

ESSB 5689 - H AMD
By Representative

ADOPTED AND ENGROSSED 2/26/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "2021-2023 FISCAL BIENNIUM

4 GENERAL GOVERNMENT AGENCIES—OPERATING

5 Sec. 101. 2021 c 333 s 101 (uncodified) is amended to read as
6 follows:

7 FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

8 Motor Vehicle Account—State Appropriation. (~~(\$546,000)~~)
9 \$554,000

10 Sec. 102. 2021 c 333 s 103 (uncodified) is amended to read as
11 follows:

12 FOR THE OFFICE OF FINANCIAL MANAGEMENT

13 Motor Vehicle Account—State Appropriation. (~~(\$1,441,000)~~)
14 \$1,034,000

15 Puget Sound Ferry Operations Account—State
16 Appropriation. \$126,000

17 Multimodal Transportation Account—State
18 Appropriation. \$250,000

19 TOTAL APPROPRIATION. (~~(\$1,817,000)~~)
20 \$1,410,000

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

23 \$250,000 of the multimodal transportation account—state
24 appropriation is provided solely for the office of financial
25 management, in collaboration with the Washington department of
26 transportation and the office of the chief information officer, to
27 conduct an evaluation of short term and long term facility and
28 information technology needs. In conducting the evaluation, the
29 office of financial management may contract with an entity with

1 direct expertise in this area. The office of financial management
2 must submit a final report of their evaluation by October 1, 2022.
3 The evaluation must be coordinated with any legislatively directed
4 study regarding leased space. The evaluation must include, but is not
5 limited to:

6 (1) Development of a status quo scenario based on current policy
7 and projections and two alternative scenarios of the number of people
8 and percentage of staff in telework status on a permanent basis with
9 one alternative being the minimum feasible level of teleworking and
10 one alternative being the maximum feasible level of teleworking;

11 (2) Current and projected facility needs by location and function
12 for the scenarios in subsection (1) of this section;

13 (3) The specific number of employees and percentage of the
14 workforce expected to be teleworking by location and function and the
15 anticipated impact on facility space needs for the scenarios in
16 subsection (1) of this section;

17 (4) Analysis of opportunities to colocate with other state,
18 local, and other public agencies to reduce costs and improve cost-
19 efficiency;

20 (5) Detailed information on any increased costs, such as end-user
21 devices, software, technology infrastructure, and other types of
22 assistance needed to meet the teleworking levels in each of the
23 scenarios in subsection (1) of this section;

24 (6) Detailed information on any reduced costs, such as leases,
25 facility maintenance, and utilities, resulting from the projected
26 teleworking levels for the scenarios in subsection (1) of this
27 section; and

28 (7) Cost-benefit analysis detailing the net impact of teleworking
29 on facility and total costs for the scenarios in subsection (1) of
30 this section.

31 **Sec. 103.** 2021 c 333 s 105 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF AGRICULTURE**

34 Motor Vehicle Account—State Appropriation.	(((\$1,346,000)))
35	<u>\$1,369,000</u>

36 **Sec. 104.** 2021 c 333 s 106 (uncodified) is amended to read as
37 follows:

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

1 Motor Vehicle Account—State Appropriation. (~~(\$668,000)~~)
2 \$674,000

3 **Sec. 105.** 2021 c 333 s 107 (uncodified) is amended to read as
4 follows:

5 **FOR THE EVERGREEN STATE COLLEGE**

6 Motor Vehicle Account—State Appropriation. \$150,000

7 The appropriation in this section is subject to the following
8 conditions and limitations: The total appropriation in this section
9 is provided solely for the Washington state institute for public
10 policy to conduct a cost-benefit analysis for an exclusive or partial
11 American steel requirement for future transportation contracts and
12 subcontracts authorized in the transportation budget. This cost-
13 benefit analysis must, to the extent feasible: (1) Compare existing
14 types and uses of steel to made in America steel alternatives
15 including evaluation of quality; (2) examine benefits to Washington
16 workers and the Washington economy; (3) examine lifecycle and
17 embodied carbon greenhouse gas emissions; (4) identify requirements
18 for purchasing American steel that minimize costs and maximize
19 benefits; and (5) evaluate American steel requirements or preferences
20 in other states. The Washington state institute for public policy may
21 solicit input for the analysis from representatives of interested
22 parties to include, but not be limited to, the construction and
23 manufacturing sectors, organized labor in the construction and
24 manufacturing sectors, cities, counties, American steel manufacturing
25 companies, environmental advocacy organizations, and appropriate
26 state agencies. A final report is due to the legislature by December
27 1, (~~(2021)~~) 2022.

28 **Sec. 106.** 2021 c 333 s 109 (uncodified) is amended to read as
29 follows:

30 **FOR THE BOARD OF PILOTAGE COMMISSIONERS**

31 Pilotage Account—State Appropriation. (~~(\$5,777,000)~~)
32 \$6,268,000

33 The appropriation in this section is subject to the following
34 conditions and limitations:

35 (1) \$2,926,000 of the pilotage account—state appropriation is
36 provided solely for self-insurance liability premium expenditures;
37 however, this appropriation is contingent upon the board:

1 (a) Annually depositing the first \$150,000 collected through
2 Puget Sound pilotage district pilotage tariffs into the pilotage
3 account; and

4 (b) Assessing a self-insurance premium surcharge of \$16 per
5 pilotage assignment on vessels requiring pilotage in the Puget Sound
6 pilotage district.

7 (2) The board of pilotage commissioners shall file the annual
8 report to the governor and chairs of the transportation committees
9 required under RCW 88.16.035(1)(f) by September 1, 2021, and annually
10 thereafter. The report must include the continuation of policies and
11 procedures necessary to increase the diversity of pilots, trainees,
12 and applicants, including a diversity action plan. The diversity
13 action plan must articulate a comprehensive vision of the board's
14 diversity goals and the steps it will take to reach those goals.

15 **Sec. 107.** 2021 c 333 s 110 (uncodified) is amended to read as
16 follows:

17 **FOR THE HOUSE OF REPRESENTATIVES**

18 Motor Vehicle Account—State Appropriation. (~~(\$3,210,000)~~)
19 \$1,577,000

20 **Sec. 108.** 2021 c 333 s 111 (uncodified) is amended to read as
21 follows:

22 **FOR THE SENATE**

23 Motor Vehicle Account—State Appropriation. (~~(\$3,085,000)~~)
24 \$1,518,000

25 **Sec. 109.** 2021 c 333 s 113 (uncodified) is amended to read as
26 follows:

27 **FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

28 Puget Sound (~~Ferry~~) Capital Construction Account
29 (~~(Puget Sound Capital Construction~~
30 ~~Account~~))—State Appropriation. \$300,000
31 Multimodal Transportation Account—State
32 Appropriation. \$200,000
33 TOTAL APPROPRIATION. \$500,000

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

1 (1) \$300,000 of the Puget Sound (~~(ferry)~~) capital construction
2 account (~~([Puget Sound capital construction account])~~)—state is
3 provided solely for an independent review of the design-build
4 contracting process for the hybrid-electric Olympic class vessels.
5 The review must evaluate, at minimum, the department's cost
6 estimation and cost management practices relating to the design and
7 construction of the first hybrid-electric vessel. The review must
8 include recommendations to benefit the full program for the design
9 and construction of five hybrid-electric vessels. The joint
10 legislative audit and review committee must report to the legislature
11 with the findings by October 1, 2022.

12 (2) \$200,000 of the multimodal transportation account—state
13 appropriation is provided solely for the joint legislative audit and
14 review committee to conduct a review of the method used to determine
15 the rates for leasing state-owned lands and air space to a regional
16 transit authority. As part of this review, the committee must examine
17 and evaluate the accounting and valuation methodology for debits and
18 credits used in the land bank accounting program utilized by the
19 department of transportation and a regional transit authority. The
20 review must also provide an evaluation of the specific type of lease
21 agreements used for air space leasing by the department of
22 transportation with a regional transit authority and the valuation
23 methodology used to determine the lease rate for the property and the
24 cost and benefits of long-term leases based on the periodic land
25 value appraisals under the terms of the land bank agreement. The
26 committee must identify the full cost to the state transportation
27 system if the entire plan for land and air rights leases by a
28 regional transit authority is undertaken at full economic rent, and
29 the difference in costs to the regional transit authority if the
30 leases were to be issued at less than economic rent, including a
31 scenario in which the value of the land and air rights are discounted
32 by the federal share of the funds that were used to acquire or
33 improve the property originally. The committee shall complete the
34 review and provide a report to the transportation committees of the
35 legislature by December 1, 2022.

(End of part)

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2021 c 333 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation.	((\$4,625,000))
	<u>\$4,634,000</u>
Highway Safety Account—Federal Appropriation.	((\$27,202,000))
	<u>\$27,270,000</u>
Highway Safety Account—Private/Local Appropriation.	\$60,000
School Zone Safety Account—State Appropriation.	\$850,000
TOTAL APPROPRIATION.	((\$32,737,000))
	<u>\$32,814,000</u>

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

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of

1 the legislature with the number of violations detected during the
2 demonstration project, whether the technology used was accurate and
3 any recommendations for future use of automated enforcement
4 technology for HOV lane enforcement by June 30, (~~2022~~) 2023.

5 (2) The Washington traffic safety commission may oversee a pilot
6 program in up to three cities implementing the use of automated
7 vehicle noise enforcement cameras in zones that have been designated
8 by ordinance as "Stay Out of Areas of Racing."

9 (a) Any programs authorized by the commission must be authorized
10 by December 31, 2022.

11 (b) If a city has established an authorized automated vehicle
12 noise enforcement camera pilot program under this section, the
13 compensation paid to the manufacturer or vendor of the equipment used
14 must be based upon the value of the equipment and services provided
15 or rendered in support of the system.

