

VETO MESSAGE ON ESB 5096

May 16, 2017

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 209(9), 215(6), 306(17), 702, 705, and 1303, Engrossed Senate Bill No. 5096 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 209(9), pages 21-22, Department of Transportation, Toll Operations and Maintenance

Section 209(9) directs the Department of Transportation's Toll Operations and Maintenance program to study and report to the legislative transportation committees on the potential of converting two staffed tollbooths on the Tacoma Narrows Bridge to unstaffed. No funding was provided for the study. For this reason, I have vetoed Section 209(9).

Section 215(6), page 27, Department of Transportation, Highway Maintenance

Section 215(6) requires the department to create and maintain a separate maintenance budget for the Hood Canal Bridge. The department is not required to maintain separate budgets for other bridges and roads, and this would limit the department's flexibility to manage its budget. For these reasons, I have vetoed Section 215(6).

Section 306(17), page 43, Department of Transportation, Improvements

Section 306(17) creates a new I-5/Exit 274 interchange project in Blaine to be funded with \$12,100,000 of Connecting Washington Account-State funds in the 2023-25 biennium. It directs the LEAP transportation document referenced in Section 306(1) to be modified accordingly. The I-5/Exit 274 interchange project in Blaine does not appear in LEAP Transportation Document 2017-1, nor is there any information about project scope. This LEAP transportation document should not be amended for a project without sufficient information about its scope and cost. For this reason, I have vetoed Section 306(17).

Section 702, pages 75-76, Settlement Funds Expenditure

Section 702 provides a legislative finding that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary of

the consent decree entered into between the United States, Volkswagen AG, and other parties that settle emission-related claims for certain models of diesel vehicles (commonly referred as the VW Settlement). Accordingly, the section provides that the omnibus capital budget for the Department of Ecology includes necessary provisions to administer the mitigation funds and development of the mitigation plan. The Legislature has not adopted an omnibus capital budget. Therefore, it is not possible to determine at this time what provisions the final capital budget may contain nor whether such provisions will be acceptable. For this reason, I have vetoed Section 702. I will continue to work with the Legislature to ensure prompt administration of the settlement funds under the terms of the consent decree. I also have directed the departments of Ecology and Transportation to jointly develop the proposed mitigation plan for public comment and submittal to the trustee.

Section 705, pages 78-79, DUI Fee

Section 705 amends RCW 46.61.5054. This same statute was amended in two other bills--Section 5 of Senate Bill 5037 and Section 13 of Engrossed Second Substitute House Bill 1614, which I will sign into law on May 16, 2017. The amendment in Engrossed Second Substitute House Bill 1614 renders moot the amendment in Section 705. For this reason, I have vetoed Section 705.

Section 1303, page 157, Effective Date of Section 705

Section 1303 enables Section 705 of the transportation budget to take effect if Senate Bill 5037 is enacted by June 30, 2017. Since I am vetoing Section 705, this section is no longer required. For this reason, I have vetoed Section 1303.

For these reasons I have vetoed Sections 209(9), 215(6), 306(17), 702, 705, and 1303 of Engrossed Senate Bill No. 5096.

With the exception of Sections 209(9), 215(6), 306(17), 702, 705, and 1303, Engrossed Senate Bill No. 5096 is approved.

Respectfully submitted,
Jay Inslee
Governor