,000,000 of the multimodal transportation account--state  
31 appropriation is provided solely for a grant program for special needs  
32 transportation provided by transit agencies and nonprofit providers of  
33 transportation.

34 (a) \$5,500,000 of the amount provided in this subsection is  
35 provided solely for grants to nonprofit providers of special needs  
36 transportation. Grants for nonprofit providers shall be based on need,

1 including the availability of other providers of service in the area,  
2 efforts to coordinate trips among providers and riders, and the cost  
3 effectiveness of trips provided.

4 (b) \$19,500,000 of the amount provided in this subsection is  
5 provided solely for grants to transit agencies to transport persons  
6 with special transportation needs. To receive a grant, the transit  
7 agency must have a maintenance of effort for special needs  
8 transportation that is no less than the previous year's maintenance of  
9 effort for special needs transportation. Grants for transit agencies  
10 shall be prorated based on the amount expended for demand response  
11 service and route deviated service in calendar year 2007 as reported in  
12 the "Summary of Public Transportation - 2007" published by the  
13 department of transportation. No transit agency may receive more than  
14 thirty percent of these distributions.

15 (2) Funds are provided for the rural mobility grant program as  
16 follows:

17 (a) \$8,500,000 of the multimodal transportation account--state  
18 appropriation is provided solely for grants for those transit systems  
19 serving small cities and rural areas as identified in the "Summary of  
20 Public Transportation - 2007" published by the department of  
21 transportation. Noncompetitive grants must be distributed to the  
22 transit systems serving small cities and rural areas in a manner  
23 similar to past disparity equalization programs.

24 (b) \$8,500,000 of the multimodal transportation account--state  
25 appropriation is provided solely to providers of rural mobility service  
26 in areas not served or underserved by transit agencies through a  
27 competitive grant process.

28 (3) \$7,000,000 of the multimodal transportation account--state  
29 appropriation is provided solely for a vanpool grant program for: (a)  
30 Public transit agencies to add vanpools or replace vans; and (b)  
31 incentives for employers to increase employee vanpool use. The grant  
32 program for public transit agencies will cover capital costs only;  
33 operating costs for public transit agencies are not eligible for  
34 funding under this grant program. Additional employees may not be  
35 hired from the funds provided in this section for the vanpool grant  
36 program, and supplanting of transit funds currently funding vanpools is  
37 not allowed. The department shall encourage grant applicants and

1 recipients to leverage funds other than state funds. At least  
2 \$1,600,000 of this amount must be used for vanpool grants in congested  
3 corridors.

4 (4) \$400,000 of the multimodal transportation account--state  
5 appropriation is provided solely for a grant for a flexible carpooling  
6 pilot project program to be administered and monitored by the  
7 department. Funds are appropriated for one time only. The pilot  
8 project program must: Test and implement at least one flexible  
9 carpooling system in a high-volume commuter area that enables  
10 carpooling without prearrangement; utilize technologies that, among  
11 other things, allow for transfer of ride credits between participants;  
12 and be a membership system that involves prescreening to ensure safety  
13 of the participants. The program must include a pilot project that  
14 targets commuter traffic on the state route number 520 bridge. The  
15 department shall submit to the legislature by December 2010 a report on  
16 the program results and any recommendations for additional flexible  
17 carpooling programs.

18 (5) \$3,318,000 of the multimodal transportation account--state  
19 appropriation and \$21,248,000 of the regional mobility grant program  
20 account--state appropriation are reappropriated and provided solely for  
21 the regional mobility grant projects identified on the LEAP  
22 Transportation Document 2007-B, as developed April 20, 2007, or the  
23 LEAP Transportation Document 2006-D, as developed March 8, 2006. The  
24 department shall continue to review all projects receiving grant awards  
25 under this program at least semiannually to determine whether the  
26 projects are making satisfactory progress. The department shall  
27 promptly close out grants when projects have been completed, and any  
28 remaining funds available to the office of transit mobility must be  
29 used only to fund projects on the LEAP Transportation Document 2006-D,  
30 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as  
31 developed April 20, 2007; or the LEAP Transportation Document 2009-B,  
32 as developed April 24, 2009. It is the intent of the legislature to  
33 appropriate funds through the regional mobility grant program only for  
34 projects that will be completed on schedule.

35 (6) \$33,429,000 of the regional mobility grant program account--  
36 state appropriation is provided solely for the regional mobility grant  
37 projects identified in LEAP Transportation Document 2009-B, as  
38 developed April 24, 2009. The department shall review all projects

1 receiving grant awards under this program at least semiannually to  
2 determine whether the projects are making satisfactory progress. Any  
3 project that has been awarded funds, but does not report activity on  
4 the project within one year of the grant award, must be reviewed by the  
5 department to determine whether the grant should be terminated. The  
6 department shall promptly close out grants when projects have been  
7 completed, and any remaining funds available to the office of transit  
8 mobility must be used only to fund projects identified in LEAP  
9 Transportation Document 2009-B, as developed April 24, 2009. The  
10 department shall provide annual status reports on December 15, 2009,  
11 and December 15, 2010, to the office of financial management and the  
12 transportation committees of the legislature regarding the projects  
13 receiving the grants. It is the intent of the legislature to  
14 appropriate funds through the regional mobility grant program only for  
15 projects that will be completed on schedule.

16 (7) \$300,000 of the multimodal transportation account--state  
17 appropriation is provided solely for a transportation demand management  
18 program, developed by the Whatcom council of governments, to further  
19 reduce drive-alone trips and maximize the use of sustainable  
20 transportation choices. The community-based program must focus on all  
21 trips, not only commute trips, by providing education, assistance, and  
22 incentives to four target audiences: (a) Large work sites; (b)  
23 employees of businesses in downtown areas; (c) school children; and (d)  
24 residents of Bellingham.

25 (8) \$130,000 of the multimodal transportation account--state  
26 appropriation is provided solely to the department to distribute to  
27 support Engrossed Substitute House Bill No. 2072 (special needs  
28 transportation).

29 (a) \$80,000 of the amount provided in this subsection is provided  
30 solely for implementation of the work group related to federal  
31 requirements in section 1, chapter . . . (Engrossed Substitute House  
32 Bill No. 2072), Laws of 2009.

33 (b) \$50,000 of the amount provided in this subsection is provided  
34 solely to support the pilot project to be developed or implemented by  
35 the local coordinating coalition comprised of a single county,  
36 described in sections 9, 10, and 11, chapter . . . (Engrossed  
37 Substitute House Bill No. 2072), Laws of 2009. The department shall  
38 assist the local coordinating coalition to seek funding sufficient to

1 fully fund the pilot project from a variety of sources including, but  
2 not limited to, the regional transit authority serving the county, the  
3 regional transportation planning organization serving the county, and  
4 other appropriate state and federal agencies and grants. Development  
5 or implementation of the pilot project is contingent on securing  
6 funding sufficient to fully fund the pilot project.

7 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by  
8 June 30, 2009, the amount provided in this subsection (8) lapses. If  
9 Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009,  
10 but a commitment from other sources to fully fund the pilot project  
11 described in (b) of this subsection has not been obtained by September  
12 30, 2009, the amount provided in (b) of this subsection lapses.

13 (9) Funds provided for the commute trip reduction program may also  
14 be used for the growth and transportation efficiency center program.

15 (10) An affected urban growth area that has not previously  
16 implemented a commute trip reduction program is exempt from the  
17 requirements in RCW 70.94.527 if a solution to address the state  
18 highway deficiency that exceeds the person hours of delay threshold has  
19 been funded and is in progress during the 2009-11 fiscal biennium.

20 (11) \$2,309,000 of the multimodal transportation account--state  
21 appropriation is provided solely for the tri-county connection service  
22 for Island, Skagit, and Whatcom transit agencies.

23 (12) RCW 35.58.2796 requires the department to submit an annual  
24 report summarizing the status of public transportation systems in the  
25 state. When reviewing the data requirements for this report, the  
26 department shall work with the transportation committees of the  
27 legislature and the Washington state transit association to propose key  
28 metrics and measurements that demonstrate the performance of the  
29 statewide public transportation system. These measurements must be  
30 reported to the office of financial management and the transportation  
31 committees of the legislature by July 1, 2010.

32 **Sec. 222.** 2009 c 470 s 223 (uncodified) is amended to read as  
33 follows:

34	<b>FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X</b>	
35	Puget Sound Ferry Operations Account--State	
36	Appropriation . . . . .	(( <del>\$400,592,000</del> ))
37		<u>\$432,394,000</u>

1 The appropriation in this section is subject to the following  
2 conditions and limitations:

3 (1)(a) (~~(\$53,110,560)~~) \$85,923,000 of the Puget Sound ferry  
4 operations account--state appropriation is provided solely for auto  
5 ferry vessel operating fuel in the 2009-11 fiscal biennium. (~~This~~  
6 ~~appropriation is contingent upon the enactment of section 716 of this~~  
7 ~~act.~~)

8 (b) All fuel purchased by the Washington state ferries at Harbor  
9 Island for the operation of the Washington state ferries diesel powered  
10 vessels must be a minimum of five percent biodiesel blend.

11 (2) To protect the waters of Puget Sound, the department shall  
12 investigate nontoxic alternatives to fuel additives and other  
13 commercial products that are used to operate, maintain, and preserve  
14 vessels.

15 (3) If, after the department's review of fares and pricing  
16 policies, the department proposes a fuel surcharge, the department must  
17 evaluate other cost savings and fuel price stabilization strategies  
18 that would be implemented before the imposition of a fuel surcharge.

19 (4) The department shall strive to significantly reduce the number  
20 of injuries suffered by Washington state ferries employees. By  
21 December 15, 2009, the department shall submit to the office of  
22 financial management and the transportation committees of the  
23 legislature its implementation plan to reduce such injuries.

24 (5) The department shall continue to provide service to Sidney,  
25 British Columbia. The department may place a Sidney terminal departure  
26 surcharge on fares for out of state residents riding the Washington  
27 state ferry route that runs between Anacortes, Washington and Sidney,  
28 British Columbia, if the cost for landing/license fee, taxes, and  
29 additional amounts charged for docking are in excess of \$280,000 CDN.  
30 The surcharge must be limited to recovering amounts above \$280,000 CDN.

31 (6) The department shall analyze operational solutions to enhance  
32 service on the Bremerton to Seattle ferry run. The Washington state  
33 ferries shall report its analysis to the transportation committees of  
34 the legislature by December 1, 2009.

35 (7) The office of financial management budget instructions require  
36 agencies to recast enacted budgets into activities. The Washington  
37 state ferries shall include a greater level of detail in its 2011-13



1 omnibus transportation appropriations act request, as determined  
2 jointly by the office of financial management, the Washington state  
3 ferries, and the legislative transportation committees.

4 (8) \$3,000,000 of the Puget Sound ferry operations account--state  
5 appropriation is provided solely for commercial insurance for ferry  
6 assets. The office of financial management, after consultation with  
7 the transportation committees of the legislature, must present a  
8 business plan for the Washington state ferry system's insurance  
9 coverage to the 2010 legislature. The business plan must include a  
10 cost-benefit analysis of Washington state ferries' current commercial  
11 insurance purchased for ferry assets and a review of self-insurance for  
12 noncatastrophic events.

13 (9) \$1,100,000 of the Puget Sound ferry operations account--state  
14 appropriation is provided solely for a marketing program. The  
15 department shall present a marketing program proposal to the  
16 transportation committees of the legislature during the 2010  
17 legislative session before implementing this program. Of this amount,  
18 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of  
19 Coupeville for mitigation expenses related to only one vessel operating  
20 on the Port Townsend/Keystone ferry route. The moneys provided to the  
21 city of Port Townsend and town of Coupeville are not contingent upon  
22 the required marketing proposal.

23 (10) \$350,000 of the Puget Sound ferry operations account--state  
24 appropriation is provided solely for two extra trips per day during the  
25 summer of 2009 season, beyond the current schedule, on the Port  
26 Townsend/Keystone route.

27 (11) When purchasing uniforms that are required by collective  
28 bargaining agreements, the department shall contract with the lowest  
29 cost provider.

30 (12) The legislature finds that measuring the performance of  
31 Washington state ferries requires the measurement of quality,  
32 timeliness, and unit cost of services delivered to customers.  
33 Consequently, the department must develop a set of metrics that measure  
34 that performance and report to the transportation committees of the  
35 legislature and to the office of financial management on the  
36 development of these measurements along with recommendations to the  
37 2010 legislature on which measurements must become a part of the next  
38 omnibus transportation appropriations act.