16 (c) Any city administering a pilot program overseen by the
17 traffic safety commission shall use the following guidelines to
18 administer the program:

19 (i) Automated vehicle noise enforcement camera may record
20 photographs or audio of the vehicle and vehicle license plate only
21 while a violation is occurring. The picture must not reveal the face
22 of the driver or of passengers in the vehicle;

23 (ii) The law enforcement agency of the city or county government
24 shall install two signs facing opposite directions within 200 feet,
25 or otherwise consistent with the uniform manual on traffic control
26 devices, where the automated vehicle noise enforcement camera is used
27 that state "Street Racing Noise Pilot Program in Progress";

28 (iii) Cities testing the use of automated vehicle noise
29 enforcement cameras must post information on the city website and
30 notify local media outlets indicating the zones in which the
31 automated vehicle noise enforcement cameras will be used;

32 (iv) A city may only issue a warning notice with no penalty for a
33 violation detected by automated vehicle noise enforcement cameras in
34 a Stay Out of Areas of Racing zone. Warning notices must be mailed to
35 the registered owner of a vehicle within fourteen days of the
36 detected violation;

37 (v) A violation detected through the use of automated vehicle
38 noise enforcement cameras is not part of the registered owner's
39 driving record under RCW 46.52.101 and 46.52.120;

1 (vi) Notwithstanding any other provision of law, all photographs,
2 videos, microphotographs, audio recordings, or electronic images
3 prepared under this section are for the exclusive use of law
4 enforcement in the discharge of duties under this section and are not
5 open to the public and may not be used in a court in a pending action
6 or proceeding. No photograph, microphotograph, audio recording, or
7 electronic image may be used for any purpose other than the issuance
8 of warnings for violations under this section or retained longer than
9 necessary to issue a warning notice as required under this subsection
10 (2); and

11 (vii) By June 30, 2023, the participating cities shall provide a
12 report to the commission and appropriate committees of the
13 legislature regarding the use, public acceptance, outcomes, warnings
14 issued, data retention and use, and other relevant issues regarding
15 automated vehicle noise enforcement cameras demonstrated by the pilot
16 projects.

17 (3) The Washington traffic safety commission shall coordinate
18 with each city that implements a pilot program as authorized in RCW
19 46.63.170, chapter 224, Laws of 2020 to provide the transportation
20 committees of the legislature with the following information by June
21 30, 2023:

22 (a) The number of warnings and infractions issued to first-time
23 violators under the pilot program;

24 (b) The number of warnings and infractions issued to the
25 registered owners of vehicles that are not registered with an address
26 located in the city conducting the pilot program; and

27 (c) The frequency with which warnings and infractions are issued
28 on weekdays versus weekend days.

29 **Sec. 202.** 2021 c 333 s 202 (uncodified) is amended to read as
30 follows:

31 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

32 Rural Arterial Trust Account—State Appropriation.	((\$1,134,000))
	<u>\$1,155,000</u>
34 Motor Vehicle Account—State Appropriation.	((\$4,760,000))
	<u>\$17,300,000</u>
36 County Arterial Preservation Account—State	
37 Appropriation.	((\$1,669,000))
	<u>\$1,693,000</u>

1 TOTAL APPROPRIATION. ((~~\$7,563,000~~))
2 \$20,148,000

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

5 (1) \$2,000,000 of the motor vehicle account—state appropriation
6 is provided solely for deposit into the county road administration
7 board emergency loan account—state account.

8 (2) \$12,500,000 of the motor vehicle account—state appropriation
9 is provided solely for preservation purposes.

10 **Sec. 203.** 2021 c 333 s 203 (uncodified) is amended to read as
11 follows:

12 **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

13 Transportation Improvement Account—State
14 Appropriation. ((~~\$4,510,000~~))
15 \$4,564,000
16 Motor Vehicle Account—State Appropriation. \$6,250,000
17 Climate Emissions Reduction Account—State
18 Appropriation. \$3,000,000
19 TOTAL APPROPRIATION. \$13,814,000

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

22 (1) The motor vehicle account—state appropriation is provided
23 solely for preservation purposes.

24 (2) The entire climate emissions reduction account—state
25 appropriation is provided solely for newly selected complete streets
26 grants.

27 **Sec. 204.** 2021 c 333 s 204 (uncodified) is amended to read as
28 follows:

29 **FOR THE JOINT TRANSPORTATION COMMITTEE**

30 Motor Vehicle Account—State Appropriation. ((~~\$2,679,000~~))
31 \$3,301,000
32 Multimodal Transportation Account—State
33 Appropriation. ((~~\$420,000~~))
34 \$1,620,000
35 TOTAL APPROPRIATION. ((~~\$3,099,000~~))
36 \$4,921,000

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

3 (1) (a) \$250,000 of the motor vehicle account—state appropriation
4 is for the joint transportation committee to convene a vehicle
5 registration payment work group to study and recommend new options
6 for payment of vehicle fees or taxes due at the time of application
7 for vehicle registration.

8 (b) The work group must consist of, but is not limited to, the
9 following members: A representative of the department of licensing, a
10 representative of county auditors, a representative of subagents, a
11 representative of local taxing authorities imposing a fee or tax due
12 at the time of application for vehicle registration, a representative
13 of a city offering or considering a rebate program for vehicle fees
14 or taxes due at the time of application for vehicle registration, a
15 representative of vehicle owners subject to a motor vehicle excise
16 tax, a representative of vehicle owners subject to an electric car or
17 transportation electrification fee, and an advocate for multimodal
18 transportation options. Work group members are eligible for
19 reimbursement or allowance for expenses pursuant to RCW 43.03.220.

20 (c) The work group must engage with members of the public who are
21 interested in new options for payment of fees or taxes due at the
22 time of application for vehicle registration, including persons from
23 communities of color, low-income households, vulnerable populations,
24 and displaced communities. Input from members of the public must
25 inform the work group's recommendations. The work group must notify
26 members of the public of opportunities to engage through a variety of
27 communication channels including, but not limited to, the following:
28 Outreach through community organizations, print and broadcast media,
29 and social media.

30 (d) The work group's recommendations must include, but are not
31 limited to, the following:

32 (i) Options to provide or encourage rebates to vehicle owners who
33 pay taxes and fees due at the time of application for vehicle
34 registration;

35 (ii) An agreed upon service fee structure for vehicle
36 registration payment plans;

37 (iii) An agreed upon service fee revenue allocation method;

1 (iv) A process to allow agents and subagents to determine if a
2 vehicle owner has paid all taxes and fees due prior to renewal of a
3 vehicle registration;

4 (v) Options for reducing revenue loss due to missed payments,
5 transfer of the certificate of title, or registration of a vehicle
6 out of state; and

7 (vi) Options to reduce impacts to communities of color, low-
8 income households, vulnerable populations, and displaced communities.

9 (e) A report of the work group's findings and recommendations is
10 due to the transportation committees of the legislature by September
11 30, 2022.

12 (2) \$50,000 of the motor vehicle account—state appropriation is
13 for the joint transportation committee to contract for a legal
14 consultant to analyze and recommend options for the formation of a
15 bistate bridge authority for the purpose of constructing, financing,
16 operating and maintaining a new replacement bridge over the Columbia
17 River near Hood River connecting Klickitat county in Washington to
18 Hood River county in Oregon. The consultant may confer with the Hood
19 River Bistate Working Group to understand the work and analysis that
20 has been completed.

21 The Washington interlocal cooperation act, chapter 39.34 RCW,
22 authorizes public agencies to contract with other public agencies via
23 interlocal agreements that enable cooperation among the agencies to
24 perform governmental activities and deliver public services,
25 including agreements with public entities in other states. Such
26 interstate agreements are deemed interstate compacts. The legal
27 analysis must identify and recommend alternative and/or additional
28 statutory authority that would be necessary to allow for the
29 formation of a local government bistate bridge authority or
30 governance structure for the Hood River Bridge replacement that at a
31 minimum may:

32 (a) Issue bonds for bridge construction;

33 (b) Collect tolls; and

34 (c) Secure and administer state or federal grants and loans.

35 The legal analysis must be presented to the transportation
36 committees of the legislature by September 30, 2021.

37 (3) \$220,000 of the multimodal transportation account—state
38 appropriation is for overseeing a consultant study to provide
39 recommendations related to the Washington state department of
40 transportation's role in broadband service expansion efforts as

1 directed in chapter 258, Laws of 2021 (broadband along state
2 highways). If chapter 258, Laws of 2021 (broadband along state
3 highways) is not enacted by June 30, 2021, the amount provided in
4 this subsection lapses.

5 (4) \$215,000 of the motor vehicle account—state appropriation is
6 provided solely for the joint transportation committee, from amounts
7 set aside out of statewide fuel taxes distributed to cities according
8 to RCW 46.68.110(2), to convene a study on the impacts of current and
9 historical city transportation investments on designated populations,
10 including communities of color, low-income households, vulnerable
11 populations, and displaced communities. The study must identify and
12 measure the true costs of underinvestment of accessible
13 transportation for designated populations, including the secondary
14 impacts to public health, economic opportunity, educational access,
15 and environmental risk factors. The assessment must include specific
16 approaches to addressing existing inequities within cities, as well
17 as recommendations to develop best practices to improve, diversify,
18 and expand city transportation investments. A report must be provided
19 to the office of financial management and the transportation
20 committees of the legislature by December 20, 2022.

21 (5) \$400,000 of the motor vehicle account—state appropriation is
22 for the development of a workforce plan for the Washington state
23 ferries which addresses recruitment, retention, diversity, training
24 needs, leadership development, succession planning and other elements
25 needed to ensure sufficient and cost-effective crewing and staffing
26 of the ferry system. In developing the scope of work for the plan and
27 throughout plan development, the joint transportation committee must
28 solicit input from representatives of the Washington state ferries
29 division and the human resources division of the Washington state
30 department of transportation. Represented employee groups must also
31 be consulted as part of plan development. The plan must include a
32 roadmap for Washington state ferries to comprehensively address
33 persistent staffing challenges and strategically position itself for
34 its future workforce needs. The joint transportation committee must
35 issue an interim report identifying short-term strategies to reduce
36 reliance on overtime for staffing day-to-day ferry service. The
37 interim report is due to the transportation committees of the
38 legislature by January 1, 2022. The final report is due to the
39 transportation committees of the legislature by December 20, 2022.

1 (6) \$200,000 of the multimodal transportation account—state
2 appropriation is for the joint transportation committee to update the
3 Washington State Short Line Rail Inventory and Needs Assessment,
4 prepared in 2015, and to facilitate a stakeholder process to assess
5 the effectiveness of state support for short line rail infrastructure
6 based on current and future short line rail infrastructure needs.
7 This assessment must include consideration of current state grant and
8 loan programs, including state investment in nonstate owned short
9 lines, the state's role and investments in the Palouse River and
10 Coulee City (PCC) rail system, and any other ongoing state activities
11 related to short line rail infrastructure. The joint transportation
12 committee must solicit input from all regions of the state from
13 representatives of: Short line rail infrastructure owners, short line
14 rail operators, short line rail customers from representative
15 industries, ports served by short line rail infrastructure, the
16 Washington state department of transportation, the utilities and
17 transportation commission, and other relevant stakeholders as
18 identified by the joint transportation committee. A report with
19 recommendations to enhance the state's support for short line rail
20 infrastructure is due to the transportation committees of the
21 legislature by January 1, 2022.

