H-3947.1

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**HOUSE BILL 2923**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Moscoso, Manweller, and Tarleton

AN ACT Relating to freight mobility strategic investment board duties relating to certain freight and rail planning; and amending RCW 47.06.045, 47.06A.020, and 47.76.220.

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

**Sec.**  RCW 47.06.045 and 1998 c 175 s 10 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include a freight mobility plan which shall be developed by the freight mobility strategic investment board and assess the transportation needs to ensure the safe, reliable, and efficient movement of goods within and through the state and to ensure the state's economic vitality. The freight mobility plan shall include a list of projects prioritized for investment according to contribution to the movement of goods within and through freight corridors.

**Sec.**  RCW 47.06A.020 and 2013 c 104 s 1 are each amended to read as follows:

(1) The board shall:

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

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

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. The board shall ensure that projects included in the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the senate and house transportation committees.

(2) The board may:

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

(b) Provide technical assistance to project applicants;

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

(8) The board shall develop a state freight investment plan by December 2018. The plan shall:

(a) Include a list of infrastructure projects that will enhance the flow of goods within and through the state of Washington;

(b) Include projects regardless of jurisdictional sponsorship;

(c) Prioritize projects for investment according to contribution to the movement of goods and recognizing the improving marginal contribution of related projects within freight corridors; and

(d) Be the freight mobility strategic investment plan for the state of Washington.

**Sec.**  RCW 47.76.220 and 1995 c 380 s 3 are each amended to read as follows:

(1) The freight mobility strategic investment board, in collaboration with the department of transportation, shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail services. The plan shall:

(a) Identify and evaluate mainline capacity issues;

(b) Identify and evaluate port-to-rail access and congestion issues;

(c) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;

(d) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned;

(e) Include rail portions of the prioritized freight investment plan under RCW 47.06A.020(8);

(f) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment or capacity constraints of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment or capacity constraints on changes in energy utilization and air pollution;

((~~(f)~~)) (g) Identify and describe the state's rail system;

((~~(g)~~)) (h) Prepare a state freight rail system map;

((~~(h)~~)) (i) Identify and evaluate rail commodity flows and traffic types;

((~~(i)~~)) (j) Identify lines and corridors that have been rail banked or preserved; and

((~~(j)~~)) (k) Identify and evaluate other issues affecting the state's rail traffic.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal railroad revitalization and regulatory reform act.

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