1 (13) As a priority task, the department is directed to propose a  
2 comprehensive incident and accident investigation policy and  
3 appropriate procedures, and to provide the proposal to the legislature  
4 by November 1, 2009, using existing resources and staff expertise. In  
5 addition to consulting with ferry system unions and the United States  
6 coast guard, the Washington state ferries is encouraged to solicit  
7 independent outside expertise on incident and accident investigation  
8 best practices as they may be found in other organizations with a  
9 similar concern for marine safety. It is the intent of the legislature  
10 to enact the policies into law and to publish that law and procedures  
11 as a manual for Washington state ferries' accident/incident  
12 investigations. Until that time, the Washington state ferry system  
13 must exercise particular diligence to assure that any incident or  
14 accident investigations are conducted within the spirit of the  
15 guidelines of this act. The proposed policy must contain, at a  
16 minimum:

17 (a) The definition of an incident and an accident and the type of  
18 investigation that is required by both types of events;

19 (b) The process for appointing an investigating officer or officers  
20 and a description of the authorities and responsibilities of the  
21 investigating officer or officers. The investigating officer or  
22 officers must:

23 (i) Have the appropriate training and experience as determined by  
24 the policy;

25 (ii) Not have been involved in the incident or accident so as to  
26 avoid any conflict of interest;

27 (iii) Have full access to all persons, records, and relevant  
28 organizations that may have information about or may have contributed  
29 to, directly or indirectly, the incident or accident under  
30 investigation, in compliance with any affected employee's or employees'  
31 respective collective bargaining agreement and state laws and rules  
32 regarding public disclosure under chapter 42.56 RCW;

33 (iv) Be provided with, if requested by the investigating officer or  
34 officers, appropriate outside technical expertise; and

35 (v) Be provided with staff and legal support by the Washington  
36 state ferries as may be appropriate to the type of investigation;

37 (c) The process of working with the affected employee or employees

1 in accordance with the employee's or employees' respective collective  
2 bargaining agreement and the appropriate union officials, within  
3 protocols afforded to all public employees;

4 (d) The process by which the United States coast guard is kept  
5 informed of, interacts with, and reviews the investigation;

6 (e) The process for review, approval, and implementation of any  
7 approved recommendations within the department; and

8 (f) The process for keeping the public informed of the  
9 investigation and its outcomes, in compliance with any affected  
10 employee's or employees' respective collective bargaining agreement and  
11 state laws and rules regarding public disclosure under chapter 42.56  
12 RCW.

13 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as  
14 follows:

15 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
16 Multimodal Transportation Account--State  
17 Appropriation . . . . . ((~~\$34,933,000~~))  
18 \$37,401,000

19 The appropriation in this section is subject to the following  
20 conditions and limitations:

21 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation  
22 account--state appropriation is provided solely for the Amtrak service  
23 contract and Talgo maintenance contract associated with providing and  
24 maintaining the state-supported passenger rail service. The department  
25 is directed to continue to pursue efforts to reduce costs and increase  
26 ridership, and review fares and/or fare schedules. Within thirty days  
27 of each annual ridership/revenue reconciliation under the Amtrak  
28 service contract, the department shall report annual credits to the  
29 office of financial management and the legislative transportation  
30 committees. Annual credits from Amtrak to the department including,  
31 but not limited to, credits for increased revenue due to higher  
32 ridership, and fare and/or fare schedule adjustments, must be used to  
33 offset corresponding amounts of the multimodal transportation account--  
34 state appropriation, which must be placed in reserve. Upon completion  
35 of the rail platform project in the city of Stanwood, the department  
36 shall provide daily Amtrak Cascades service to the city.

37 (2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

Sec. 224. 2009 c 470 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Rural Arterial Trust Account--State Appropriation . . . . .	\$453,000
Urban Arterial Trust Account--State Appropriation . . . . .	\$896,000
Transportation Improvement Account--State Appropriation . . . . .	\$897,000
County Arterial Preservation Account--State Appropriation . . . . .	\$707,000
Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$8,739,000</del> ))
	\$10,145,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$2,567,000
TOTAL APPROPRIATION . . . . .	(( <del>\$11,306,000</del> ))
	\$15,665,000

The appropriations in this section are subject to the following conditions and limitations: Fiscal year 2011 funding from the county road administration board, transportation improvement board, and freight mobility strategic investment board is appropriated to the department of transportation - local programs (Program Z). The department may only expend twenty-five percent of the transferred appropriations for the immediate costs necessary for consolidation. The remainder must be placed in unallotted status and may be released after a reorganization plan has been approved by the office of financial management and the house of representatives and senate transportation committees have been notified. Reorganization considerations must include, but not be limited to, the costs associated with staff, equipment, facilities, and contracting, and other costs associated with the elimination of the independent agencies. The office of financial management shall identify any net savings by September 30, 2010, and make allotment adjustments at that time.

**TRANSPORTATION AGENCIES--CAPITAL**

1       **Sec. 301.** 2009 c 470 s 302 (uncodified) is amended to read as  
2 follows:

3 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

4	Rural Arterial Trust Account--State Appropriation . . .	(( <del>\$51,000,000</del> ))
5		<u>\$25,500,000</u>
6	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$1,048,000</del> ))
7		<u>\$525,000</u>
8	County Arterial Preservation Account--State	
9	Appropriation . . . . .	(( <del>\$31,400,000</del> ))
10		<u>\$15,570,000</u>
11	TOTAL APPROPRIATION . . . . .	(( <del>\$83,448,000</del> ))
12		<u>\$41,595,000</u>

13       The appropriations in this section are subject to the following  
14 conditions and limitations:

15       (1) \$1,048,000 of the motor vehicle account--state appropriation  
16 may be used for county ferry projects as developed pursuant to RCW  
17 47.56.725(4).

18       (2) The appropriations in this section include funding to counties  
19 to assist them in efforts to recover from federally declared  
20 emergencies, by providing capitalization advances and local match for  
21 federal emergency funding as determined by the county road  
22 administration board. The county road administration board shall  
23 specifically identify any such selected projects and shall include  
24 information concerning such selected projects in its next annual report  
25 to the legislature.

26       (3) The appropriations in this section are for fiscal year 2010  
27 only. Funding for fiscal year 2011 is appropriated to the department  
28 of transportation - local programs (Program Z - capital).

29       **Sec. 302.** 2009 c 470 s 303 (uncodified) is amended to read as  
30 follows:

31 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

32	Small City Pavement and Sidewalk Account--State	
33	Appropriation . . . . .	(( <del>\$5,779,000</del> ))
34		<u>\$2,889,000</u>
35	Urban Arterial Trust Account--State Appropriation . .	(( <del>\$122,400,000</del> ))
36		<u>\$62,644,000</u>
37	Transportation Improvement Account--State	

1	Appropriation . . . . .	(( <del>\$85,643,000</del> ))
2		<u>\$45,176,000</u>
3	TOTAL APPROPRIATION . . . . .	(( <del>\$213,822,000</del> ))
4		<u>\$110,709,000</u>

5 The appropriations in this section are subject to the following  
6 conditions and limitations:

7 (1) The transportation improvement account--state appropriation  
8 includes up to \$7,143,000 in proceeds from the sale of bonds authorized  
9 in RCW 47.26.500.

10 (2) The urban arterial trust account--state appropriation includes  
11 up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW  
12 47.26.420.

13 (3) The appropriations in this section are for fiscal year 2010  
14 only. Funding for fiscal year 2011 is appropriated to the department  
15 of transportation - local programs (Program Z - capital).

16 **Sec. 303.** 2009 c 470 s 304 (uncodified) is amended to read as  
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget submittal  
19 for the 2011-13 fiscal biennium, the department shall provide an annual  
20 update to the report provided to the legislature and the office of  
21 financial management in 2008 that:

22 (1) Compares the original project cost estimates approved in the  
23 2003 and 2005 project lists to the completed cost of the project, or  
24 the most recent legislatively approved budget and total project costs  
25 for projects not yet completed;

26 (2) Identifies highway projects that may be reduced in scope and  
27 still achieve a functional benefit;

28 (3) Identifies highway projects that have experienced scope  
29 increases and that can be reduced in scope;

30 (4) Identifies highway projects that have lost significant local or  
31 regional contributions that were essential to completing the project;  
32 and

33 (5) Identifies contingency amounts allocated to projects.

34 **Sec. 304.** 2009 c 470 s 306 (uncodified) is amended to read as  
35 follows:

1	<b>FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I</b>	
2	Multimodal Transportation Account--State	
3	Appropriation . . . . .	(( <del>\$1,000</del> ))
4		<u>\$2,000</u>
5	Transportation Partnership Account--State	
6	Appropriation . . . . .	(( <del>\$1,723,834,000</del> ))
7		<u>\$1,739,934,000</u>
8	Motor Vehicle Account--State Appropriation . . . . .	(( <del>\$80,735,000</del> ))
9		<u>\$84,091,000</u>
10	Motor Vehicle Account--Federal Appropriation . . . . .	(( <del>\$410,341,000</del> ))
11		<u>\$528,584,000</u>
12	Motor Vehicle Account--Private/Local	
13	Appropriation . . . . .	(( <del>\$65,494,000</del> ))
14		<u>\$77,985,000</u>
15	Special Category C Account--State Appropriation . . . . .	(( <del>\$24,549,000</del> ))
16		<u>\$25,221,000</u>
17	Transportation 2003 Account (Nickel Account)--State	
18	Appropriation . . . . .	(( <del>\$703,708,000</del> ))
19		<u>\$743,273,000</u>
20	Freight Mobility Multimodal Account--State	
21	Appropriation . . . . .	(( <del>\$4,422,000</del> ))
22		<u>\$4,574,000</u>
23	Tacoma Narrows Toll Bridge Account--State	
24	Appropriation . . . . .	(( <del>\$788,000</del> ))
25		<u>\$789,000</u>
26	State Route Number 520 Corridor Account--State	
27	Appropriation . . . . .	\$106,000,000
28	TOTAL APPROPRIATION . . . . .	(( <del>\$3,119,872,000</del> ))
29		<u>\$3,310,453,000</u>

30 The appropriations in this section are subject to the following  
31 conditions and limitations:

32 (1) Except as provided otherwise in this section, the entire  
33 transportation 2003 account (nickel account) appropriation and the  
34 entire transportation partnership account appropriation are provided  
35 solely for the projects and activities as listed by fund, project, and  
36 amount in ((~~LEAP Transportation Document 2009-1 as developed April 24,~~  
37 ~~2009, Program Highway Improvement Program (I)~~)) TEIS Version 10GOV001  
38 dated December 8, 2009. However, limited transfers of specific

1 line-item project appropriations may occur between projects for those  
2 amounts listed subject to the conditions and limitations in sections  
3 603 and 601 of this act.

4 ~~(2) ((As a result of economic changes since the initial development  
5 of the improvement program budget for the 2009-11 fiscal biennium, the  
6 department has received bids on construction contracts over the last  
7 several months that are favorable with respect to current estimates of  
8 project costs. National economic forecasts indicate that inflationary  
9 pressures are likely to remain lower than previously expected for the  
10 next several years. As a result, the nominal project cost totals shown  
11 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11  
12 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed  
13 the likely amount necessary to deliver the projects listed within those  
14 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000  
15 in the 2011-13 fiscal biennium. The appropriations provided in this  
16 section for the projects in those biennia are therefore \$63,500,000  
17 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13  
18 fiscal biennium than the aggregate total of project costs listed. It  
19 is the intent of the legislature that the department shall deliver the  
20 projects listed in LEAP Transportation Document 2009-1 within the time,  
21 scope, and budgets identified in that document, provided that the  
22 prices of commodities used in transportation projects do not differ  
23 significantly from those assumed for the 2009-11 and 2011-13 fiscal  
24 biennia in the March 2009 forecast of the economic and revenue forecast  
25 council.~~

26 ~~(3) \$162,900,000))~~ \$163,385,000 of the transportation partnership  
27 account--state appropriation and \$106,000,000 of the state route number  
28 520 corridor account--state appropriation are provided solely for the  
29 state route number 520 bridge replacement and HOV project. The  
30 department shall submit an application for the eastside transit and HOV  
31 project to the supplemental discretionary grant program for regionally  
32 significant projects as provided in the American Recovery and  
33 Reinvestment Act of 2009. Eastside state route number 520 improvements  
34 shall be designed and constructed to accommodate a future full  
35 interchange at 124th Avenue Northeast. Concurrent with the eastside  
36 transit and HOV project, the department shall conduct engineering  
37 design of a full interchange at 124th Avenue Northeast. The amount  
38 provided in this subsection from the state route number 520 corridor



1 account--state appropriation is contingent on the enactment of (a)  
2 Engrossed Substitute House Bill No. 2211 and (b) either Engrossed  
3 Substitute House Bill No. 2326 or other legislation authorizing bonds  
4 for the state route number 520 corridor projects. If the conditions of  
5 this subsection are not satisfied, the state route number 520 corridor  
6 account--state appropriation shall lapse.