22 (7) (a) \$200,000 of the motor vehicle account—state appropriation
23 is for the joint transportation committee to develop a truck parking
24 action plan with recommendations for immediate next steps for near-
25 term and lasting change in the availability of truck parking for
26 short-haul and long-distance commercial vehicle drivers who require
27 reasonable accommodations for parking commercial motor vehicles,
28 obtaining adequate services, and complying with federal rest
29 requirements. For each opportunity identified, the action plan must:

30 (i) Assess the magnitude of potential impact;
31 (ii) Assess the potential difficulty level of implementation; and
32 (iii) Explain barriers to success and specific steps required to
33 overcome them.

34 (b) The action plan must focus on approaches that would be most
35 impactful and feasible and may include, but not be limited to:

36 (i) Specific cooperative private sector and government actions;
37 (ii) Legal and regulatory frameworks at the state level to drive
38 private and/or public-sector action;
39 (iii) Incentive-based government programs to spur private sector
40 innovation and investment; and

1 (iv) Direct government action at the state, regional, and/or
2 local level.

3 (c) The action plan must identify specific, promising projects
4 and approaches, and provide a clear roadmap to what is needed to
5 drive real, substantial improvements in truck parking.

6 (d) Outreach for action plan input, including on the feasibility
7 of each opportunity evaluated, must include outreach to
8 representatives of: The trucking industry; truck labor organizations;
9 the shipping industry; truck stop owners; commercial freight delivery
10 recipients, including warehouse and retail recipients; the
11 association of Washington cities; the Washington state association of
12 counties; the Washington state department of transportation; the
13 Washington state patrol; and an academic or research institution that
14 can provide input on technical components of the plan.

15 (e) A concise action plan with specific recommended next steps is
16 due to the transportation committees of the legislature by January 1,
17 2022.

18 (8) \$250,000 of the multimodal transportation account—state
19 appropriation is for evaluating the benefits and costs of the
20 following options for the Pullman, Albion, and Colfax corridor on the
21 Palouse River and Coulee City shortline rail system owned by the
22 department: Rail banking of inactive state-owned rail corridors for
23 use as trails; the department retaining ownership and maintenance
24 responsibility for the corridor; and disposing of the right-of-way
25 and returning the land to private ownership. The joint transportation
26 committee must develop a report and submit it to the governor and
27 transportation committees of the legislature by June 30, 2023. The
28 report must include:

29 (a) All costs associated with the department's retaining
30 ownership and maintenance responsibility of this corridor, including
31 but not limited to, the costs of upkeep, fencing, decking, and
32 railing on bridges, and annual inspections;

33 (b) An inventory of portions of the state-owned Palouse River and
34 Coulee City railroad that may be eligible for rail banking, including
35 the current status of those portions;

36 (c) The current costs and liabilities of the portions inventoried
37 in (a) of this subsection if they are not railbanked;

38 (d) The costs and benefits of removing rails identified in (a) of
39 this subsection for use in other parts of state-owned railway;

1 (e) The estimated department costs and liabilities associated
2 with rail banking;

3 (f) A preliminary cost estimate for trail development;

4 (g) Identification of interested trail sponsors, including the
5 known underlying ownership interests;

6 (h) Identification of access rights of landowners to cross the
7 right-of-way; and

8 (i) The surface transportation board process for abandonment and
9 rail banking.

10 (9) \$400,000 of the multimodal transportation account—state
11 appropriation is for the joint transportation committee to conduct an
12 independent review of an ultra high-speed ground transportation
13 corridor between Portland, Oregon and Vancouver, British Columbia.
14 The review should include an assessment of the assumptions included
15 in the studies overseen by the Washington state department of
16 transportation: A 2017 to 2018 feasibility study; a 2019 business
17 case analysis; and a 2020 report with recommendations for a
18 governance framework, strategic engagement plan, and financial
19 strategy. The review should also provide additional analysis of the
20 distribution of projected benefits and costs for communities of
21 color, low-income households, and other disadvantaged communities.
22 The joint transportation committee shall provide a report with its
23 findings to the transportation committees of the legislature by June
24 30, 2023.

25 (10) \$400,000 of the multimodal transportation account—state
26 appropriation is for the joint transportation committee to conduct a
27 study to determine how many nondrivers are in Washington state and
28 the demographics of this population. The joint transportation
29 committee is directed to conduct a survey, conduct research, develop
30 a dataset, and conduct analysis on the nondriving population of
31 Washington state. The analysis must include, but is not limited to:
32 (a) Reasons for not driving; (b) demographics of who is not driving
33 to include age, disability status, rural or urban residence, and
34 other available demographic information; and (c) availability of
35 transportation options for nondrivers and the impact those options
36 have on their access to services, economic opportunity, recreation,
37 education, and other aspects of community life. The joint
38 transportation committee shall provide a report to the transportation
39 committees of the legislature by February 1, 2023.

1 (11) (a) \$300,000 of the motor vehicle account—state appropriation
2 is for the joint transportation committee to oversee a consultant
3 study to identify and recommend cost-effective strategies to maximize
4 walk-on passenger ridership of the Anacortes - San Juan ferry routes.
5 The study must also identify available public funding sources to
6 support these strategies. Reducing the need for passengers to bring
7 their cars on the ferries will increase the capacity of each ferry
8 run to transport more people.

9 (b) The evaluated options may include, but not be limited to:

10 (i) Increased public funding or other support for transit or
11 shuttle service between ferry landings on Orcas, Lopez, San Juan, and
12 Anacortes and nearby major town centers or connecting transit hubs;

13 (ii) Options to increase availability of taxi and rideshare
14 services at each of the landings;

15 (iii) Short-term electric vehicle rentals at ferry landings,
16 including electric bicycles and scooters;

17 (iv) Public funding or other support to increase the available
18 locations for additional parking and reduce the cost for short-term
19 parking near each landing;

20 (v) Marketing of the availability of options through the
21 Washington state ferries reservation system website, on ferries and
22 at ferry landings and ticketing facilities.

23 (c) Outreach for the study, including on the feasibility and
24 effectiveness of each strategy evaluated, must include outreach to
25 representatives of:

26 (i) Washington state ferries;

27 (ii) San Juan county council;

28 (iii) Anacortes and San Juan Islands ferry advisory committee
29 members;

30 (iv) San Juan economic development council;

31 (v) City of Anacortes;

32 (vi) City of Friday Harbor;

33 (vii) Skagit transit;

34 (viii) Skagit RTPO;

35 (ix) Eastsound;

36 (x) Lopez Village;

37 (xi) Transit dependent populations; and

38 (xii) Others as deemed appropriate by the committee.

39 (d) A report with recommendations on the most feasible and cost-
40 effective strategies to maximize walk-on passenger ridership of the

1 Anacortes - San Juan and Anacortes - Sidney ferry routes is due to
2 the transportation committees of the legislature by January 6, 2023.

3 (12) \$150,000 of the multimodal transportation account—state
4 appropriation is for the joint transportation committee to examine
5 options and provide recommendations for a state program to assist
6 with the establishment of powered micromobility device lending
7 libraries. The purpose of the powered micromobility device lending
8 libraries is to provide low-cost or no-cost, reliable, and healthier
9 modes of transportation to vulnerable communities. It is anticipated
10 that the powered micromobility device lending libraries would be
11 managed by community nonprofit organizations, local governments,
12 higher education institutions, school districts, or federally
13 recognized tribal governments. The options that should be examined
14 include, but are not limited to: A state-funded grant program for the
15 purchase of powered micromobility devices to be used in powered
16 micromobility device lending libraries, direct technical assistance
17 for establishing community-based powered micromobility device lending
18 libraries, and direct-to-consumer incentives to applicants to
19 purchase powered micromobility. Recommendations must specify how to
20 prioritize program benefits for vulnerable populations and
21 overburdened communities, including tribes, seniors, low-income
22 populations, and communities with high environmental burdens. Powered
23 micromobility devices to be examined by this study are devices that
24 do not exceed product speed of 30 miles per hour or product weight of
25 100 pounds and include electric bicycles, electric cargo bikes,
26 electric standing scooters, and other mobility devices under 50
27 pounds in weight that do not use fossil fuels. The joint
28 transportation committee shall provide a report with its findings to
29 the transportation committees of the legislature by June 30, 2023.

30 (13)(a) Within existing resources the joint transportation
31 committee must convene a work group to advise the committee on the
32 distribution of transportation funds from the infrastructure
33 investment and jobs act between state and local government in future
34 biennia. In addition to the executive committee of the joint
35 transportation committee the work group, to the extent practicable,
36 shall include governor's staff from the office of financial
37 management as well as one representative of each of the following:

- 38 (i) The Washington state association of counties;
39 (ii) Metropolitan planning organizations;
40 (iii) Regional transportation planning organizations;

- (iv) The association of Washington cities;
- (v) Tribal transportation planning organizations;
- (vi) The Washington state department of transportation;
- (vii) The Washington public ports association; and
- (viii) The Washington state transit association.

(b) The joint transportation committee will consider the advice of the work group and, with recognition of the state's history of collaboration and open discussion, determine the allocation of the infrastructure investment and jobs act funding by November 15, 2022.

(14) \$300,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1815, (deterring catalytic converter theft). If Engrossed Second Substitute House Bill No. 1815 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

Sec. 205. 2021 c 333 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation.	((\$2,438,000))
	<u>\$4,200,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$127,000
State Route Number 520 Corridor Account—State Appropriation.	\$276,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$180,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation.	\$172,000
TOTAL APPROPRIATION.	((\$3,193,000))
	<u>\$4,955,000</u>

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

(1) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation

1 committees of the legislature by January 1, 2022, and by January 1,
2 2023. Any legislative vacancies on the steering committee must be
3 appointed by the speaker of the house of representatives for a house
4 of representatives member vacancy, and by the president of the senate
5 for a senate member vacancy.

6 ~~((3))~~ (2) \$127,000 of the Interstate 405 and state route number
7 167 express toll lanes account—state appropriation, \$276,000 of the
8 state route number 520 corridor account—state appropriation, \$180,000
9 of the Tacoma Narrows toll bridge account—state appropriation, and
10 \$172,000 of the Alaskan Way viaduct replacement project account—state
11 appropriation are provided solely for the transportation commission's
12 proportional share of time spent supporting tolling operations for
13 the respective tolling facilities.

14 (3) \$1,500,000 of the motor vehicle account—state appropriation
15 is provided solely for the commission to conduct a full planning-
16 level traffic and revenue study of the Hood River Bridge to determine
17 the viability of toll revenues to support future financing of
18 improvements and possible replacement of the bridge, considering
19 prior work and studies conducted. The commission will coordinate this
20 work with the department of transportation, the Port of Hood River,
21 the Oregon department of transportation, and other entities as
22 needed. The results of the assessment must be submitted to the house
23 and senate transportation committees by January 5, 2024.