7 ~~((+4))~~ (3) As required under section 305(6), chapter 518, Laws of  
8 2007, the department shall report by January 2010 to the transportation  
9 committees of the legislature on the findings of the King county noise  
10 reduction solutions pilot project.

11 ~~((+5))~~ (4) Funding allocated for mitigation costs is provided  
12 solely for the purpose of project impact mitigation, and shall not be  
13 used to develop or otherwise participate in the environmental  
14 assessment process.

15 ~~((+6))~~ (5) The department shall apply for surface transportation  
16 program (STP) enhancement funds to be expended in lieu of or in  
17 addition to state funds for eligible costs of projects in Programs I  
18 and P including, but not limited to, the SR 518, SR 520, Columbia river  
19 crossing, and Alaskan Way viaduct projects.

20 ~~((+7))~~ (6) The department shall, on a quarterly basis beginning  
21 July 1, 2009, provide to the office of financial management and the  
22 legislature reports providing the status on each active project funded  
23 in part or whole by the transportation 2003 account (nickel account) or  
24 the transportation partnership account. Funding provided at a  
25 programmatic level for transportation partnership account and  
26 transportation 2003 account (nickel account) projects relating to  
27 bridge rail, guard rail, fish passage barrier removal, and roadside  
28 safety projects should be reported on a programmatic basis. Projects  
29 within this programmatic level funding should be completed on a  
30 priority basis and scoped to be completed within the current  
31 programmatic budget. The department shall work with the office of  
32 financial management and the transportation committees of the  
33 legislature to agree on report formatting and elements. Elements must  
34 include, but not be limited to, project scope, schedule, and costs.  
35 For new construction contracts valued at fifteen million dollars or  
36 more, the department must also use an earned value method of project  
37 monitoring. The department shall also provide the information required

1 under this subsection on a quarterly basis via the transportation  
2 executive information systems (TEIS).

3 ((+8)) (7) The transportation 2003 account (nickel account)--state  
4 appropriation includes up to (~~(\$628,000,000)~~) \$709,000,000 in proceeds  
5 from the sale of bonds authorized by RCW 47.10.861.

6 ((+9)) (8) The transportation partnership account--state  
7 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,481,528,000 in  
8 proceeds from the sale of bonds authorized in RCW 47.10.873.

9 ((+10)) (9) The special category C account--state appropriation  
10 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of  
11 bonds authorized in RCW 47.10.812.

12 ((+11)) (10) The motor vehicle account--state appropriation  
13 includes up to \$31,500,000 in proceeds from the sale of bonds  
14 authorized in RCW 47.10.843.

15 ((+12)) (11) The department must prepare a tolling study for the  
16 Columbia river crossing project. While conducting the study, the  
17 department must coordinate with the Oregon department of transportation  
18 to perform the following activities:

19 (a) Evaluate the potential diversion of traffic from Interstate 5  
20 to other parts of the transportation system when tolls are implemented  
21 on Interstate 5 in the vicinity of the Columbia river;

22 (b) Evaluate the most advanced tolling technology to maintain  
23 travel time speed and reliability for users of the Interstate 5 bridge;

24 (c) Evaluate available active traffic management technology to  
25 determine the most effective options for technology that could maintain  
26 travel time speed and reliability on the Interstate 5 bridge;

27 (d) Confer with the project sponsor's council, as well as local and  
28 regional governing bodies adjacent to the Interstate 5 Columbia river  
29 crossing corridor and the Interstate 205 corridor regarding the  
30 implementation of tolls, the impacts that the implementation of tolls  
31 might have on the operation of the corridors, the diversion of traffic  
32 to local streets, and potential mitigation measures;

33 (e) Regularly report to the Washington transportation commission  
34 regarding the progress of the study for the purpose of guiding the  
35 commission's potential toll setting on the facility;

36 (f) Research and evaluate options for a potential toll-setting  
37 framework between the Oregon and Washington transportation commissions;

1 (g) Conduct public work sessions and open houses to provide  
2 information to citizens, including users of the bridge and business and  
3 freight interests, regarding implementation of tolls on the Interstate  
4 5 and to solicit citizen views on the following items:

5 (i) Funding a portion of the Columbia river crossing project with  
6 tolls;

7 (ii) Implementing variable tolling as a way to reduce congestion on  
8 the facility; and

9 (iii) Tolling Interstate 205 separately as a management tool for  
10 the broader state and regional transportation system; and

11 (h) Provide a report to the governor and the legislature by January  
12 2010.

13 ((+13)) (12)(a) By January 2010, the department must prepare a  
14 traffic and revenue study for Interstate 405 in King county and  
15 Snohomish county that includes funding for improvements and high  
16 occupancy toll lanes, as defined in RCW 47.56.401, for traffic  
17 management. The department must develop a plan to operate up to two  
18 high occupancy toll lanes in each direction on Interstate 405.

19 (b) For the facility listed in (a) of this subsection, the  
20 department must:

21 (i) Confer with the mayors and city councils of jurisdictions in  
22 the vicinity of the project regarding the implementation of high  
23 occupancy toll lanes and the impacts that the implementation of these  
24 high occupancy toll lanes might have on the operation of the corridor  
25 and adjacent local streets;

26 (ii) Conduct public work sessions and open houses to provide  
27 information to citizens regarding implementation of high occupancy toll  
28 lanes and to solicit citizen views;

29 (iii) Regularly report to the Washington transportation commission  
30 regarding the progress of the study for the purpose of guiding the  
31 commission's toll setting on the facility; and

32 (iv) Provide a report to the governor and the legislature by  
33 January 2010.

34 ((+14) ~~\$9,199,985~~) (13) \$9,436,000 of the motor vehicle account--  
35 state appropriation is provided solely for project 100224I, as  
36 identified in the ((LEAP)) TEIS transportation document in subsection  
37 (1) of this section: US 2 high priority safety project. Expenditure

1 of these funds is for safety projects on (~~state route number~~) US 2  
2 between Monroe and Gold Bar, which may include median rumble strips,  
3 traffic cameras, and electronic message signs.

4 (~~(+15)~~) (14) Expenditures for the state route number 99 Alaskan  
5 Way viaduct replacement project must be made in conformance with  
6 Engrossed Substitute Senate Bill No. 5768.

7 (~~(+16)~~) (15) The department shall conduct a public outreach  
8 process to identify and respond to community concerns regarding the  
9 Belfair bypass. The process must include representatives from Mason  
10 county, the legislature, area businesses, and community members. The  
11 department shall use this process to consider and develop design  
12 alternatives that alter the project's scope so that the community's  
13 needs are met within the project budget. The department shall provide  
14 a report on the process and outcomes to the legislature by June 30,  
15 2010.

16 (~~(+17)~~) (16) The legislature is committed to the timely completion  
17 of R8A which supports the construction of sound transit's east link.  
18 Following the completion of the independent analysis of the  
19 methodologies to value the reversible lanes on Interstate 90 which may  
20 be used for high capacity transit as directed in section 204 of this  
21 act, the department shall complete the process of negotiations with  
22 sound transit. Such agreement shall be completed no later than  
23 December 1, 2009.

24 (~~(+18)~~) (17) \$250,000 of the motor vehicle account--state  
25 appropriation is provided solely for the design and construction of a  
26 right turn lane to improve visibility and traffic flow on (~~state route~~  
27 ~~number~~) US 195 and Cheney-Spokane Road.

28 (~~(+19)~~ ~~-\$846,700~~) (18) \$730,000 of the motor vehicle account--  
29 federal appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle  
30 account--state appropriation are provided solely for the Westview  
31 school noise wall.

32 (~~(+20)~~ ~~-\$1,360~~) (19) \$2,000 of the motor vehicle account--state  
33 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--  
34 federal appropriation are provided solely for interchange design and  
35 planning work on US 12 at A Street and Tank Farm Road.

36 (~~(+21)~~ ~~-\$20,011,125~~) (20)(a) \$21,566,000 of the transportation  
37 partnership account--state appropriation, (~~(\$2,550)~~) \$26,000 of the  
38 motor vehicle account--state appropriation, (~~(\$30,003,473)~~) \$29,865,000

1 of the motor vehicle account--private/local appropriation, and  
2 (~~(\$1,482,066)~~) \$2,568,000 of the motor vehicle account--federal  
3 appropriation are provided solely for the I-5/Columbia river  
4 crossing/Vancouver project. The funding described in this subsection  
5 includes a (~~(\$30,003,473)~~) \$29,865,000 contribution from the state of  
6 Oregon.

7 (b) \$200,000 of the transportation partnership account--state  
8 appropriation, included in (a) of this subsection, identified on  
9 project number 400506A in the TEIS transportation document described in  
10 subsection (1) of this section, is provided solely for the department  
11 to work with the department of archaeology and historic preservation to  
12 ensure that the cultural resources investigation is properly conducted  
13 on the Columbia river crossing project. This project must be conducted  
14 with active archaeological management and result in one report that  
15 spans the single cultural area in Oregon and Washington. Additionally,  
16 the department shall establish a scientific peer review of independent  
17 archaeologists that are knowledgeable about the region and its cultural  
18 resources.

19 ~~((+22))~~ (21) It is important that the public and policymakers have  
20 accurate and timely access to information related to the Alaskan Way  
21 viaduct replacement project as it proceeds to, and during, the  
22 construction of all aspects of the project including, but not limited  
23 to, information regarding costs, schedules, contracts, project status,  
24 and neighborhood impacts. Therefore, it is the intent of the  
25 legislature that the state, city, and county departments of  
26 transportation establish a single source of accountability for  
27 integration, coordination, tracking, and information of all requisite  
28 components of the replacement project, which must include, at a  
29 minimum:

30 (a) A master schedule of all subprojects included in the full  
31 replacement project or program; and

32 (b) A single point of contact for the public, media, stakeholders,  
33 and other interested parties.

34 ~~((+23))~~ (22) The state route number 520 corridor account--state  
35 appropriation includes up to \$106,000,000 in proceeds from the sale of  
36 bonds authorized in Engrossed Substitute House Bill No. 2326 or in  
37 legislation authorizing bonds for the state route number 520 corridor  
38 projects. If Engrossed Substitute House Bill No. 2326, or legislation

1 authorizing bonds for the state route number 520 corridor projects, is  
2 not enacted by June 30, 2009, the amount provided in this subsection  
3 shall lapse.

4 ~~((+24))~~ (23) The department shall evaluate a potential deep bore  
5 culvert for the state route number 305/Bjorgen creek fish barrier  
6 project identified as project 330514A in LEAP Transportation Document  
7 ALL PROJECTS 2009-2, as developed April 24, 2009. The department shall  
8 evaluate whether a deep bore culvert will be a less costly alternative  
9 than a traditional culvert since a traditional culvert would require  
10 extensive road detours during construction.

11 ~~((+25))~~ (24) Project number 330215A in the LEAP transportation  
12 document described in subsection (1) of this section is expanded to  
13 include safety and congestion improvements from the Key Peninsula  
14 Highway to the vicinity of Purdy. The department shall consult with  
15 the Washington traffic safety commission to ensure that this project  
16 includes improvements at intersections and along the roadway to reduce  
17 the frequency and severity of collisions related to roadway conditions  
18 and traffic congestion.

19 ~~((+26)---\$10,600,000))~~ (25) \$8,890,000 of the transportation  
20 partnership account--state appropriation is provided solely for project  
21 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage  
22 2 and 3 project, as indicated in the ~~((LEAP))~~ TEIS transportation  
23 document referenced in subsection (1) of this section. Funds shall be  
24 used solely for preliminary engineering on stages 2 and 3 of this  
25 project.

26 ~~((+27))~~ (26) The department shall continue to work with the local  
27 partners in developing transportation solutions necessary for the  
28 economic growth in the Red Mountain American Viticulture Area of Benton  
29 county.

30 ~~((+28))~~ (27) For highway construction projects where the  
31 department considers agricultural lands of long-term commercial  
32 significance, as defined in RCW 36.70A.030, in reviewing and selecting  
33 sites to meet environmental mitigation requirements under the national  
34 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state  
35 environmental policy act (chapter 43.21C RCW), the department shall, to  
36 the greatest extent possible, consider using public land first. If  
37 public lands are not available that meet the required environmental

1 mitigation needs, the department may use other sites while making every  
2 effort to avoid any net loss of agricultural lands that have a  
3 designation of long-term commercial significance.

4 ~~((+29))~~ (28) Within the motor vehicle account--state appropriation  
5 and motor vehicle account--federal appropriation, the department may  
6 transfer funds between programs I and P, except for funds that are  
7 otherwise restricted in this act.