24 **Sec. 206.** 2021 c 333 s 206 (uncodified) is amended to read as
25 follows:

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

27 Freight Mobility Investment Account—State
28 Appropriation. (~~(\$831,000)~~)
29 \$840,000

30 **Sec. 207.** 2021 c 333 s 207 (uncodified) is amended to read as
31 follows:

32 **FOR THE WASHINGTON STATE PATROL**

33 State Patrol Highway Account—State Appropriation. . (~~(\$517,391,000)~~)
34 \$521,896,000
35 State Patrol Highway Account—Federal Appropriation. . (~~(\$15,838,000)~~)
36 \$16,112,000
37 State Patrol Highway Account—Private/Local

1	Appropriation.	((\$4,267,000))
2		<u>\$4,314,000</u>
3	Highway Safety Account—State Appropriation.	((\$1,214,000))
4		<u>\$1,282,000</u>
5	Ignition Interlock Device Revolving Account—State	
6	Appropriation.	((\$5,053,000))
7		<u>\$2,243,000</u>
8	Multimodal Transportation Account—State	
9	Appropriation.	((\$288,000))
10		<u>\$293,000</u>
11	State Route Number 520 Corridor Account—State	
12	Appropriation.	\$433,000
13	Tacoma Narrows Toll Bridge Account—State	
14	Appropriation.	\$77,000
15	I-405 and SR 167 Express Toll Lanes Account—State	
16	Appropriation.	\$1,348,000
17	TOTAL APPROPRIATION.	((\$545,909,000))
18		<u>\$547,998,000</u>

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

21 (1) Washington state patrol officers engaged in off-duty
22 uniformed employment providing traffic control services to the
23 department of transportation or other state agencies may use state
24 patrol vehicles for the purpose of that employment, subject to
25 guidelines adopted by the chief of the Washington state patrol. The
26 Washington state patrol must be reimbursed for the use of the vehicle
27 at the prevailing state employee rate for mileage and hours of usage,
28 subject to guidelines developed by the chief of the Washington state
29 patrol.

30 (2) \$580,000 of the state patrol highway account—state
31 appropriation is provided solely for the operation of and
32 administrative support to the license investigation unit to enforce
33 vehicle registration laws in southwestern Washington. The Washington
34 state patrol, in consultation with the department of revenue, shall
35 maintain a running estimate of the additional vehicle registration
36 fees, sales and use taxes, and local vehicle fees remitted to the
37 state pursuant to activity conducted by the license investigation
38 unit. Beginning October 1, 2021, and quarterly thereafter, the
39 Washington state patrol shall submit a report detailing the

1 additional revenue amounts generated since January 1, 2021, to the
2 director of the office of financial management and the transportation
3 committees of the legislature. At the end of the calendar quarter in
4 which it is estimated that more than \$625,000 in state sales and use
5 taxes have been remitted to the state since January 1, 2021, the
6 Washington state patrol shall notify the state treasurer and the
7 state treasurer shall transfer funds pursuant to section 406 (~~of~~
8 ~~this act~~), chapter 333, Laws of 2021.

9 (3) \$4,000,000 of the state patrol highway account—state
10 appropriation is provided solely for a third arming and a third
11 trooper basic training class. The cadet class is expected to graduate
12 in June 2023.

13 (4) By December 1st of each year during the 2021-2023 biennium,
14 the Washington state patrol must report to the house and senate
15 transportation committees on the status of recruitment and retention
16 activities as follows:

17 (a) A summary of recruitment and retention strategies;

18 (b) The number of transportation funded staff vacancies by major
19 category;

20 (c) The number of applicants for each of the positions by these
21 categories;

22 (d) The composition of workforce;

23 (e) Other relevant outcome measures with comparative information
24 with recent comparable months in prior years; and

25 (f) Activities related to the implementation of the agency's
26 workforce diversity plan, including short-term and long-term,
27 specific comprehensive outreach and recruitment strategies to
28 increase populations underrepresented within both commissioned and
29 noncommissioned employee groups.

30 (5) \$493,000 of the state patrol highway account—state
31 appropriation is provided solely for aerial criminal investigation
32 tools, including software licensing and maintenance, and annual
33 certification, and is subject to the conditions, limitations, and
34 review requirements of section 701 (~~of this act~~), chapter 333, Laws
35 of 2021.

36 (6) (~~(\$7,962,000)~~) \$6,422,000 of the state patrol highway account
37 —state appropriation is provided solely for the land mobile radio
38 system replacement, upgrade, and other related activities. Beginning
39 January 1, 2022, the Washington state patrol must report semiannually

1 to the office of the state chief information officer on the progress
2 related to the projects and activities associated with the land
3 mobile radio system, including the governance structure, outcomes
4 achieved in the prior six month time period, and how the activities
5 are being managed holistically as recommended by the office of the
6 chief information officer. At the time of submittal to the office of
7 the state chief information officer, this report shall be transmitted
8 to the office of financial management and the house and senate
9 transportation committees.

10 (7) \$510,000 of the ignition interlock device revolving account—
11 state appropriation is provided solely for the ignition interlock
12 program at the Washington state patrol to provide funding for two
13 staff to work and provide support for the program in working with
14 manufacturers, service centers, technicians, and participants in the
15 program.

16 (8) \$1,348,000 of the Interstate 405 and state route number 167
17 express toll lanes account—state appropriation, \$433,000 of the state
18 route number 520 corridor account—state appropriation, and \$77,000 of
19 the Tacoma Narrows toll bridge account—state appropriation are
20 provided solely for the Washington state patrol's proportional share
21 of time spent supporting tolling operations and enforcement for the
22 respective tolling facilities.

23 (9) \$289,000 of the state patrol highway account—state
24 appropriation is provided solely for the replacement of 911
25 workstations.

26 (10) \$35,000 of the state patrol highway account—state
27 appropriation is provided solely for the replacement of bomb response
28 equipment.

29 (11) \$713,000 of the state patrol highway account—state
30 appropriation is provided solely for information technology
31 infrastructure maintenance.

32 (12) The Washington state patrol must provide a report to the
33 office of financial management and the house and senate
34 transportation committees on its plan for implementing a transition
35 to cloud computing and storage with its 2023-2025 budget submittal.

36 (13) \$945,000 of the state patrol highway account—state
37 appropriation is provided solely for implementation of chapter 329,
38 Laws of 2021 (custodial interrogations). If chapter 329, Laws of 2021

1 (custodial interrogations) is not enacted by June 30, 2021, the
2 amount provided in this subsection lapses.

3 (14) \$46,000 of the state patrol highway account—state
4 appropriation is provided solely for implementation of chapter 320,
5 Laws of 2021 (peace officer tactics). If chapter 320, Laws of 2021
6 (peace officer tactics) is not enacted by June 30, 2021, the amount
7 provided in this subsection lapses.

8 (15) \$46,000 of the state patrol highway account—state
9 appropriation is provided solely for implementation of chapter 324,
10 Laws of 2021 (use of force by officers). If chapter 324, Laws of 2021
11 (use of force by officers) is not enacted by June 30, 2021, the
12 amount provided in this subsection lapses.

13 (16)(a) The legislature finds that the water connection extension
14 constructed by the Washington state patrol from the city of Shelton's
15 water facilities to the Washington state patrol academy was necessary
16 to meet the water supply needs of the academy. The legislature also
17 finds that the water connection provides an ongoing water supply that
18 is necessary to the operation of the training facility, that the
19 state is making use of the water connection for these public
20 activities, and that any future incidental use of the municipal
21 infrastructure put in place to support these activities will not
22 impede the Washington state patrol's ongoing use of the water
23 connection extension.

24 (b) \$2,220,000 of the transfer from the waste tire removal
25 account to the motor vehicle fund, as required under RCW 70A.205.425,
26 reimburses the motor vehicle fund for the portion of the water
27 project costs assigned by the agreement to properties, other than the
28 Washington state patrol academy, that make use of the water
29 connection while the agreement remains in effect. This reimbursement
30 to the motor vehicle fund is intended to address any possibility that
31 the termination of this agreement could be determined to result in
32 the unconstitutional use of 18th amendment designated funds for
33 nonhighway purposes under the constitution of the state of
34 Washington; however, this transfer is not intended to indicate that
35 the incidental use of this infrastructure by these properties
36 necessarily requires such reimbursement under the state Constitution.
37 Immediately following the transfer of funds, Washington state patrol
38 and the city of Shelton shall meet to formally update the terms of
39 their "Agreement for Utility Connection and Reimbursement of Water

1 Extension Expenses" executed on June 12, 2017, to reflect the intent
2 of the proviso.

3 (17) The appropriations in this section provide sufficient
4 funding for state patrol staffing assuming vacancy savings which may
5 change over time. Funding for staffing will be monitored and adjusted
6 in the ((2022)) 2023 supplemental budget to restore funding as
7 authorized staffing levels are achieved.

8 (18) \$554,000 of the state patrol highway account—state is
9 provided solely for a feasibility study of an integrated solution for
10 data collection and reporting of operational performance data that
11 will no longer be collected with the implementation of the one
12 Washington time leave and attendance system. The study must include a
13 review of best practices for collecting the operational performance
14 data and coordinating with other law enforcement agencies on the
15 collection of data.

16 (19) \$250,000 of the state patrol highway account—state
17 appropriation is provided solely for implementation of Engrossed
18 Substitute House Bill No. 2037 (peace officers/use of force). If
19 Engrossed Substitute House Bill No. 2037 (peace officers/use of
20 force) is not enacted by June 30, 2022, the amount provided in this
21 subsection lapses.

22 (20) \$14,788,000 of the state patrol highway account—state
23 appropriation is provided solely for contingency funding to address
24 emergent issues related to mitigating negative impacts of the high
25 level of commissioned and noncommissioned staff vacancies. Potential
26 uses of the funding include, but are not limited to, the following:
27 Operating a miniacademy and training opportunities for lateral
28 transfers from other agencies; increased overtime, travel, and other
29 related costs; increased contracting to maintain adequate service
30 levels; and unanticipated facility and equipment needs. By January 1,
31 2023, the state patrol must submit a report to the governor and the
32 transportation committees of the legislature detailing the specific
33 expenditures made from the contingency funding provided in this
34 subsection. The report must also include a description of the mini-
35 academy training, including the number of lateral transfers that
36 entered the training, the number which completed training, the cost
37 of the miniacademy, and a comparison of how the training was
38 different from a conventional academy class.