8 ~~((+30))~~ (29) Within the amounts provided in this section, \$200,000  
9 of the transportation partnership account--state appropriation is  
10 provided solely for the department to prepare a comprehensive tolling  
11 study of the state route number 167 corridor to determine the  
12 feasibility of administering tolls within the corridor, identified as  
13 project number 316718A in the ~~((LEAP))~~ TEIS transportation document  
14 described in subsection (1) of this section. The department shall  
15 report to the joint transportation committee by September 30, 2010.  
16 The department shall regularly report to the Washington transportation  
17 commission regarding the progress of the study for the purpose of  
18 guiding the commission's potential toll setting on the facility. The  
19 elements of the study must include, at a minimum:

20 (a) The potential for value pricing to generate revenues for needed  
21 transportation facilities within the corridor;

22 (b) Maximizing the efficient operation of the corridor; and

23 (c) Economic considerations for future system investments.

24 ~~((+31))~~ (30) Within the amounts provided in this section, \$200,000  
25 of the transportation partnership account--state appropriation is  
26 provided solely for the department to prepare a comprehensive tolling  
27 study of the state route number 509 corridor to determine the  
28 feasibility of administering tolls within the corridor, identified as  
29 project number 850901F in the ~~((LEAP))~~ TEIS transportation document  
30 described in subsection (1) of this section. The department shall  
31 report to the joint transportation committee by September 30, 2010.  
32 The department shall regularly report to the Washington transportation  
33 commission regarding the progress of the study for the purpose of  
34 guiding the commission's potential toll setting on the facility. The  
35 elements of the study must include, at a minimum:

36 (a) The potential for value pricing to generate revenues for needed  
37 transportation facilities within the corridor;

38 (b) Maximizing the efficient operation of the corridor; and

1 (c) Economic considerations for future system investments.

2 ~~((+32))~~ (31) Within the amounts provided in this section,  
3 \$28,000,000 of the transportation partnership account--state  
4 appropriation is for project ~~((600010A))~~ 6BI1001, as identified in the  
5 ~~((LEAP))~~ TEIS transportation document in subsection (1) of this  
6 section: NSC-North Spokane corridor ~~((design and right-of-way--new  
7 alignment. Expenditure of these funds is))~~, for preliminary  
8 engineering and right-of-way purchasing to prepare for four lanes to be  
9 built from where existing construction ends at Francis Avenue for three  
10 miles to the Spokane river. Additionally, any savings realized on  
11 project ~~((600001A))~~ 6BI1001, as identified in the ~~((LEAP))~~ TEIS  
12 transportation document in subsection (1) of this section: US 395/NSC-  
13 Francis Avenue to Farwell Road - New Alignment, must be applied to  
14 project ~~((600010A))~~ 6BI1001.

15 ~~((+33))~~ (32) \$400,000 of the motor vehicle account--state  
16 appropriation is provided solely for the department to conduct a state  
17 route number 2 route development plan that will identify essential  
18 improvements needed between the port of Everett/Naval station and  
19 approaching the state route number 9 interchange near the city of  
20 Snohomish.

21 ~~((+34))~~ (33) If the SR 26 - Intersection and Illumination  
22 Improvements are not completed by June 30, 2009, the department shall  
23 ensure that the improvements are completed as soon as practicable after  
24 June 30, 2009, and shall submit monthly progress reports on the  
25 improvements beginning July 1, 2009.

26 ~~((+35) \$200,000 of the transportation partnership account--state  
27 appropriation, identified on project number 400506A in the LEAP  
28 transportation document described in subsection (1) of this section, is  
29 provided solely for the department to work with the department of  
30 archaeology and historic preservation to ensure that the cultural  
31 resources investigation is properly conducted on the Columbia river  
32 crossing project. This project must be conducted with active  
33 archaeological management and result in one report that spans the  
34 single cultural area in Oregon and Washington. Additionally, the  
35 department shall establish a scientific peer review of independent  
36 archaeologists that are knowledgeable about the region and its cultural  
37 resources.~~



1       ~~(36)~~) (34) The department shall work with the department of  
2 archaeology and historic preservation to ensure that the cultural  
3 resources investigation is properly conducted on all mega-highway  
4 projects and large ferry terminal projects. These projects must be  
5 conducted with active archaeological management. Additionally, the  
6 department shall establish a scientific peer review of independent  
7 archaeologists that are knowledgeable about the region and its cultural  
8 resources.

9       ~~((37))~~ (35) Within the amounts provided in this section,  
10 \$1,500,000 of the motor vehicle account--state appropriation is  
11 provided solely for necessary work along the south side of SR 532,  
12 identified as project number 053255C in the ~~((LEAP))~~ TEIS  
13 transportation document described in subsection (1) of this section.

14       ~~((38))~~ (36) \$10,000,000 of the transportation partnership  
15 account--state appropriation is provided solely for the Spokane street  
16 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -  
17 Replacement project as indicated in the ~~((LEAP))~~ TEIS transportation  
18 document referenced in subsection (1) of this section.

19       ~~((39))~~ (37) The department shall conduct a public outreach  
20 process to identify and respond to community concerns regarding the  
21 portion of John's Creek Road that connects state route number 3 and  
22 state route number 101. The process must include representatives from  
23 Mason county, the legislature, area businesses, and community members.  
24 The department shall use this process to consider, develop, and design  
25 a project scope so that the community's needs are met for the lowest  
26 cost. The department shall provide a report on the process and  
27 outcomes to the legislature by June 30, 2010.

28       ~~((40))~~ (38) The department shall apply for the competitive  
29 portion of federal transit administration funds for eligible transit-  
30 related costs of the state route number 520 bridge replacement and HOV  
31 project and the Columbia river crossing project. The federal funds  
32 described in this subsection must not include those federal transit  
33 administration funds distributed by formula. The department shall  
34 provide a report regarding this effort to the legislature by January 1,  
35 2010.

36       (39) \$93,505,550 of the transportation partnership account--state  
37 appropriation is provided solely for the Bellevue Braided Ramps project  
38 within the Interstate 405 Corridor Improvements project (840551A).

1 \$67,500,000 of this amount must be placed in unallotted status until  
2 the department submits a plan to the office of financial management and  
3 the house of representatives and senate transportation committees for  
4 the use of these moneys. This amount represents the savings that the  
5 department achieved compared to the engineer's estimate for this  
6 project.

7 **Sec. 305.** 2009 c 470 s 307 (uncodified) is amended to read as  
8 follows:

9 **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

10	Transportation Partnership Account--State	
11	Appropriation . . . . .	(((\$103,077,000))
12		<u>\$76,599,000</u>
13	Motor Vehicle Account--State Appropriation . . . . .	(((\$88,142,000))
14		<u>\$93,352,000</u>
15	Motor Vehicle Account--Federal Appropriation . . . . .	(((\$524,954,000))
16		<u>\$539,876,000</u>
17	Motor Vehicle Account--Private/Local Appropriation . . . . .	(((\$6,417,000))
18		<u>\$21,565,000</u>
19	Transportation 2003 Account (Nickel Account)--State	
20	Appropriation . . . . .	(((\$7,237,000))
21		<u>\$6,328,000</u>
22	Puyallup Tribal Settlement Account--State	
23	Appropriation . . . . .	(((\$6,500,000))
24		<u>\$1,456,000</u>
25	TOTAL APPROPRIATION . . . . .	(((\$736,327,000))
26		<u>\$739,176,000</u>

27 The appropriations in this section are subject to the following  
28 conditions and limitations:

29 (1) Except as provided otherwise in this section, the entire  
30 transportation 2003 account (nickel account) appropriation and the  
31 entire transportation partnership account appropriation are provided  
32 solely for the projects and activities as listed by fund, project, and  
33 amount in (~~LEAP Transportation Document 2009-1 as developed April 24,~~  
34 ~~2009, Program Highway Preservation Program (P))~~ TEIS Version  
35 10GOV001 dated December 8, 2009. However, limited transfers of  
36 specific line-item project appropriations may occur between projects

1 for those amounts listed subject to the conditions and limitations in  
2 sections 603 and 601 of this act.

3 (2) (~~(\$544,639)~~) \$542,000 of the motor vehicle account--federal  
4 appropriation and (~~(\$455,361)~~) \$453,000 of the motor vehicle account--  
5 state appropriation are provided solely for project 602110F, as  
6 identified in the (~~LEAP~~) TEIS transportation document in subsection  
7 (1) of this section: SR 21/Keller ferry boat - Preservation. Funds  
8 are provided solely for preservation work on the existing vessel, the  
9 Martha S.

10 (3) The department shall apply for surface transportation program  
11 (STP) enhancement funds to be expended in lieu of or in addition to  
12 state funds for eligible costs of projects in Programs I and P.

13 (4) (~~(\$6,500,000)~~) \$1,456,000 of the Puyallup tribal settlement  
14 account--state appropriation is provided solely for mitigation costs  
15 associated with the Murray Morgan/11th Street bridge demolition. (~~The~~  
16 ~~department may negotiate with the city of Tacoma for the purpose of~~  
17 ~~transferring ownership of the Murray Morgan/11th Street bridge to the~~  
18 ~~city.)) If the city agrees to accept ownership of the bridge, the  
19 department may use the Puyallup tribal settlement account appropriation  
20 and other appropriated funds for bridge rehabilitation, bridge  
21 replacement, bridge demolition, and related mitigation. The  
22 department's participation, including prior expenditures and  
23 expenditures from the highways and local programs program, may not  
24 exceed (~~(\$39,953,000. Funds may not be expended unless the city of~~  
25 ~~Tacoma agrees to take ownership of the bridge in its entirety and~~  
26 ~~provides that the payment of these funds extinguishes any real or~~  
27 ~~implied agreements regarding future bridge expenditures)) \$40,202,000.~~~~

28 (5) The department and the city of Tacoma must present to the  
29 legislature an agreement on the timing of the transfer of ownership of  
30 the Murray Morgan/11th Street bridge and any additional necessary state  
31 funding required to achieve the transfer and rehabilitation of the  
32 bridge by January 1, 2010.

33 (6) The department shall, on a quarterly basis beginning July 1,  
34 2009, provide to the office of financial management and the legislature  
35 reports providing the status on each active project funded in part or  
36 whole by the transportation 2003 account (nickel account) or the  
37 transportation partnership account. Funding provided at a programmatic  
38 level for transportation partnership account projects relating to

1 seismic bridges should be reported on a programmatic basis. Projects  
2 within this programmatic level funding should be completed on a  
3 priority basis and scoped to be completed within the current  
4 programmatic budget. The department shall work with the office of  
5 financial management and the transportation committees of the  
6 legislature to agree on report formatting and elements. Elements must  
7 include, but not be limited to, project scope, schedule, and costs.  
8 For new construction contracts valued at fifteen million dollars or  
9 more, the department must also use an earned value method of project  
10 monitoring. The department shall also provide the information required  
11 under this subsection on a quarterly basis via the transportation  
12 executive information systems (TEIS).

13 (7) The department of transportation shall continue to implement  
14 the lowest life cycle cost planning approach to pavement management  
15 throughout the state to encourage the most effective and efficient use  
16 of pavement preservation funds. Emphasis should be placed on  
17 increasing the number of roads addressed on time and reducing the  
18 number of roads past due.

19 (8)(a) The department shall conduct an analysis of state highway  
20 pavement replacement needs for the next ten years. The report must  
21 include:

22 (i) The current backlog of asphalt and concrete pavement  
23 preservation projects;

24 (ii) The level of investment needed to reduce or eliminate the  
25 backlog and resume the lowest life-cycle cost;

26 (iii) Strategies for addressing the recent rapid escalation of  
27 asphalt prices, including alternatives to using hot mix asphalt;

28 (iv) Criteria for determining which type of pavement will be used  
29 for specific projects, including annualized cost per mile, traffic  
30 volume per lane mile, and heavy truck traffic volume per lane mile; and

31 (v) The use of recycled asphalt and concrete in state highway  
32 construction and the effect on highway pavement replacement needs.

33 (b) Additionally, the department shall work with the department of  
34 ecology, the county road administration board, and the transportation  
35 improvement board to explore and explain the potential use of permeable  
36 asphalt and concrete pavement in state highway construction as an  
37 alternative method of storm water mitigation and the potential effects  
38 on highway pavement replacement needs.

1 (c) The department shall submit the report to the office of  
2 financial management and the transportation committees of the  
3 legislature by (~~December~~) September 1, 2010, in order to inform the  
4 development of the 2011-13 omnibus transportation appropriations act.

5 (9) (~~(\$1,722)~~) \$297,000 of the motor vehicle account--state  
6 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle  
7 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the  
8 transportation partnership account--state appropriation are provided  
9 solely for the SR 104/Hood Canal bridge - replace east half project,  
10 identified as project 310407B in the (~~LEAP~~) TEIS transportation  
11 document described in subsection (1) of this section.

12 (10) Within the motor vehicle account--state appropriation and  
13 motor vehicle account--federal appropriation, the department may  
14 transfer funds between programs I and P, except for funds that are  
15 otherwise restricted in this act.