1 **Sec. 208.** 2021 c 333 s 208 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF LICENSING**

4	Marine Fuel Tax Refund Account—State Appropriation.	\$34,000
5	Motorcycle Safety Education Account—State	
6	Appropriation.	(\$4,894,000)
7		<u>\$4,958,000</u>
8	Limited Fish and Wildlife Account—State	
9	Appropriation.	(\$917,000)
10		<u>\$919,000</u>
11	Highway Safety Account—State Appropriation.	(\$241,868,000)
12		<u>\$237,228,000</u>
13	Highway Safety Account—Federal Appropriation.	\$1,294,000
14	Motor Vehicle Account—State Appropriation.	(\$73,327,000)
15		<u>\$72,387,000</u>
16	Motor Vehicle Account—Federal Appropriation.	(\$150,000)
17		<u>\$400,000</u>
18	Motor Vehicle Account—Private/Local Appropriation.	\$6,600,000
19	Ignition Interlock Device Revolving Account—State	
20	Appropriation.	(\$6,071,000)
21		<u>\$6,095,000</u>
22	Department of Licensing Services Account—State	
23	Appropriation.	(\$8,157,000)
24		<u>\$8,188,000</u>
25	License Plate Technology Account—State Appropriation	
26	\$4,250,000
27	Abandoned Recreational Vehicle Account—State	
28	Appropriation.	(\$3,066,000)
29		<u>\$3,070,000</u>
30	Limousine Carriers Account—State Appropriation.	\$110,000
31	Electric Vehicle Account—State Appropriation.	(\$405,000)
32		<u>\$413,000</u>
33	DOL Technology Improvement & Data Management	
34	Account—State Appropriation.	(\$748,000)
35		<u>\$806,000</u>
36	Agency Financial Transaction Account—State	
37	Appropriation.	(\$21,257,000)
38		<u>\$19,757,000</u>
39	((Driver Licensing Technology Support Account—State	

1 (iii) The estimated costs if the regional transit authority or
2 transportation benefit districts had to contract out the entire
3 collection and administrative activity with a nongovernmental entity.

4 (4) \$12,000 of the motorcycle safety education account—state
5 appropriation, \$2,000 of the limited fish and wildlife account—state
6 appropriation, \$728,000 of the highway safety account—state
7 appropriation, \$238,000 of the motor vehicle account—state
8 appropriation, \$10,000 of the ignition interlock device revolving
9 account—state appropriation, and \$10,000 of the department of
10 licensing services account—state appropriation are provided solely
11 for the department to redesign and improve its online services and
12 website, and are subject to the conditions, limitations, and review
13 requirements of section 701 (~~of this act~~), chapter 333, Laws of
14 2021.

15 (5) \$28,636,000 of the highway safety account—state appropriation
16 is provided solely for costs necessary to accommodate increased
17 demand for enhanced drivers' licenses and enhanced identicards. The
18 department shall report on a quarterly basis on the use of these
19 funds, associated workload, and information with comparative
20 information with recent comparable months in prior years. The report
21 must include detailed statewide and by licensing service office
22 information on staffing levels, average monthly wait times, the
23 number of enhanced drivers' licenses and enhanced identicards issued/
24 renewed, and the number of primary drivers' licenses and identicards
25 issued/renewed. Within the amounts provided in this subsection, the
26 department shall implement efficiency measures to reduce the time for
27 licensing transactions and wait times including, but not limited to,
28 the installation of additional cameras at licensing service offices
29 that reduce bottlenecks and align with the "keep your customer"
30 initiative.

31 (6) \$500,000 of the highway safety account—state appropriation is
32 provided solely for communication and outreach activities necessary
33 to inform the public of federally acceptable identification options
34 including, but not limited to, enhanced drivers' licenses and
35 enhanced identicards. The department shall continue the outreach plan
36 that includes informational material that can be effectively
37 communicated to all communities and populations in Washington. To
38 accomplish this work, the department shall contract with an external
39 vendor with demonstrated experience and expertise in outreach and

1 marketing to underrepresented communities in a culturally responsive
2 fashion.

3 (7) \$523,000 of the highway safety account—state appropriation is
4 provided solely for the implementation of chapter 158, Laws of 2021
5 (DOL issued documents). If chapter 158, Laws of 2021 is not enacted
6 by June 30, 2021, the amount provided in this subsection lapses.

7 (8) (~~(\$1,373,000)~~) \$929,000 of the (~~(driver licensing technology~~
8 ~~support)~~) highway safety account—state appropriation is provided
9 solely for the implementation of chapter 240, Laws of 2021
10 (suspension of licenses for traffic infractions). If chapter 240,
11 Laws of 2021 is not enacted by June 30, 2021, the amount provided in
12 this subsection lapses.

13 (9) \$434,000 of the highway safety account—state appropriation is
14 for the implementation of the Thurston county superior court order in
15 Pierce et al. v. Department of Licensing.

16 (10) \$23,000 of the highway safety account—state appropriation is
17 provided solely for the implementation of chapter 10 (~~(Engrossed~~
18 ~~Substitute House Bill No. 1078)~~), Laws of 2021 (restoring voter
19 eligibility after felony conviction).

20 (~~(10)~~) (11) \$3,074,000 of the abandoned recreational vehicle
21 disposal account—state appropriation is provided solely for providing
22 reimbursements in accordance with the department's abandoned
23 recreational vehicle disposal reimbursement program. It is the intent
24 of the legislature that the department prioritize this funding for
25 allowable and approved reimbursements and not to build a reserve of
26 funds within the account. During the 2021-2023 fiscal biennium, the
27 department must report any amounts recovered to the office of
28 financial management and appropriate committees of the legislature on
29 a quarterly basis.

30 (~~(11)~~) (12)(a) \$54,000 of the motor vehicle account—state
31 appropriation is provided solely for the issuance of nonemergency
32 medical transportation vehicle decals to implement the high occupancy
33 vehicle lane access pilot program established in section 216 (~~(of~~
34 ~~this act)~~), chapter 333, Laws of 2021. A for hire nonemergency
35 medical transportation vehicle is a vehicle that is a "for hire
36 vehicle" under RCW 46.04.190 that provides nonemergency medical
37 transportation, including for life-sustaining transportation
38 purposes, to meet the medical transportation needs of individuals

1 traveling to medical practices and clinics, cancer centers, dialysis
2 facilities, hospitals, and other care providers.

3 (b) As part of this pilot program, the owner of a for hire
4 nonemergency medical transportation vehicle may apply to the
5 department, county auditor or other agent, or subagent appointed by
6 the director, for a high occupancy vehicle exempt decal for a for
7 hire nonemergency medical transportation vehicle. The high occupancy
8 vehicle exempt decal allows the for hire nonemergency medical
9 transportation vehicle to use a high occupancy vehicle lane as
10 specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal
11 biennium.

12 (c) For the exemption in this subsection to apply to a for hire
13 nonemergency medical transportation vehicle, the decal:

14 (i) Must be displayed on the vehicle so that it is clearly
15 visible from outside the vehicle;

16 (ii) Must identify that the vehicle is exempt from the high
17 occupancy vehicle requirements; and

18 (iii) Must be visible from the rear of the vehicle.

19 (d) The owner of a for hire nonemergency medical transportation
20 vehicle or the owner's representative must apply for a high occupancy
21 vehicle exempt decal on a form provided or approved by the
22 department. The application must include:

23 (i) The name and address of the person who is the owner of the
24 vehicle;

25 (ii) A full description of the vehicle, including its make,
26 model, year, and the vehicle identification number;

27 (iii) The purpose for which the vehicle is principally used;

28 (iv) An attestation signed by the vehicle's owner or the owner's
29 representative that the vehicle's owner has a minimum of one contract
30 or service agreement to provide for hire transportation services for
31 medical purposes with one or more of the following entities: A health
32 insurance company; a hospital, clinic, dialysis center, or other
33 medical institution; a day care center, retirement home, or group
34 home; a federal, state, or local agency or jurisdiction; or a broker
35 who negotiates these services on behalf of one or more of these
36 entities; and

37 (v) Other information as required by the department upon
38 application.

1 (e) The department, county auditor or other agent, or subagent
2 appointed by the director shall collect the fee required under (f) of
3 this subsection when issuing a high occupancy vehicle exempt decal.

4 (f) The department, county auditor or other agent, or subagent,
5 is required to collect a \$5 fee when issuing a decal under this
6 subsection, in addition to any other fees and taxes required by law.

7 (g) A high occupancy vehicle exempt decal expires June 30, 2023,
8 and must be marked to indicate its expiration date. The decal may be
9 renewed if the pilot program is continued past the date of a decal's
10 expiration. The status as an exempt vehicle continues until the high
11 occupancy vehicle exempt decal is suspended or revoked for misuse,
12 the vehicle is no longer used as a for hire nonemergency medical
13 transportation vehicle, or the pilot program established in section
14 216 (~~of this act~~), chapter 333, Laws of 2021 is terminated.

15 (h) The department may adopt rules to implement this subsection.

16 (13) \$4,378,000 of the highway safety account—state appropriation
17 and \$1,539,000 of the motor vehicle account—state appropriation are
18 provided solely for contingency funding for the department to respond
19 to the COVID-19 pandemic by paying for: The replacement of end-of-
20 life information technology equipment, increased information
21 technology software license costs, other information technology
22 changes, printing and postage, supplies and equipment for COVID-19
23 safety, and accounting overtime to eliminate backlogs. By January 1,
24 2023, the department shall submit a report to the governor and the
25 legislative transportation committees detailing the specific
26 expenditures made from the contingency funding provided in this
27 subsection.

28 (14) \$100,000 of the highway safety account—state appropriation
29 is provided solely for the department to contract for a study on the
30 potential impacts that current licensing requirements, including
31 required training hours, and testing requirements may have on the
32 shortage of commercial drivers, and whether adjustments to these
33 requirements may be warranted to help alleviate the shortage. In
34 completing the study, the department must consult with the workforce
35 training board, state board for community and technical colleges,
36 federal motor carrier safety officials, organizations representing
37 veterans, organizations representing commercial drivers, and
38 organizations representing businesses or government entities that
39 rely on commercial drivers.

1 (15) The department must consult with the department of
2 corrections and state board for community and technical colleges to
3 develop a pilot program that allows incarcerated individuals who are
4 not prohibited by state or federal law from receiving a commercial
5 driver's license upon release to participate in a prerelease
6 commercial driver training program. The department must submit a
7 report to the legislature by June 30, 2023, detailing the status of
8 the program.

9 (16) \$28,000 of the motor vehicle account—state appropriation is
10 provided solely for the implementation of Engrossed Second Substitute
11 House Bill No. 1181 (veterans and military suicide). If Engrossed
12 Second Substitute House Bill No. 1181 is not enacted by June 30,
13 2022, the amount provided in this subsection lapses.

14 (17) \$83,000 of the motor vehicle account—state appropriation is
15 provided solely for the implementation of Substitute House Bill No.
16 1984 (vehicle registration certificate addresses). If Substitute
17 House Bill No. 1984 is not enacted by June 30, 2022, the amount
18 provided in this subsection lapses.

19 (18) \$57,000 of the motor vehicle account—state appropriation is
20 provided solely for the implementation of House Bill No. 2074 (off-
21 road vehicles fees). If House Bill No. 2074 is not enacted by June
22 30, 2022, the amount provided in this subsection lapses.

23 (19) \$350,000 of the highway safety account—state appropriation
24 is provided solely to expand driver's license assistance and support
25 services in King county with an existing provider that is already
26 providing these services to low-income immigrant and refugee women.

27 **Sec. 209.** 2021 c 333 s 209 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE**
30 **—PROGRAM B**

31 State Route Number 520 Corridor Account—State	
32 Appropriation.	((\$53,689,000))
33	<u>\$58,255,000</u>
34 State Route Number 520 Civil Penalties Account—State	
35 Appropriation.	((\$4,122,000))
36	<u>\$4,135,000</u>
37 Tacoma Narrows Toll Bridge Account—State	
38 Appropriation.	((\$29,809,000))

1		<u>\$31,080,000</u>
2	Alaskan Way Viaduct Replacement Project Account—	
3	State Appropriation.	((\$20,840,000))
4		<u>\$21,693,000</u>
5	Interstate 405 and State Route Number 167 Express	
6	Toll Lanes Account—State Appropriation.	((\$23,910,000))
7		<u>\$24,562,000</u>
8	TOTAL APPROPRIATION.	((\$132,370,000))
9		<u>\$139,725,000</u>

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

12 (1) \$1,300,000 of the Tacoma Narrows toll bridge account—state
13 appropriation and \$12,484,000 of the state route number 520 corridor
14 account—state appropriation are provided solely for the purposes of
15 addressing unforeseen operations and maintenance costs on the Tacoma
16 Narrows bridge and the state route number 520 bridge, respectively.
17 The office of financial management shall place the amounts provided
18 in this subsection, which represent a portion of the required minimum
19 fund balance under the policy of the state treasurer, in unallotted
20 status. The office may release the funds only when it determines that
21 all other funds designated for operations and maintenance purposes
22 have been exhausted.

23 (2) As long as the facility is tolled, the department must
24 provide annual reports to the transportation committees of the
25 legislature on the Interstate 405 express toll lane project
26 performance measures listed in RCW 47.56.880(4). These reports must
27 include:

28 (a) Information on the travel times and travel time reliability
29 (at a minimum, average and 90th percentile travel times) maintained
30 during peak and nonpeak periods in the express toll lanes and general
31 purpose lanes for both the entire corridor and commonly made trips in
32 the corridor including, but not limited to, northbound from Bellevue
33 to Rose Hill, state route number 520 at NE 148th to Interstate 405 at
34 state route number 522, Bellevue to Bothell (both NE 8th to state
35 route number 522 and NE 8th to state route number 527), and a trip
36 internal to the corridor (such as NE 85th to NE 160th) and similar
37 southbound trips;

38 (b) A month-to-month comparison of travel times and travel time
39 reliability for the entire corridor and commonly made trips in the

1 corridor as specified in (a) of this subsection since implementation
2 of the express toll lanes and, to the extent available, a comparison
3 to the travel times and travel time reliability prior to
4 implementation of the express toll lanes;

5 (c) Total express toll lane and total general purpose lane
6 traffic volumes, as well as per lane traffic volumes for each type of
7 lane (i) compared to total express toll lane and total general
8 purpose lane traffic volumes, as well as per lane traffic volumes for
9 each type of lane, on this segment of Interstate 405 prior to
10 implementation of the express toll lanes and (ii) compared to total
11 express toll lane and total general purpose lane traffic volumes, as
12 well as per lane traffic volumes for each type of lane, from month to
13 month since implementation of the express toll lanes; and

14 (d) Underlying congestion measurements, that is, speeds, that are
15 being used to generate the summary graphs provided, to be made
16 available in a digital file format.

17 (3) (a) (~~(\$708,000)~~) \$481,000 of the Interstate 405 and state
18 route number 167 express toll lanes account—state appropriation,
19 (~~(\$1,651,000)~~) \$1,132,000 of the state route number 520 corridor
20 account—state appropriation, (~~(\$709,000)~~) \$509,000 of the Tacoma
21 Narrows toll bridge account—state appropriation, and (~~(\$932,000)~~)
22 \$636,000 of the Alaskan Way viaduct replacement project account—state
23 appropriation are provided solely for the reappropriation of unspent
24 funds on the new tolling back office system from the 2019-2021
25 biennium(~~(, and are subject to the conditions, limitations, and~~
26 ~~review provided in section 701 of this act.~~

27 ~~(b) The department shall continue to work with the office of~~
28 ~~financial management, office of the chief information officer, and~~
29 ~~the transportation committees of the legislature on the project~~
30 ~~management plan that includes a provision for independent~~
31 ~~verification and validation of contract deliverables from the~~
32 ~~successful bidder and a provision for quality assurance that includes~~
33 ~~reporting independently to the office of the chief information~~
34 ~~officer on an ongoing basis during system implementation)).~~

35 ~~((e))~~ (b) The office of financial management shall place the
36 amounts provided in this subsection in unallotted status until the
37 department submits a detailed progress report on the progress of the
38 new tolling back office system. The director of the office of
39 financial management or their designee shall consult with the chairs

1 and ranking members of the transportation committees of the
2 legislature prior to making a decision to allot these funds.

3 (4) (~~Out of funding appropriated in this section,~~) \$121,000 of
4 the Interstate 405 and state route number 167 express toll lanes
5 account—state appropriation, \$288,000 of the state route number 520
6 corridor account—state appropriation, \$128,000 of the Tacoma Narrows
7 toll bridge account—state appropriation, and \$163,000 of the Alaskan
8 Way viaduct replacement project account—state appropriation are
9 provided solely for the department (~~shall~~) to contract with the
10 state auditor's office for a performance audit of the department's
11 project to replace its electronic toll collection system. The audit
12 should include an evaluation of the department's project planning,
13 vendor procurement, contract management and project oversight. The
14 final report is to be issued by December 31, 2022. The state auditor
15 will transmit copies of the report to the jurisdictional committees
16 of the legislature and the department.

17 (5) The department shall make detailed annual reports to the
18 transportation committees of the legislature and the public on the
19 department's web site on the following:

20 (a) The use of consultants in the tolling program, including the
21 name of the contractor, the scope of work, the type of contract,
22 timelines, deliverables, any new task orders, and any extensions to
23 existing consultant contracts;

24 (b) The nonvendor costs of administering toll operations,
25 including the costs of staffing the division, consultants, and other
26 personal service contracts required for technical oversight and
27 management assistance, insurance, payments related to credit card
28 processing, transponder purchases and inventory management, facility
29 operations and maintenance, and other miscellaneous nonvendor costs;

30 (c) The vendor-related costs of operating tolled facilities,
31 including the costs of the customer service center, cash collections
32 on the Tacoma Narrows bridge, electronic payment processing, and toll
33 collection equipment maintenance, renewal, and replacement;

34 (d) The toll adjudication process, including a summary table for
35 each toll facility that includes:

36 (i) The number of notices of civil penalty issued;

37 (ii) The number of recipients who pay before the notice becomes a
38 penalty;

1 (iii) The number of recipients who request a hearing and the
2 number who do not respond;

3 (iv) Workload costs related to hearings;

4 (v) The cost and effectiveness of debt collection activities; and

5 (vi) Revenues generated from notices of civil penalty; and

6 (e) A summary of toll revenue by facility on all operating toll
7 facilities and express toll lane systems, and an itemized depiction
8 of the use of that revenue.

9 (6) During the 2021-2023 fiscal biennium, the department plans to
10 issue a request for proposals as the first stage of a competitive
11 procurement process that will replace the toll equipment and select a
12 new tolling operator for the Tacoma Narrows Bridge. The request for
13 proposals and subsequent competitive procurement must incorporate
14 elements that prioritize the overall goal of lowering costs per
15 transaction for the facility, such as incentives for innovative
16 approaches which result in lower transactional costs, requests for
17 efficiencies on the part of the bidder that lower operational costs,
18 and incorporation of technologies such as self-serve credit card
19 machines or other point-of-payment technologies that lower costs or
20 improve operational efficiencies.

21 (7) \$19,908,000 of the Alaskan Way viaduct replacement project
22 account—state appropriation is provided solely for the new state
23 route number 99 tunnel toll facility's expected share of collecting
24 toll revenues, operating customer services, and maintaining toll
25 collection systems. The legislature expects to see appropriate
26 reductions to the other toll facility accounts once tolling on the
27 new state route number 99 tunnel toll facility stabilizes and any
28 previously incurred costs for start-up of the new facility are
29 charged back to the Alaskan Way viaduct replacement project account.
30 The office of financial management shall closely monitor the
31 application of the cost allocation model and ensure that the new
32 state route number 99 tunnel toll facility is adequately sharing
33 costs and the other toll facility accounts are not being overspent or
34 subsidizing the new state route number 99 tunnel toll facility.

35 (8) The department shall submit a plan to the legislature for the
36 Interstate 405 and state route number 167 express toll lanes account
37 detailing how bond proceeds can cover the proposed construction plan
38 on the Interstate 405 and state route number 167 express toll lane
39 corridor outlined on LEAP Transportation Document 2021-1 as developed
40 April 23, 2021, by January 1, 2022.

1 (9) (~~(\$1,516,000)~~) (a) \$3,038,000 of the state route number 520
2 corridor account—state appropriation is provided solely for the
3 increased costs of insurance for the state route number 520 floating
4 bridge. The department shall conduct an evaluation of the short and
5 long-term costs and benefits including risk mitigation of self-
6 insurance as compared to the commercial insurance option for the
7 state route number 520 floating bridge, as allowed under the terms of
8 the state route number 520 master bond resolution. By December 15,
9 2021, the department shall report to the legislature on the results
10 of this evaluation.

11 (b) \$580,000 of the Tacoma Narrows toll bridge account—state
12 appropriation is provided solely for the increased costs of insurance
13 for the Tacoma Narrows bridge.

14 (10) As part of the department's 2023-2025 biennial budget
15 request, the department shall update the cost allocation
16 recommendations that assign appropriate costs to each of the toll
17 funds for services provided by relevant Washington state department
18 of transportation programs, the Washington state patrol, and the
19 transportation commission. The recommendations shall be based on
20 updated traffic and toll transaction patterns and other relevant
21 factors.