16 (11) Within the amounts provided in this section, \$1,510,000 of the  
17 motor vehicle account--state appropriation is provided solely to  
18 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

19 (12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account--  
20 federal appropriation (~~is~~) and \$60,000 of the motor vehicle account--  
21 state appropriation are provided solely for the environmental impact  
22 statement and preliminary planning for the replacement of the state  
23 route number 9 Snohomish river bridge.

24 (13) \$420,000 of the motor vehicle account--state appropriation and  
25 \$7,850,000 of the motor vehicle account--federal appropriation are  
26 provided solely for the SR 410 - Establish Interim Detour project  
27 identified as 541002R in the TEIS transportation document described in  
28 subsection (1) of this section.

29 (14) \$661,500 of the motor vehicle account--state appropriation and  
30 \$4,238,500 of the motor vehicle account--federal appropriation are  
31 provided solely for preliminary engineering and right-of-way for the SR  
32 410 - Reconstruct Route project identified as 541002T in the TEIS  
33 transportation document described in subsection (1) of this section.

34 **Sec. 306.** 2009 c 470 s 308 (uncodified) is amended to read as  
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**



1 ~~\$51,734,000 of the transportation 2003 account (nickel account)--state~~  
2 ~~appropriation, and \$170,000 of the multimodal transportation account--~~  
3 ~~state appropriation are provided solely for ferry capital projects,~~  
4 ~~project support, and administration as listed in LEAP Transportation~~  
5 ~~Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program--~~  
6 ~~Ferries Construction Program (W).)~~ Except as otherwise provided in  
7 this section, the entire transportation partnership account--state  
8 appropriation and the entire transportation 2003 account (nickel  
9 account)--state appropriation are provided solely for ferry capital  
10 projects as listed in TEIS Version 10GOV001 dated December 8, 2009.  
11 However, limited transfers of specific line-item project appropriations  
12 may occur between projects for those amounts subject to the conditions  
13 and limitations set forth in section 601 of this act.

14 (2) Of the total appropriation, a maximum of \$10,627,000 may be  
15 used for administrative support, a maximum of \$8,184,000 may be used  
16 for terminal project support, and a maximum of \$4,497,000 may be used  
17 for vessel project support.

18 ((+2)) (3) \$51,734,000 of the transportation 2003 account (nickel  
19 account)--state appropriation and \$63,100,000 of the transportation  
20 partnership account--state appropriation are provided solely for the  
21 acquisition of three new Island Home class ferry vessels subject to the  
22 conditions of RCW 47.56.780. The department shall pursue a contract  
23 for the second and third Island Home class ferry vessels with an option  
24 to purchase a fourth Island Home class ferry vessel. However, if  
25 sufficient resources are available to build one 144-auto vessel prior  
26 to exercising the option to build the fourth Island Home class ferry  
27 vessel, procurement of the fourth Island Home class ferry vessel will  
28 be postponed and the department shall pursue procurement of a 144-auto  
29 vessel.

30 (a) The first two Island Home class ferry vessels must be placed on  
31 the Port Townsend-Keystone route.

32 (b) The department may add additional passenger capacity to one of  
33 the Island Home class ferry vessels to make it more flexible within the  
34 system in the future, if doing so does not require additional staffing  
35 on the vessel.

36 (c) Cost savings from the following initiatives will be included in  
37 the funding of these vessels: The department's review and update of

1 the vessel life-cycle cost model as required under this section; and  
2 the implementation of technology efficiencies as required under section  
3 602 of this act.

4 ~~((3))~~ ~~(\$2,450,000))~~ (4) \$8,450,000 of the Puget Sound capital  
5 construction account--state appropriation ~~((is))~~ and \$2,450,000 of the  
6 transportation partnership account--state appropriation are provided  
7 solely ~~((for contingencies associated with closing out the existing~~  
8 ~~contract))~~ for the ~~((technical))~~ detailed construction design of the  
9 144-auto vessel and the storage and maintenance of vessel owner-  
10 furnished equipment already procured, including construction  
11 engineering as needed. The department shall use as much of the already  
12 procured equipment as is practicable on the Island Home class ferry  
13 vessel if it is likely to be obsolete before it is used in procured  
14 144-auto vessels.

15 ~~((4))~~ (5) \$6,300,000 of the Puget Sound capital construction  
16 account--state appropriation is provided solely for emergency capital  
17 costs.

18 ~~((5))~~ (6) The Anacortes terminal may be replaced if additional  
19 federal funds are sought and received by the department. If federal  
20 funds received are not sufficient to replace the terminal, only usable,  
21 discrete phases of the project, up to the amount of federal funds  
22 received, may be constructed with the funds.

23 ~~((6))~~ (7) \$3,965,000 of the Puget Sound capital construction  
24 account--state appropriation is provided solely for the following  
25 vessel projects: Waste heat recovery pilot project for the Issaquah;  
26 jumbo Mark 1 class steering gear ventilation pilot project; and ~~((a new~~  
27 ~~propulsion system for the MV Yakima))~~ improvements to the Yakima and  
28 Kaleetan propulsion controls to allow for two engine operation. Before  
29 beginning these projects, the Washington state ferries must ensure the  
30 vessels' out-of-service time does not negatively impact service to the  
31 system.

32 ~~((7))~~ (8) The department shall pursue purchasing a  
33 foreign-flagged vessel for service on the Anacortes, Washington to  
34 Sidney, British Columbia ferry route.

35 ~~((8))~~ (9) The department shall provide to the office of financial  
36 management and the legislature quarterly reports providing the status  
37 on each project listed in this section and in the project lists  
38 submitted pursuant to this act and on any additional projects for which



1 the department has expended funds during the 2009-11 fiscal biennium.  
2 Elements must include, but not be limited to, project scope, schedule,  
3 and costs. The department shall also provide the information required  
4 under this subsection via the transportation executive information  
5 systems (TEIS). The quarterly report regarding the status of projects  
6 identified on the list referenced in subsection (1) of this section  
7 must be developed according to an earned value method of project  
8 monitoring.

9 ~~((+9))~~ (10) The department shall review and adjust its capital  
10 program staffing levels to ensure staffing is at the most efficient  
11 level necessary to implement the capital program in the omnibus  
12 transportation appropriations act. The Washington state ferries shall  
13 report this review and adjustment to the office of financial management  
14 and the house and senate transportation committees of the legislature  
15 by July 2009.

16 ~~((+10) \$3,763,000)~~ (11) \$5,557,000 of the total appropriation is  
17 provided solely for the Washington state ferries to develop a  
18 reservation system. The department shall complete a predesign study  
19 and present the study to the joint transportation committee by November  
20 1, 2009. This analysis must include an evaluation of the compatibility  
21 of the Washington state ferries' electronic fare system, proposed  
22 reservation system, and the implementation of smart card. The  
23 department may not implement a statewide reservation system until the  
24 department is authorized to do so in the 2010 supplemental omnibus  
25 transportation appropriations act.

26 ~~((+11))~~ (12) \$1,200,000 of the total appropriation is provided  
27 solely for improving the toll booth configuration at the Port Townsend  
28 and Keystone ferry terminals.

29 ~~((+12) \$3,249,915)~~ (13) \$2,636,000 of the total appropriation is  
30 provided solely for continued permitting and archaeological work in  
31 order to determine the feasibility of relocating the Mukilteo ferry  
32 terminal. In order to ensure that the cultural resources investigation  
33 is properly conducted in a coordinated fashion, the department shall  
34 work with the department of archaeology and historic preservation and  
35 shall conduct work with active archaeological management. The  
36 department shall seek additional federal funding for this project.

37 ~~((+13))~~ (14) The department shall develop a proposed ferry vessel

1 maintenance, preservation, and improvement program and present it to  
2 the transportation committees of the legislature by July 1, 2010. The  
3 proposal must:

4 (a) Improve the basis for budgeting vessel maintenance,  
5 preservation, and improvement costs and for projecting those costs into  
6 a sixteen-year financial plan;

7 (b) Limit the amount of planned out-of-service time to the greatest  
8 extent possible, including options associated with department staff as  
9 well as commercial shipyards. At a minimum, the department shall  
10 consider the following:

11 (i) The costs compared to benefits of Eagle Harbor repair and  
12 maintenance facility operations options to include staffing costs and  
13 benefits in terms of reduced out-of-service time;

14 (ii) The maintenance requirements for on-vessel staff, including  
15 the benefits of a systemwide standard;

16 (iii) The costs compared to benefits of staff performing  
17 preservation or maintenance work, or both, while the vessel is  
18 underway, tied up between sailings, or not deployed;

19 (iv) A review of the department's vessel maintenance, preservation,  
20 and improvement program contracting process and contractual  
21 requirements;

22 (v) The costs compared to benefits of allowing for increased costs  
23 associated with expedited delivery;

24 (vi) A method for comparing the anticipated out-of-service time of  
25 proposed projects and other projects planned during the same  
26 construction period;

27 (vii) Coordination with required United States coast guard dry  
28 dockings;

29 (viii) A method for comparing how proposed projects relate to the  
30 service requirements of the route on which the vessel normally  
31 operates; and

32 (ix) A method for evaluating the ongoing maintenance and  
33 preservation costs associated with proposed improvement projects; and

34 (c) Be based on the service plan in the capital plan, recognizing  
35 that vessel preservation and improvement needs may vary by route.

36 ((+14)) (15) \$247,000 of the Puget Sound capital construction  
37 account--state appropriation is provided solely for the Washington  
38 state ferries to review and update its vessel life-cycle cost model and

1 report the results to the house of representatives and senate  
 2 transportation committees of the legislature by (~~December 1, 2009~~)  
 3 March 1, 2010. This review will evaluate the impact of the planned  
 4 out-of-service periods scheduled for each vessel on the ability of the  
 5 overall system to deliver uninterrupted service and will assess the  
 6 risk of service disruption from unscheduled maintenance or longer than  
 7 planned maintenance periods.

8 (~~(+15)~~) (16) The department shall work with the department of  
 9 archaeology and historic preservation to ensure that the cultural  
 10 resources investigation is properly conducted on all large ferry  
 11 terminal projects. These projects must be conducted with active  
 12 archaeological management. Additionally, the department shall  
 13 establish a scientific peer review of independent archaeologists that  
 14 are knowledgeable about the region and its cultural resources.

15 (~~(+16)~~) (17) The Puget Sound capital construction account--state  
 16 appropriation includes up to \$118,000,000 in proceeds from the sale of  
 17 bonds authorized in RCW 47.10.843.

18 (18) The Puget Sound capital construction account--state  
 19 appropriation reflects the reduction of three terminal positions due to  
 20 decreased terminal activity and funding.

21 **Sec. 308.** 2009 c 470 s 310 (uncodified) is amended to read as  
 22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

24	Essential Rail Assistance Account--State Appropriation . . . .	\$675,000
25	Transportation Infrastructure Account--State	
26	Appropriation . . . . .	<del>(\$13,100,000)</del>
27		<u>\$13,184,000</u>
28	Multimodal Transportation Account--State	
29	Appropriation . . . . .	<del>(\$68,530,000)</del>
30		<u>\$96,334,000</u>
31	Multimodal Transportation Account--Federal	
32	Appropriation . . . . .	<del>(\$16,054,000)</del>
33		<u>\$24,858,000</u>
34	Multimodal Transportation Account--Private/Local	
35	Appropriation . . . . .	\$81,000
36	TOTAL APPROPRIATION . . . . .	<del>(\$98,440,000)</del>
37		<u>\$135,132,000</u>

1 The appropriations in this section are subject to the following  
2 conditions and limitations:

3 (1)(a) Except as provided otherwise in this section, the entire  
4 appropriations in this section are provided solely for the projects and  
5 activities as listed by fund, project, and amount in LEAP  
6 Transportation Document ALL PROJECTS 2009-2 as developed April 24,  
7 2009, Program - Rail Capital Program (Y). However, limited transfers  
8 of specific line-item project appropriations may occur between projects  
9 for those amounts listed subject to the conditions and limitations in  
10 sections 603 and 601 of this act.

11 (b)(i) Within the amounts provided in this section, \$116,000 of the  
12 transportation infrastructure account--state appropriation is for a  
13 low-interest loan through the freight rail investment bank program to  
14 the Port of Ephrata for rehabilitation of a rail spur.

15 (ii) Within the amounts provided in this section, \$1,200,000 of the  
16 transportation infrastructure account--state appropriation is for a  
17 low-interest loan through the freight rail investment bank program to  
18 the Port of Everett for a new rail track to connect a cement loading  
19 facility to the mainline.

20 (iii) Within the amounts provided in this section, \$3,684,000 of  
21 the transportation infrastructure account--state appropriation is for  
22 a low-interest loan through the freight rail investment bank program to  
23 the Port of Quincy for construction of a rail loop.

24 (iv) The department shall issue the loans referenced in this  
25 subsection (1)(b) with a repayment period of no more than ten years,  
26 and only so much interest as is necessary to recoup the department's  
27 costs to administer the loans.