22 (11) All amounts provided for operations and maintenance expenses
23 on the SR 520 facility from the state route number 520 corridor
24 account during the 2021-2023 fiscal biennium in this act, up to a
25 maximum of \$59,567,000, are derived from the receipt of federal
26 American rescue plan act of 2021 funds and not toll revenues.

27 **Sec. 210.** 2021 c 333 s 210 (uncodified) is amended to read as
28 follows:

29 **FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM**
30 **C**

31 Transportation Partnership Account—State	
32 Appropriation.	((\$1,377,000))
33	<u>\$1,401,000</u>
34 Motor Vehicle Account—State Appropriation.	((\$97,026,000))
35	<u>\$102,958,000</u>
36 Puget Sound Ferry Operations Account—State	
37 Appropriation.	((\$263,000))
38	<u>\$307,000</u>

1	Multimodal Transportation Account—State	
2	Appropriation.	((\$6,986,000))
3		<u>\$7,074,000</u>
4	Transportation 2003 Account (Nickel Account)—State	
5	Appropriation.	((\$1,393,000))
6		<u>\$1,413,000</u>
7	TOTAL APPROPRIATION.	((\$107,045,000))
8		<u>\$113,153,000</u>

9 The appropriations in this section are subject to the following
10 conditions and limitations: \$4,273,000 of the multimodal
11 transportation account—state appropriation and \$4,273,000 of the
12 motor vehicle account—state appropriation are provided solely for the
13 department's cost related to the one Washington project, and is
14 subject to the conditions, limitations, and review requirements of
15 section 701 (~~of this act~~), chapter 333, Laws of 2021.

16 **Sec. 211.** 2021 c 333 s 211 (uncodified) is amended to read as
17 follows:

18	FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE,	
19	OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING	
20	Motor Vehicle Account—State Appropriation.	((\$35,574,000))
21		<u>\$37,588,000</u>
22	State Route Number 520 Corridor Account—State	
23	Appropriation.	\$34,000
24	TOTAL APPROPRIATION.	((\$35,608,000))
25		<u>\$37,622,000</u>

26 **Sec. 212.** 2021 c 333 s 212 (uncodified) is amended to read as
27 follows:

28	FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F	
29	Aeronautics Account—State Appropriation.	((\$8,055,000))
30		<u>\$8,105,000</u>
31	Aeronautics Account—Federal Appropriation.	\$3,916,000
32	Aeronautics Account—Private/Local Appropriation.	\$60,000
33	<u>Multimodal Transportation Account—State Appropriation.</u>	<u>\$150,000</u>
34	TOTAL APPROPRIATION.	((\$12,031,000))
35		<u>\$12,231,000</u>

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

3 (1) \$2,888,000 of the aeronautics account—state appropriation is
4 provided solely for the airport aid grant program, which provides
5 competitive grants to public use airports for pavement, safety,
6 maintenance, planning, and security.

7 (2) \$257,000 of the aeronautics account—state appropriation is
8 provided solely for supporting the commercial aviation coordinating
9 commission, pursuant to section 718 (~~of this act~~), chapter 333,
10 Laws of 2021.

11 (3) \$280,000 of the aeronautics account—state appropriation is
12 provided solely for the implementation of chapter 131, Laws of 2021
13 (unpiloted aircraft system state coordinator). If chapter 131, Laws
14 of 2021 is not enacted by June 30, 2021, the amount provided in this
15 subsection lapses.

16 (4)(a) \$150,000 of the multimodal transportation account—state
17 appropriation is provided solely for the aviation program to continue
18 the community engagement associated with the work of the commercial
19 aviation coordinating commission to increase aviation capacity and
20 provide a single preferred location for a new primary commercial
21 aviation facility by June 15, 2023. The work of the commission shall
22 include, but is not limited to, recommendations to the legislature on
23 future Washington state long-range commercial aviation facility needs
24 including possible additional aviation facilities or expansion of
25 current aviation facilities.

26 (b) Community engagement efforts may include:

27 (i) Raising awareness among aviation stakeholders and the public
28 on the complex issues that must be addressed by the commission;

29 (ii) Obtaining input from a representative cross section of the
30 public on the construction of a new airport and the expansion of
31 existing airports to meet future aviation demand;

32 (iii) Keeping people informed as the commission's work
33 progresses, including diverse communities that are often
34 underrepresented in processes to inform decision making;

35 (iv) Providing opportunities for members of the public to provide
36 direct input to the commission during the pandemic that limits
37 opportunities for direct social contact;

1 (v) Using surveys, open houses, focus groups, translation
2 services, informational handouts, advertisements, social media, and
3 other appropriate means of communicating with the public; and

4 (vi) Providing a focus on the demographics or people in the
5 geographical areas most impacted by expanding aviation capacity or
6 developing a new aviation facility.

7 (c) The department may use a communications consultant or
8 community-based organizations to assist with community engagement
9 efforts in (b) of this subsection.

10 **Sec. 213.** 2021 c 333 s 213 (uncodified) is amended to read as
11 follows:

12 **FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND**
13 **SUPPORT—PROGRAM H**

14 Motor Vehicle Account—State Appropriation.	(\$59,138,000)
	<u>\$61,049,000</u>
16 Motor Vehicle Account—Federal Appropriation.	\$500,000
17 Multimodal Transportation Account—State	
18 Appropriation.	\$758,000
19 TOTAL APPROPRIATION.	(\$60,396,000)
	<u>\$62,307,000</u>

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

23 (1) The legislature recognizes that the trail known as the Rocky
24 Reach Trail, and its extensions, serve to separate motor vehicle
25 traffic from pedestrians and bicyclists, increasing motor vehicle
26 safety on state route number 2 and the coincident section of state
27 route number 97. Consistent with chapter 47.30 RCW and pursuant to
28 RCW 47.12.080, the legislature declares that transferring portions of
29 WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and
30 associated buffer areas to the Washington state parks and recreation
31 commission is consistent with the public interest. The legislature
32 directs the department to transfer the property to the Washington
33 state parks and recreation commission.

34 (a) The department must be paid fair market value for any
35 portions of the transferred real property that is later abandoned,
36 vacated, or ceases to be publicly maintained for trail purposes.

37 (b) Prior to completing the transfer in this subsection (1), the
38 department must ensure that provisions are made to accommodate

1 private and public utilities and any facilities that predate the
2 department's acquisition of the property, at no cost to those
3 entities. Prior to completing the transfer, the department shall also
4 ensure that provisions, by fair market assessment, are made to
5 accommodate other private and public utilities and any facilities
6 that have been legally allowed by permit or other instrument.

7 (c) The department may sell any adjoining property that is not
8 necessary to support the Rocky Reach Trail and adjacent buffer areas
9 only after the transfer of trail-related property to the Washington
10 state parks and recreation commission is complete. Adjoining property
11 owners must be given the first opportunity to acquire such property
12 that abuts their property, and applicable boundary line or other
13 adjustments must be made to the legal descriptions for recording
14 purposes.

15 (2) With respect to Parcel 12 of the real property conveyed by
16 the state of Washington to the city of Mercer Island under that
17 certain quitclaim deed, dated April 19, 2000, recorded in King county
18 under recording no. 20000425001234, the requirement in the deed that
19 the property be used for road/street purposes only will be deemed
20 satisfied by the department of transportation so long as commuter
21 parking, as part of the vertical development of the property, is one
22 of the significant uses of the property.

23 (3) \$1,600,000 of the motor vehicle account—state appropriation
24 is provided solely for real estate services activities. Consistent
25 with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when
26 initiating, extending, or renewing any rent or lease agreements with
27 a regional transit authority, consideration of value must be
28 equivalent to one hundred percent of economic or market rent.

29 (4) The department shall report to the transportation committees
30 of the legislature by December 1, 2021, on the status of its efforts
31 to consolidate franchises for broadband facilities across the state,
32 including plans for increasing the number of consolidated franchises
33 in the future.

34 (5) During the 2021-2023 biennium, if the department takes
35 possession of the property situated in the city of Edmonds for which
36 a purchase agreement was executed between Unocal and the department
37 in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department
38 confirms that the property is still no longer needed for
39 transportation purposes, the department shall provide the city of
40 Edmonds with the right of first purchase at fair market value in

1 accordance with RCW 47.12.063(3) for the city's intended use of the
2 property to rehabilitate near-shore habitat for salmon and related
3 species.

4 (6) (~~(\$300,000)~~) \$535,000 of the motor vehicle account—state
5 appropriation is provided solely for the implementation of chapter
6 217, Laws of 2021 (noxious weeds). (~~(If chapter 217, Laws of 2021~~
7 ~~(noxious weeds) is not enacted by June 30, 2021, the amount provided~~
8 ~~in this subsection lapses.))~~)

9 (7) (~~(\$500,000)~~) \$1,026,000 of the multimodal transportation
10 account—state appropriation is provided solely for the implementation
11 of chapter 314, Laws of 2021 (environmental justice task force). (~~(If~~
12 ~~chapter 314, Laws of 2021 (environmental justice task force) is not~~
13 ~~enacted by June 30, 2021, the amount provided in this subsection~~
14 ~~lapses.))~~)

15 (8)(a) The department shall offer to sell or convey the northern
16 parcel of site 14 on the Puget Sound Gateway Program SR 509
17 Completion Project Surplus Property list, located immediately south
18 of S. 216th Street and adjacent to the Barnes Creek Nature in Des
19 Moines, to Seattle Goodwill Industries, a nonprofit organization with
20 tax ID 91-05688708, located at 700 Dearborn Place S, Seattle, WA
21 98144, in accordance with RCW 47.12.063 at less than its fair market
22 value to the extent the department finds it is in the public interest
23 to do so because the public benefit that will result from Goodwill's
24 redevelopment of the property it owns at Rainier Ave South and South
25 Dearborn Street to increase the supply of affordable housing would
26 not otherwise be adequately compensated.

27 (b) The amount remaining from the transfer required under RCW
28 70A.205.425 from the waste tire removal account to the motor vehicle
29 fund that is not allocated to reimbursement of the motor vehicle fund
30 under section 207 of this act reimburses the motor vehicle fund for
31 any reduction to the motor vehicle fund reimbursement that results
32 from the sale at less than fair market value of real property under
33 this subsection (8).

34 **Sec. 214.** 2021 c 333 s 214 (uncodified) is amended to read as
35 follows:

36 **FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—**
37 **PROGRAM K**
38 Motor Vehicle Account—State Appropriation. (~~(\$675,000)~~)

1		<u>\$685,000</u>
2	Electric Vehicle Account—State Appropriation.	((\$9,900,000))
3		<u>\$11,900,000</u>
4	Multimodal Transportation Account—State	
5	Appropriation.	((\$3,290,000))
6		<u>\$6,090,000</u>
7	<u>Multimodal Transportation Account—Federal</u>	
8	<u>Appropriation.</u>	<u>\$14,100,000</u>
9	TOTAL APPROPRIATION.	((\$13,865,000))
10		<u>\$32,775,000</u>

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

13 (1) The public-private partnerships program must continue to
14 explore retail partnerships at state-owned park and ride facilities,
15 as authorized in RCW 47.04.295.