28 (c)(i) Within the amounts provided in this section, (~~(\$1,712,022)~~)  
29 \$1,713,000 of the multimodal transportation account--state  
30 appropriation and \$175,000 of the essential rail assistance account--  
31 state appropriation are for statewide - emergent freight rail  
32 assistance projects as follows: Port of Ephrata/Ephrata - additional  
33 spur rehabilitation (BIN 722710A) (~~(\$362,746)~~) \$363,000; Tacoma  
34 Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW  
35 Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)  
36 (~~(\$370,650)~~) \$371,000; Clark County owned railroad/Vancouver - track  
37 rehabilitation (BIN 710110A) (~~(\$366,813)~~) \$367,000; Tacoma Rail/Tacoma  
38 - improved locomotive facility (BIN 711010B) (~~(\$366,813)~~) \$367,000.

1 (ii) Within the amounts provided in this section, \$500,000 of the  
2 essential rail assistance account--state appropriation and \$25,000 of  
3 the multimodal transportation account--state appropriation are for a  
4 statewide - emergent freight rail assistance project grant for the  
5 Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A)  
6 project, provided that the grantee first executes a written instrument  
7 that imposes on the grantee the obligation to repay the grant within  
8 thirty days in the event that the grantee discontinues or significantly  
9 diminishes service along the line within a period of five years from  
10 the date that the grant is awarded.

11 (iii) Within the amounts provided in this section, (~~(\$337,978)~~)  
12 \$338,000 of the multimodal transportation account--state appropriation  
13 is for a statewide - emergent freight rail assistance project grant for  
14 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,  
15 provided that the grantee first documents to the satisfaction of the  
16 department sufficient commitments from the new shipper or shippers to  
17 locate in the publicly owned industrial park west of Creston to ensure  
18 that the net present value of the public benefits of the project is  
19 greater than the grant amount.

20 (d) Within the amounts provided in this section, (~~(\$8,100,000)~~)  
21 \$8,115,000 of the transportation infrastructure account--state  
22 appropriation is for grants to any intergovernmental entity or local  
23 rail district to which the department of transportation assigns the  
24 management and oversight responsibility for the business and economic  
25 development elements of existing operating leases on the Palouse River  
26 and Coulee City (PCC) rail lines. \$300,000 of the transportation  
27 infrastructure account--state appropriation is provided solely for the  
28 fence line replacement project on the CW line. The PCC rail line  
29 system is made up of the CW, P&L, and PV Hooper rail lines. Business  
30 and economic development elements include such items as levels of  
31 service and business operating plans, but must not include the state's  
32 oversight of railroad regulatory compliance, rail infrastructure  
33 condition, or real property management issues. The PCC rail system  
34 must be managed in a self-sustaining manner and best efforts must be  
35 used to ensure that it does not require state capital or operating  
36 subsidy beyond the level of state funding expended on it to date. The  
37 assignment of the stated responsibilities to an intergovernmental  
38 entity or rail district must be on terms and conditions as the

1 department of transportation and the intergovernmental entity or rail  
2 district mutually agree. The grant funds may be used only to refurbish  
3 the rail lines. It is the intent of the legislature to make the funds  
4 appropriated in this section available as grants to an  
5 intergovernmental entity or local rail district for the purposes stated  
6 in this section at least until June 30, 2012, and to reappropriate as  
7 necessary any portion of the appropriation in this section that is not  
8 used by June 30, 2011.

9 (2)(a) The department shall issue a call for projects for the  
10 freight rail investment bank program and the emergent freight rail  
11 assistance program, and shall evaluate the applications according to  
12 the cost benefit methodology developed during the 2008 interim using  
13 the legislative priorities specified in (c) of this subsection. By  
14 November 1, 2010, the department shall submit a prioritized list of  
15 recommended projects to the office of financial management and the  
16 transportation committees of the legislature.

17 (b) When the department identifies a prospective rail project that  
18 may have strategic significance for the state, or at the request of a  
19 proponent of a prospective rail project or a member of the legislature,  
20 the department shall evaluate the prospective project according to the  
21 cost benefit methodology developed during the 2008 interim using the  
22 legislative priorities specified in (c) of this subsection. The  
23 department shall report its cost benefit evaluation of the prospective  
24 rail project, as well as the department's best estimate of an  
25 appropriate construction schedule and total project costs, to the  
26 office of financial management and the transportation committees of the  
27 legislature.

28 (c) The legislative priorities to be used in the cost benefit  
29 methodology are, in order of relative importance:

30 (i) Economic, safety, or environmental advantages of freight  
31 movement by rail compared to alternative modes;

32 (ii) Self-sustaining economic development that creates family-wage  
33 jobs;

34 (iii) Preservation of transportation corridors that would otherwise  
35 be lost;

36 (iv) Increased access to efficient and cost-effective transport to  
37 market for Washington's agricultural and industrial products;

1 (v) Better integration and cooperation within the regional,  
2 national, and international systems of freight distribution; and

3 (vi) Mitigation of impacts of increased rail traffic on  
4 communities.

5 (3) The department is directed to seek the use of unprogrammed  
6 federal rail crossing funds to be expended in lieu of or in addition to  
7 state funds for eligible costs of projects in program Y.

8 (4) At the earliest possible date, the department shall apply, and  
9 assist ports and local jurisdictions in applying, for any federal  
10 funding that may be available for any projects that may qualify for  
11 such federal funding. State projects must be (a) currently identified  
12 on the project list referenced in subsection (1)(a) of this section or  
13 (b) projects for which no state match is required to complete the  
14 project. Local or port projects must not require additional state  
15 funding in order to complete the project, with the exception of (c)  
16 state funds currently appropriated for such project if currently  
17 identified on the project list referenced in subsection (1)(a) of this  
18 section or (d) potential grants awarded in the competitive grant  
19 process for the essential rail assistance program. If the department  
20 receives any federal funding, the department is authorized to obligate  
21 and spend the federal funds in accordance with federal law. To the  
22 extent permissible by federal law, federal funds may be used (e) in  
23 addition to state funds appropriated for projects currently identified  
24 on the project list referenced in subsection (1)(a) of this section in  
25 order to advance funding from future biennia for such project(s) or (f)  
26 in lieu of state funds; however, the state funds must be redirected  
27 within the rail capital program to advance funding for other projects  
28 currently identified on the project list referenced in subsection  
29 (1)(a) of this section. State funds may be redirected only upon  
30 consultation with the transportation committees of the legislature and  
31 the office of financial management, and approval by the director of the  
32 office of financial management. The department shall spend the federal  
33 funds before the state funds, and shall consult the office of financial  
34 management and the transportation committees of the legislature  
35 regarding project scope changes.

36 (5) The department shall provide quarterly reports to the office of  
37 financial management and the transportation committees of the  
38 legislature regarding applications that the department submits for

1 federal funds, the status of such applications, and the status of  
2 projects identified on the list referenced in subsection (1)(a) of this  
3 section. The quarterly report regarding the status of projects  
4 identified on the list referenced in subsection (1)(a) of this section  
5 must be developed according to an earned value method of project  
6 monitoring.

7 (6) The multimodal transportation account--state appropriation  
8 includes up to (~~(\$20,000,000)~~) \$42,000,000 in proceeds from the sale of  
9 bonds authorized in RCW 47.10.867.

10 (7) When the balance of that portion of the miscellaneous program  
11 account apportioned to the department for the grain train program  
12 reaches \$1,180,000, the department shall acquire twenty-nine additional  
13 grain train railcars.

14 **Sec. 309.** 2009 c 470 s 311 (uncodified) is amended to read as  
15 follows:

16 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**  
17 **CAPITAL**

18	<u>Small City Pavement and Sidewalk Account--State</u>	
19	<u>Appropriation . . . . .</u>	<u>\$1,038,000</u>
20	<u>Rural Arterial Trust Account--State Appropriation . . . . .</u>	<u>\$25,500,000</u>
21	<u>Urban Arterial Trust Account--State Appropriation . . . . .</u>	<u>\$59,756,000</u>
22	<u>Transportation Improvement Account--State</u>	
23	<u>Appropriation . . . . .</u>	<u>\$37,467,000</u>
24	<u>County Arterial Preservation Account--State</u>	
25	<u>Appropriation . . . . .</u>	<u>\$15,830,000</u>
26	Highway Infrastructure Account--State Appropriation . . . . .	\$207,000
27	Highway Infrastructure Account--Federal	
28	Appropriation . . . . .	\$1,602,000
29	Freight Mobility Investment Account--State	
30	Appropriation . . . . .	( <del>(\$13,548,000)</del> )
31		<u>\$13,848,000</u>
32	Transportation Partnership Account--State	
33	Appropriation . . . . .	\$8,863,000
34	Motor Vehicle Account--State Appropriation . . . . .	( <del>(\$12,954,000)</del> )
35		<u>\$13,567,000</u>
36	Motor Vehicle Account--Federal Appropriation . . . . .	( <del>(\$39,572,000)</del> )
37		<u>\$40,133,000</u>



1	Freight Mobility Multimodal Account--State	
2	Appropriation . . . . .	\$14,920,000
3	Freight Mobility Multimodal Account--Local	
4	Appropriation . . . . .	(( <del>\$3,135,000</del> ))
5		<u>\$3,258,000</u>
6	Multimodal Transportation Account--Federal	
7	Appropriation . . . . .	(( <del>\$2,098,000</del> ))
8		<u>\$5,618,000</u>
9	Multimodal Transportation Account--State	
10	Appropriation . . . . .	(( <del>\$28,262,000</del> ))
11		<u>\$28,605,000</u>
12	Transportation 2003 Account (Nickel Account)--State	
13	Appropriation . . . . .	(( <del>\$709,000</del> ))
14		<u>\$2,709,000</u>
15	Passenger Ferry Account--State Appropriation . . . . .	\$2,879,000
16	<u>Puyallup Tribal Settlement Account--State</u>	
17	<u>Appropriation . . . . .</u>	<u>\$11,006,000</u>
18	TOTAL APPROPRIATION . . . . .	(( <del>\$128,749,000</del> ))
19		<u>\$286,806,000</u>

20       The appropriations in this section are subject to the following  
21 conditions and limitations:

22       (1) The department shall, on a quarterly basis, provide status  
23 reports to the legislature on the delivery of projects as outlined in  
24 the project lists incorporated in this section. For projects funded by  
25 new revenue in the 2003 and 2005 transportation packages, reporting  
26 elements shall include, but not be limited to, project scope, schedule,  
27 and costs. Other projects may be reported on a programmatic basis.  
28 The department shall also provide the information required under this  
29 subsection on a quarterly basis via the transportation executive  
30 information system (TEIS).

31       (2) \$2,729,000 of the passenger ferry account--state appropriation  
32 is provided solely for near and long-term costs of capital improvements  
33 in a business plan approved by the governor for passenger ferry  
34 service.

35       (3) \$150,000 of the passenger ferry account--state appropriation is  
36 provided solely for the Port of Kingston for a one-time operating  
37 subsidy needed to retain a federal grant.

1 (4) \$3,000,000 of the motor vehicle account--federal appropriation  
2 is provided solely for the Coal Creek parkway project (L1000025).

3 (5) The department shall seek the use of unprogrammed federal rail  
4 crossing funds to be expended in lieu of or in addition to state funds  
5 for eligible costs of projects in local programs, program Z capital.

6 (6) The department shall apply for surface transportation program  
7 (STP) enhancement funds to be expended in lieu of or in addition to  
8 state funds for eligible costs of projects in local programs, program  
9 Z capital.

10 (7) Federal funds may be transferred from program Z to programs I  
11 and P and state funds shall be transferred from programs I and P to  
12 program Z to replace those federal funds in a dollar-for-dollar match.  
13 Fund transfers authorized under this subsection shall not affect  
14 project prioritization status. Appropriations shall initially be  
15 allotted as appropriated in this act. The department may not transfer  
16 funds as authorized under this subsection without approval of the  
17 office of financial management. The department shall submit a report  
18 on those projects receiving fund transfers to the office of financial  
19 management and the transportation committees of the legislature by  
20 December 1, 2009, and December 1, 2010.

21 (8) The city of Winthrop may utilize a design-build process for the  
22 Winthrop bike path project. Of the amount appropriated in this section  
23 for this project, \$500,000 of the multimodal transportation account--  
24 state appropriation is contingent upon the state receiving from the  
25 city of Winthrop \$500,000 in federal funds awarded to the city of  
26 Winthrop by its local planning organization.

27 (9) (~~(\$18,182,113)~~) \$18,289,000 of the multimodal transportation  
28 account--state appropriation, (~~(\$8,753,895)~~) \$8,810,000 of the motor  
29 vehicle account--federal appropriation, and \$4,000,000 of the  
30 transportation partnership account--state appropriation are provided  
31 solely for the pedestrian and bicycle safety program projects and safe  
32 routes to schools program projects identified in LEAP Transportation  
33 Document 2009-A, pedestrian and bicycle safety program projects and  
34 safe routes to schools program projects, as developed March 30, 2009,  
35 LEAP Transportation Document 2007-A, pedestrian and bicycle safety  
36 program projects and safe routes to schools program projects, as  
37 developed April 20, 2007, and LEAP Transportation Document 2006-B,  
38 pedestrian and bicycle safety program projects and safe routes to

1 schools program projects, as developed March 8, 2006. Projects must be  
2 allocated funding based on order of priority. The department shall  
3 review all projects receiving grant awards under this program at least  
4 semiannually to determine whether the projects are making satisfactory  
5 progress. Any project that has been awarded funds, but does not report  
6 activity on the project within one year of the grant award must be  
7 reviewed by the department to determine whether the grant should be  
8 terminated. The department shall promptly close out grants when  
9 projects have been completed, and identify where unused grant funds  
10 remain because actual project costs were lower than estimated in the  
11 grant award.

12 (10) Except as provided otherwise in this section, the entire  
13 appropriations in this section are provided solely for the projects and  
14 activities as listed by fund, project, and amount in LEAP  
15 Transportation Document ALL PROJECTS 2009-2 as developed April 24,  
16 2009, Programs - Local Program (Z).

17 (11) For the 2009-11 project appropriations, unless otherwise  
18 provided in this act, the director of financial management may  
19 authorize a transfer of appropriation authority between projects  
20 managed by the freight mobility strategic investment board in order for  
21 the board to manage project spending and efficiently deliver all  
22 projects in the respective program.

23 (12) (~~(\$913,386)~~) \$913,000 of the motor vehicle account--state  
24 appropriation and (~~(\$2,858,216)~~) \$2,858,000 of the motor vehicle  
25 account--federal appropriation are provided solely for completion of  
26 the US 101 northeast peninsula safety rest area and associated roadway  
27 improvements east of Port Angeles at the Deer Park scenic view point.  
28 The department must surplus any right-of-way previously purchased for  
29 this project near Sequim. Approval to proceed with construction is  
30 contingent on surplus of previously purchased right-of-way. \$865,000  
31 of the motor vehicle account--state appropriation is to be placed into  
32 unallotted status until such time as the right-of-way sale is  
33 completed.

34 (\$11,006,000 of the Puyallup tribal settlement account--state  
35 appropriation is provided solely for mitigation costs associated with  
36 the Murray Morgan/11th Street bridge demolition. The department may  
37 negotiate with the city of Tacoma for the purpose of transferring  
38 ownership of the Murray Morgan/11th Street bridge to the city. If the

1 city agrees to accept ownership of the bridge, the department may use  
2 the Puyallup tribal settlement account appropriation and other  
3 appropriated funds for bridge rehabilitation, bridge replacement,  
4 bridge demolition, and related mitigation. The department's  
5 participation, including prior expenditures such as expenditures from  
6 the preservation program, may not exceed \$40,202,000.

7 (14) Fiscal year 2011 funding from the county road administration  
8 board and the transportation improvement board is appropriated to the  
9 department of transportation - local programs (Program Z).

10 **TRANSFERS AND DISTRIBUTIONS**

11 **Sec. 401.** 2009 c 470 s 401 (uncodified) is amended to read as  
12 follows:

13 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
14 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND**  
15 **DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND**  
16 **REVENUE**

17 Highway Bond Retirement Account Appropriation . . . . .	(( <del>\$742,400,000</del> ))
	<u>\$725,400,000</u>
18 Ferry Bond Retirement Account Appropriation . . . . .	\$33,771,000
19 Transportation Improvement Board Bond Retirement	
20 Account--State Appropriation . . . . .	(( <del>\$22,541,000</del> ))
	<u>\$21,541,000</u>
21 Nondebt-Limit Reimbursable Account Appropriation . . . . .	(( <del>\$18,400,000</del> ))
	<u>\$17,400,000</u>
22 Transportation Partnership Account--State	
23 Appropriation . . . . .	\$8,318,000
24 Motor Vehicle Account--State Appropriation . . . . .	\$901,000
25 Transportation 2003 Account (Nickel Account)--State	
26 Appropriation . . . . .	\$4,116,000
27 Special Category C Account--State Appropriation . . . . .	\$148,000
28 Urban Arterial Trust Account--State Appropriation . . . . .	\$85,000
29 <u>State Route Number 520 Corridor Account--State</u>	
30 <u>Appropriation . . . . .</u>	<u>\$600,000</u>
31 Transportation Improvement Account--State Appropriation . . . . .	\$41,000
32 Multimodal Transportation Account--State Appropriation . . . . .	\$283,000

1 TOTAL APPROPRIATION . . . . . ((~~\$831,004,000~~))  
2 \$812,604,000

3 **Sec. 402.** 2009 c 470 s 402 (uncodified) is amended to read as  
4 follows:

5 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
6 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**  
7 **FISCAL AGENT CHARGES**

8 Transportation Partnership Account--State  
9 Appropriation . . . . . ((~~\$523,000~~))  
10 \$559,000  
11 Motor Vehicle Account--State Appropriation . . . . . ((~~\$57,000~~))  
12 \$59,000  
13 Transportation 2003 Account (Nickel Account)--State  
14 Appropriation . . . . . ((~~\$259,000~~))  
15 \$277,000  
16 Special Category C Account--State Appropriation . . . . . \$10,000  
17 Urban Arterial Trust Account--State Appropriation . . . . . \$5,000  
18 Transportation Improvement Account--State Appropriation . . . . . \$3,000  
19 Multimodal Transportation Account--State Appropriation . . . . . \$18,000  
20 State Route Number 520 Corridor Account--State  
21 Appropriation . . . . . \$40,000  
22 TOTAL APPROPRIATION . . . . . ((~~\$875,000~~))  
23 \$971,000

24 **Sec. 403.** 2009 c 470 s 403 (uncodified) is amended to read as  
25 follows:

26 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**  
27 **BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

28 Motor Vehicle Account--State Appropriation:  
29 For transfer to the Puget Sound Capital Construction  
30 Account . . . . . \$118,000,000

31 The department of transportation is authorized to sell up to  
32 \$118,000,000 in bonds authorized by RCW 47.10.843 for vessel and  
33 terminal acquisition, major and minor improvements, and long lead-time  
34 materials acquisition for the Washington state ferries.



1 (4) License Plate Technology Account--State  
2 Appropriation: For transfer to the Highway Safety  
3 Account--State . . . . . \$2,750,000  
4 (5) Multimodal Transportation Account--State  
5 Appropriation: For transfer to the Puget Sound  
6 Ferry Operations Account--State . . . . . \$9,000,000  
7 (6) Highway Safety Account--State Appropriation:  
8 For transfer to the Multimodal Transportation  
9 Account--State . . . . . \$18,750,000  
10 (7) Department of Licensing Services Account--State  
11 Appropriation: For transfer to the Motor Vehicle  
12 Account--State . . . . . \$2,000,000  
13 (8) Advanced Right-of-Way Account: For transfer  
14 to the Motor Vehicle Account--State . . . . . ((\$14,000,000))  
15 \$12,000,000  
16 (9) (~~Motor Vehicle Account--State Appropriation:~~  
17 ~~For transfer to the Transportation Partnership~~  
18 ~~Account--State . . . . . \$8,000,000~~) )  
19 Motor Vehicle Account--State Appropriation: For  
20 transfer to the State Patrol Highway Account--State . . . . . \$2,500,000  
21 (10) Motor Vehicle Account--State Appropriation:  
22 For transfer to the Special Category C Account--State . . . . . \$2,000,000  
23 (11) Transportation Partnership Account--State  
24 Appropriation: For transfer to the Motor Vehicle  
25 Account--State . . . . . \$7,000,000  
26 (12) Rural Arterial Trust Account--State  
27 Appropriation: For transfer to the Motor Vehicle  
28 Account--State . . . . . \$16,500,000  
29 (13) Highway Safety Account--State Appropriation:  
30 For transfer to the Motor Vehicle Account--State . . . . . \$1,000,000  
31 (14) Advanced Environmental Mitigation Revolving  
32 Account--State Appropriation: For transfer to the  
33 Motor Vehicle Account--State . . . . . \$5,000,000  
34 (15) Regional Mobility Grant Program Account--State  
35 Appropriation: For transfer to the Multimodal  
36 Transportation Account--State . . . . . \$6,000,000

37 The transfers identified in this section are subject to the  
38 following conditions and limitations: The amount transferred in

1 subsection (1) of this section represents repayment of operating loans  
2 and reserve payments provided to the Tacoma Narrows toll bridge account  
3 from the motor vehicle account in the 2005-07 fiscal biennium.

4 **COMPENSATION**

5 **Sec. 501.** 2009 c 470 s 503 (uncodified) is amended to read as  
6 follows:

7 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state  
8 agencies in this act are sufficient for nonrepresented and represented  
9 state employee health benefits for state agencies, and are subject to  
10 the following conditions and limitations:

11 (1)(a) The monthly employer funding rate for insurance benefit  
12 premiums, public employees' benefits board administration, and the  
13 uniform medical plan, shall not exceed \$745 per eligible employee for  
14 fiscal year 2010. For fiscal year 2011, the monthly employer funding  
15 rate shall not exceed (~~(\$768)~~) \$830 per eligible employee.

16 (b) In order to achieve the level of funding provided for health  
17 benefits, the public employees' benefits board shall require any or all  
18 of the following: Employee premium copayments; increases in point-of-  
19 service cost sharing; the implementation of managed competition; or  
20 make other changes to benefits consistent with RCW 41.05.065. During  
21 the 2009-11 fiscal biennium, the board may only authorize benefit plans  
22 and premium contributions for an employee and the employee's dependents  
23 that are the same, regardless of an employee's status as represented or  
24 nonrepresented under the personnel system reform act of 2002.

25 (c) The health care authority shall deposit any moneys received on  
26 behalf of the uniform medical plan as a result of rebates on  
27 prescription drugs, audits of hospitals, subrogation payments, or any  
28 other moneys recovered as a result of prior uniform medical plan claims  
29 payments into the public employees' and retirees' insurance account to  
30 be used for insurance benefits. Such receipts shall not be used for  
31 administrative expenditures.

32 (d) The conditions in this section apply to benefits for  
33 nonrepresented employees, employees represented by the super coalition,  
34 and represented employees outside of the super coalition, including  
35 employees represented under chapter 47.64 RCW.



1 (2) The health care authority, subject to the approval of the  
2 public employees' benefits board, shall provide subsidies for health  
3 benefit premiums to eligible retired or disabled public employees and  
4 school district employees who are eligible for medicare, pursuant to  
5 RCW 41.05.085. From January 1, 2010, through December 31, 2010, the  
6 subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall  
7 be \$182.89 per month.

8 **IMPLEMENTING PROVISIONS**

9 **Sec. 601.** 2009 c 470 s 603 (uncodified) is amended to read as  
10 follows:

11 **FUND TRANSFERS.** (1) The transportation 2003 projects or  
12 improvements and the 2005 transportation partnership projects or  
13 improvements are listed in LEAP Transportation Document 2009-1 as  
14 developed April 24, 2009, which consists of a list of specific projects  
15 by fund source and amount over a sixteen year period. Current fiscal  
16 biennium funding for each project is a line item appropriation, while  
17 the outer year funding allocations represent a sixteen year plan. The  
18 department is expected to use the flexibility provided in this section  
19 to assist in the delivery and completion of all transportation  
20 partnership account and transportation 2003 (nickel) account projects  
21 on the LEAP lists referenced in this act. For the 2009-11 project  
22 appropriations, unless otherwise provided in this act, the director of  
23 financial management may authorize a transfer of appropriation  
24 authority between projects funded with transportation 2003 account  
25 (nickel account) appropriations, transportation partnership account  
26 appropriations, or multimodal transportation account appropriations, in  
27 order to manage project spending and efficiently deliver all projects  
28 in the respective program under the following conditions and  
29 limitations:

30 (a) Transfers may only be made within each specific fund source  
31 referenced on the respective project list;

32 (b) Transfers from a project may not be made as a result of the  
33 reduction of the scope of a project, nor shall a transfer be made to  
34 support increases in the scope of a project;

1 (c) Each transfer between projects may only occur if the director  
2 of financial management finds that any resulting change will not hinder  
3 the completion of the projects as approved by the legislature. Until  
4 the legislature reconvenes to consider the 2010 supplemental budget,  
5 any unexpended 2007-09 appropriation balance as approved by the office  
6 of financial management, in consultation with the legislative staff of  
7 the house of representatives and senate transportation committees, may  
8 be considered when transferring funds between projects;

9 (d) Transfers from a project may be made if the funds appropriated  
10 to the project are in excess of the amount needed to complete the  
11 project;

12 (e) Transfers may not occur to projects not identified on the  
13 applicable project list, except for those projects that were expected  
14 to be completed in the 2007-09 fiscal biennium; (~~and~~)

15 (f) Transfers may not be made while the legislature is in session;  
16 and

17 (g) Transfers between projects may be made by the department until  
18 the transfer amount by project exceeds \$500,000. These transfers must  
19 be reported quarterly to the director of financial management and the  
20 chairs of the house of representatives and senate transportation  
21 committees.

22 (2) At the time the department submits a request to transfer funds  
23 under this section a copy of the request shall be submitted to the  
24 transportation committees of the legislature.

25 (3) The office of financial management shall work with legislative  
26 staff of the house of representatives and senate transportation  
27 committees to review the requested transfers.

28 (4) The office of financial management shall document approved  
29 transfers and/or schedule changes in the transportation executive  
30 information system (TEIS), compare changes to the legislative baseline  
31 funding and schedules identified by project identification number  
32 identified in the LEAP lists adopted in this act, and transmit revised  
33 project lists to chairs of the transportation committees of the  
34 legislature on a quarterly basis.

35 **MISCELLANEOUS 2009-2011 FISCAL BIENNIUM**

1       **Sec. 701.** RCW 46.68.290 and 2006 c 337 s 5 are each amended to  
2 read as follows:

3       (1) The transportation partnership account is hereby created in the  
4 state treasury. All distributions to the account from RCW 46.68.090  
5 must be deposited into the account. Money in the account may be spent  
6 only after appropriation. Expenditures from the account must be used  
7 only for projects or improvements identified as 2005 transportation  
8 partnership projects or improvements in the omnibus transportation  
9 appropriations act, including any principal and interest on bonds  
10 authorized for the projects or improvements. During the 2009-2011  
11 fiscal biennium, the legislature may transfer from the transportation  
12 partnership account to the motor vehicle fund such amounts as reflect  
13 the excess fund balance of the transportation partnership account.

14       (2) The legislature finds that:

15       (a) Citizens demand and deserve accountability of transportation-  
16 related programs and expenditures. Transportation-related programs  
17 must continuously improve in quality, efficiency, and effectiveness in  
18 order to increase public trust;

19       (b) Transportation-related agencies that receive tax dollars must  
20 continuously improve the way they operate and deliver services so  
21 citizens receive maximum value for their tax dollars; and

22       (c) Fair, independent, comprehensive performance audits of  
23 transportation-related agencies overseen by the elected state auditor  
24 are essential to improving the efficiency, economy, and effectiveness  
25 of the state's transportation system.

26       (3) For purposes of chapter 314, Laws of 2005:

27       (a) "Performance audit" means an objective and systematic  
28 assessment of a state agency or agencies or any of their programs,  
29 functions, or activities by the state auditor or designee in order to  
30 help improve agency efficiency, effectiveness, and accountability.  
31 Performance audits include economy and efficiency audits and program  
32 audits.

33       (b) "Transportation-related agency" means any state agency, board,  
34 or commission that receives funding primarily for transportation-  
35 related purposes. At a minimum, the department of transportation, the  
36 transportation improvement board or its successor entity, the county  
37 road administration board or its successor entity, and the traffic  
38 safety commission are considered transportation-related agencies. The

1 Washington state patrol and the department of licensing shall not be  
2 considered transportation-related agencies under chapter 314, Laws of  
3 2005.

4 (4) Within the authorities and duties under chapter 43.09 RCW, the  
5 state auditor shall establish criteria and protocols for performance  
6 audits. Transportation-related agencies shall be audited using  
7 criteria that include generally accepted government auditing standards  
8 as well as legislative mandates and performance objectives established  
9 by state agencies. Mandates include, but are not limited to, agency  
10 strategies, timelines, program objectives, and mission and goals as  
11 required in RCW 43.88.090.

12 (5) Within the authorities and duties under chapter 43.09 RCW, the  
13 state auditor may conduct performance audits for transportation-related  
14 agencies. The state auditor shall contract with private firms to  
15 conduct the performance audits.

16 (6) The audits may include:

17 (a) Identification of programs and services that can be eliminated,  
18 reduced, consolidated, or enhanced;

19 (b) Identification of funding sources to the transportation-related  
20 agency, to programs, and to services that can be eliminated, reduced,  
21 consolidated, or enhanced;

22 (c) Analysis of gaps and overlaps in programs and services and  
23 recommendations for improving, dropping, blending, or separating  
24 functions to correct gaps or overlaps;

25 (d) Analysis and recommendations for pooling information technology  
26 systems used within the transportation-related agency, and evaluation  
27 of information processing and telecommunications policy, organization,  
28 and management;

29 (e) Analysis of the roles and functions of the transportation-  
30 related agency, its programs, and its services and their compliance  
31 with statutory authority and recommendations for eliminating or  
32 changing those roles and functions and ensuring compliance with  
33 statutory authority;

34 (f) Recommendations for eliminating or changing statutes, rules,  
35 and policy directives as may be necessary to ensure that the  
36 transportation-related agency carry out reasonably and properly those  
37 functions vested in the agency by statute;

1 (g) Verification of the reliability and validity of transportation-  
2 related agency performance data, self-assessments, and performance  
3 measurement systems as required under RCW 43.88.090;

4 (h) Identification of potential cost savings in the transportation-  
5 related agency, its programs, and its services;

6 (i) Identification and recognition of best practices;

7 (j) Evaluation of planning, budgeting, and program evaluation  
8 policies and practices;

9 (k) Evaluation of personnel systems operation and management;

10 (l) Evaluation of purchasing operations and management policies and  
11 practices;

12 (m) Evaluation of organizational structure and staffing levels,  
13 particularly in terms of the ratio of managers and supervisors to  
14 nonmanagement personnel; and

15 (n) Evaluation of transportation-related project costs, including  
16 but not limited to environmental mitigation, competitive bidding  
17 practices, permitting processes, and capital project management.

18 (7) Within the authorities and duties under chapter 43.09 RCW, the  
19 state auditor must provide the preliminary performance audit reports to  
20 the audited state agency for comment. The auditor also may seek input  
21 on the preliminary report from other appropriate officials. Comments  
22 must be received within thirty days after receipt of the preliminary  
23 performance audit report unless a different time period is approved by  
24 the state auditor. The final performance audit report shall include  
25 the objectives, scope, and methodology; the audit results, including  
26 findings and recommendations; the agency's response and conclusions;  
27 and identification of best practices.

28 (8) The state auditor shall provide final performance audit reports  
29 to the citizens of Washington, the governor, the joint legislative  
30 audit and review committee, the appropriate legislative committees, and  
31 other appropriate officials. Final performance audit reports shall be  
32 posted on the internet.

33 (9) The audited transportation-related agency is responsible for  
34 follow-up and corrective action on all performance audit findings and  
35 recommendations. The audited agency's plan for addressing each audit  
36 finding and recommendation shall be included in the final audit report.  
37 The plan shall provide the name of the contact person responsible for  
38 each action, the action planned, and the anticipated completion date.

1 If the audited agency does not agree with the audit findings and  
2 recommendations or believes action is not required, then the action  
3 plan shall include an explanation and specific reasons.

4 The office of financial management shall require periodic progress  
5 reports from the audited agency until all resolution has occurred. The  
6 office of financial management is responsible for achieving audit  
7 resolution. The office of financial management shall annually report  
8 by December 31st the status of performance audit resolution to the  
9 appropriate legislative committees and the state auditor. The  
10 legislature shall consider the performance audit results in connection  
11 with the state budget process.

12 The auditor may request status reports on specific audits or  
13 findings.

14 (10) For the period from July 1, 2005, until June 30, 2007, the  
15 amount of \$4,000,000 is appropriated from the transportation  
16 partnership account to the state auditors office for the purposes of  
17 subsections (2) through (9) of this section.

18 **Sec. 702.** RCW 36.79.020 and 1997 c 81 s 2 are each amended to read  
19 as follows:

20 There is created in the motor vehicle fund the rural arterial trust  
21 account. All moneys deposited in the motor vehicle fund to be credited  
22 to the rural arterial trust account shall be expended for (1) the  
23 construction and improvement of county rural arterials and collectors,  
24 (2) the construction of replacement bridges funded by the federal  
25 bridge replacement program on access roads in rural areas, and (3)  
26 those expenses of the board associated with the administration of the  
27 rural arterial program. During the 2009-2011 fiscal biennium, the  
28 legislature may transfer from the rural arterial trust account to the  
29 motor vehicle fund such amounts as reflect the excess fund balance of  
30 the rural arterial trust account.

31 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to  
32 read as follows:

33 The advanced environmental mitigation revolving account is created  
34 in the custody of the treasurer, into which the department shall  
35 deposit directly and may expend without appropriation:

1 (1) An initial appropriation included in the department of  
2 transportation's 1997-99 budget, and deposits from other identified  
3 sources;

4 (2) All moneys received by the department from internal and  
5 external sources for the purposes of conducting advanced environmental  
6 mitigation; and

7 (3) Interest gained from the management of the advanced  
8 environmental mitigation revolving account.

9 During the 2009-2011 fiscal biennium, the legislature may transfer  
10 from the advanced environmental mitigation revolving account to the  
11 motor vehicle fund such amounts as reflect the excess fund balance of  
12 the advanced environmental mitigation revolving account.

13 **Sec. 704.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to  
14 read as follows:

15 (1) The regional mobility grant program account is hereby created  
16 in the state treasury. Moneys in the account may be spent only after  
17 appropriation. Expenditures from the account may be used only for the  
18 grants provided under RCW 47.66.030.

19 (2) Beginning with September 2007, by the last day of September,  
20 December, March, and June of each year, the state treasurer shall  
21 transfer from the multimodal transportation account to the regional  
22 mobility grant program account five million dollars.

23 (3) Beginning with September 2015, by the last day of September,  
24 December, March, and June of each year, the state treasurer shall  
25 transfer from the multimodal transportation account to the regional  
26 mobility grant program account six million two hundred fifty thousand  
27 dollars.

28 (4) During the 2009-2011 fiscal biennium, the legislature may  
29 transfer from the regional mobility grant program account to the  
30 multimodal transportation account such amounts as reflect the excess  
31 fund balance of the regional mobility grant program account.

32 **Sec. 705.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to  
33 read as follows:

34 (1) Effective June 1, 2006, for agencies complying with the ultra-  
35 low sulfur diesel mandate of the United States environmental protection  
36 agency for on-highway diesel fuel, agencies shall use biodiesel as an

1 additive to ultra-low sulfur diesel for lubricity, provided that the  
2 use of a lubricity additive is warranted and that the use of biodiesel  
3 is comparable in performance and cost with other available lubricity  
4 additives. The amount of biodiesel added to the ultra-low sulfur  
5 diesel fuel shall be not less than two percent.

6 (2) Effective June 1, 2009, state agencies are required to use a  
7 minimum of twenty percent biodiesel as compared to total volume of all  
8 diesel purchases made by the agencies for the operation of the  
9 agencies' diesel-powered vessels, vehicles, and construction equipment.

10 (3) All state agencies using biodiesel fuel shall, beginning on  
11 July 1, 2006, file biannual reports with the department of general  
12 administration documenting the use of the fuel and a description of how  
13 any problems encountered were resolved.

14 ~~(4) ((For the 2009-2011 fiscal biennium, the Washington state  
15 ferries is required to use a minimum of five percent biodiesel as  
16 compared to total volume of all diesel purchases made by the Washington  
17 state ferries for the operation of the Washington state ferries diesel-  
18 powered vessels so long as the per gallon price of diesel containing a  
19 five percent biodiesel blend level does not exceed the per gallon price  
20 of diesel by more than five percent. If the per gallon price of diesel  
21 containing a five percent biodiesel blend level exceeds the per gallon  
22 price of diesel by more than five percent, the requirements of this  
23 section do not apply to vessel fuel purchases by the Washington state  
24 ferries.~~

25 (5)) By December 1, 2009, the department of general administration  
26 shall:

27 (a) Report to the legislature on the average true price  
28 differential for biodiesel by blend and location; and

29 (b) Examine alternative fuel procurement methods that work to  
30 address potential market barriers for in-state biodiesel producers and  
31 report these findings to the legislature.

32 NEW SECTION. **Sec. 706.** The following acts or parts of acts are  
33 each repealed:

34 (1) 2009 c 470 s 501 (uncodified); and

35 (2) 2009 c 470 s 502 (uncodified).



1 **MISCELLANEOUS**

2 NEW SECTION. **Sec. 801.** If any provision of this act or its  
3 application to any person or circumstance is held invalid, the  
4 remainder of the act or the application of the provision to other  
5 persons or circumstances is not affected.

6 NEW SECTION. **Sec. 802.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

(End of bill)

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