16 (2) ((~~\$8,900,000~~)) \$10,900,000 of the electric vehicle account—
17 state appropriation is provided solely for the clean alternative fuel
18 vehicle charging and refueling infrastructure program in chapter 287,
19 Laws of 2019 (advancing green transportation adoption).

20 (3) \$2,400,000 of the multimodal transportation account—state
21 appropriation is provided solely for the pilot program established
22 under chapter 287, Laws of 2019 (advancing green transportation
23 adoption) to provide clean alternative fuel vehicle use opportunities
24 to underserved communities and low to moderate income members of the
25 workforce not readily served by transit or located in transportation
26 corridors with emissions that exceed federal or state emissions
27 standards. Consistent with the geographical diversity element
28 described in RCW 47.04.355(4), the legislature strongly encourages
29 the department to consider implementing the pilot in both urban and
30 rural communities if possible, to obtain valuable information on the
31 needs of underserved communities located in different geographical
32 locations in Washington.

33 (4) \$1,000,000 of the electric vehicle account—state
34 appropriation and \$500,000 of the multimodal transportation account—
35 state appropriation are provided solely for a colocated DC fast
36 charging and hydrogen fueling station near the Wenatchee or East
37 Wenatchee area near a state route or near or on a publicly owned
38 facility to service passenger, light-duty and heavy-duty vehicles.
39 The hydrogen fueling station must include a DC fast charging station

1 colocated at the hydrogen fueling station site. Funds may be used for
2 one or more fuel cell electric vehicles that would utilize the
3 fueling stations. The department must contract with a public utility
4 district that produces hydrogen in the area to own and/or manage and
5 provide technical assistance for the design, planning, permitting,
6 construction, maintenance and operation of the hydrogen fueling
7 station. The department and public utility district are encouraged to
8 collaborate with and seek contributions from additional public and
9 private partners for the fueling station.

10 (5) \$140,000 of the multimodal transportation account—state
11 appropriation is provided solely for the purpose of conducting an
12 assessment of options for the development, including potential
13 features and costs, for a publicly available mapping and forecasting
14 tool that provides locations and essential information of charging
15 and refueling infrastructure to support forecasted levels of electric
16 vehicle adoption, travel, and usage across Washington state as
17 described in chapter 300, Laws of 2021 (preparedness for a zero
18 emissions transportation future).

19 (6) \$250,000 of the multimodal transportation account—state
20 appropriation is provided solely to fund the design of an electric
21 charging mega-site project at Mount Vernon library commons.

22 (7)(a) \$14,100,000 of the multimodal transportation account—
23 federal appropriation and \$2,800,000 of the multimodal transportation
24 account—state appropriation are provided solely for the national
25 electric vehicle program established in the infrastructure investment
26 and jobs act. As directed in the infrastructure investment and jobs
27 act, the department shall develop and submit a plan to the secretary
28 of the United States department of transportation and in developing
29 the plan, the department must consider providing publicly accessible
30 electric vehicle supply equipment across the state highway network
31 including eliminating electric vehicle charging deserts, providing
32 charging infrastructure to rural areas as well as low-income
33 communities, and providing redundancy in high travel corridors. The
34 department shall also submit the plan submitted to the secretary of
35 the United States department of transportation to the transportation
36 committees of the legislature.

37 (b) In developing the plan the department must:

38 (i) Include opportunities to provide highway electric vehicle
39 infrastructure for light, medium, and heavy-duty vehicles;

1 (ii) Identify opportunities to support local electric vehicle
2 infrastructure when doing so meets the criteria of the national
3 electric vehicle program; and

4 (iii) Support publicly available electric vehicle charging
5 infrastructure on federally designated alternative fuel corridors as
6 set forth in the national electric vehicle program plan.

7 (c) Funds provided in this subsection are also provided for the
8 department to develop and update the required mapping and forecasting
9 tool set forth in RCW 47.01.520 that provides locations and essential
10 information of charging and refueling infrastructure to support
11 forecasted levels of electric vehicle adoption, travel, and use. Up
12 to \$1,623,000 of the amounts provided in this subsection (7) may be
13 used to develop and update the required mapping and forecasting tool.
14 The department may use up to 10 percent of the funds appropriated to
15 administer this program.

16 **Sec. 215.** 2021 c 333 s 215 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

19 Motor Vehicle Account—State Appropriation.	((\$496,925,000))
	<u>\$518,064,000</u>
21 Motor Vehicle Account—Federal Appropriation.	\$7,000,000
22 State Route Number 520 Corridor Account—State	
23 Appropriation.	((\$4,082,000))
	<u>\$4,517,000</u>
25 Tacoma Narrows Toll Bridge Account—State	
26 Appropriation.	((\$1,479,000))
	<u>\$1,510,000</u>
28 Alaskan Way Viaduct Replacement Project Account—	
29 State Appropriation.	((\$8,157,000))
	<u>\$8,325,000</u>
31 Interstate 405 and State Route Number 167 Express	
32 Toll Lanes Account—State Appropriation.	((\$2,545,000))
	<u>\$2,569,000</u>
34 TOTAL APPROPRIATION.	((\$520,188,000))
	<u>\$541,985,000</u>

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

1 (1) \$7,529,000 of the motor vehicle account—state appropriation
2 is provided solely for utility fees assessed by local governments as
3 authorized under RCW 90.03.525 for the mitigation of stormwater
4 runoff from state highways. Plan and reporting requirements as
5 required in chapter 435, Laws of 2019 (Local Stormwater Charges)
6 shall be consistent with the January 2012 findings of the Joint
7 Transportation Committee Report for Effective Cost Recovery Structure
8 for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

9 (2) \$5,000,000 of the motor vehicle account—state appropriation
10 is provided solely for a contingency pool for snow and ice removal.
11 The department must notify the office of financial management and the
12 transportation committees of the legislature when they have spent the
13 base budget for snow and ice removal and will begin using the
14 contingency pool funding.

15 (3) \$1,025,000 of the motor vehicle account—state appropriation
16 is provided solely for the department to implement safety
17 improvements and debris clean up on department-owned rights-of-way in
18 the city of Seattle at levels above that being implemented as of
19 January 1, 2019, to be administered in conjunction with subsection
20 (9) of this section. The department must maintain a crew dedicated
21 solely to collecting and disposing of garbage, clearing debris or
22 hazardous material, and implementing safety improvements where
23 hazards exist to the traveling public, department employees, or
24 people encamped upon department-owned rights-of-way. The department
25 may request assistance from the Washington state patrol as necessary
26 in order for both agencies to provide enhanced safety-related
27 activities regarding the emergency hazards along state highway
28 rights-of-way in the Seattle area.

29 (4) \$1,015,000 of the motor vehicle account—state appropriation
30 is provided solely for a partnership program between the department
31 and the city of Tacoma, to be administered in conjunction with
32 subsection (9) of this section. The program shall address the safety
33 and public health problems created by homeless encampments on the
34 department's property along state highways within the city limits.
35 \$570,000 is for dedicated department maintenance staff and associated
36 clean-up costs. The department and the city of Tacoma shall enter
37 into a reimbursable agreement to cover up to \$445,000 of the city's
38 expenses for clean-up crews and landfill costs.

1 (5) The department must continue a pilot program for the
2 2021-2023 fiscal biennium at the four highest demand safety rest
3 areas to create and maintain an online calendar for volunteer groups
4 to check availability of weekends for the free coffee program. The
5 calendar must be updated at least weekly and show dates and times
6 that are, or are not, available to participate in the free coffee
7 program. The department must submit a report to the legislature on
8 the ongoing pilot by December 1, 2022, outlining the costs and
9 benefits of the online calendar pilot, and including surveys from the
10 volunteer groups and agency staff to determine its effectiveness.

11 (6) \$686,000 of the motor vehicle account—state appropriation is
12 provided solely for reimbursing the Oregon department of
13 transportation (ODOT) for the department's share of increased
14 maintenance costs of six highway bridges over the Columbia River that
15 are maintained by ODOT.

16 (7) \$8,290,000 of the motor vehicle account—state appropriation
17 is provided solely for increased costs of highway maintenance
18 materials.

19 (8) \$5,816,000 of the motor vehicle account—state appropriation
20 is provided solely for a contingency pool for repairing damages to
21 highways caused by known and unknown third parties. The department
22 must notify the office of financial management and the transportation
23 committees of the legislature when they have spent the base budget
24 for third-party damage repair and will begin using the contingency
25 pool funding.

26 (9) (a) (~~(\$3,000,000)~~) \$8,000,000 of the motor vehicle account—
27 state appropriation is provided solely for the department to address
28 the risks to safety and public health associated with homeless
29 encampments on department owned rights-of-way. The department must
30 coordinate and work with local government officials and social
31 service organizations who provide services and direct people to
32 housing alternatives that are not in highway rights-of-way to help
33 prevent future encampments from forming on highway rights-of-way, and
34 may reimburse the organizations doing this outreach assistance who
35 transition people into treatment or housing (~~(that is not on the~~
36 ~~rights-of-way)~~) or for debris clean up on highway rights-of-way.
37 (~~The department may~~) A minimum of \$2,000,000 of this appropriation
38 must be used to provide more frequent removal of litter on the
39 highway rights-of-way that is generated by unsheltered people and may

1 be used to hire crews specializing in collecting and disposing of
2 garbage, clearing debris or hazardous material, and implementing
3 safety improvements where hazards exist to the traveling public and
4 department employees. The department may use these funds to either
5 reimburse local law enforcement costs or the Washington state patrol
6 if they are participating as part of a state or local government
7 agreement to provide enhanced safety related activities along state
8 highway rights-of-way.

9 (b) Beginning October 1, 2021, and semiannually thereafter, the
10 Washington state patrol and the department of transportation must
11 jointly submit a report to the governor and the house and senate
12 transportation committees of the legislature on the status of these
13 efforts, including:

14 (i) A detailed breakout of the size, location, risk level
15 categorization, and number of encampments on or near department-owned
16 rights-of-way, compared to the levels during the quarter being
17 reported;

18 (ii) A summary of the activities in that quarter related to
19 addressing these encampments, including information on arrangements
20 with local governments or other entities related to these activities;

21 (iii) A description of the planned activities in the ensuing
22 quarter to further address the emergency hazards and risks along
23 state highway rights-of-way; and

24 (iv) Recommendations for executive branch or legislative action
25 to achieve the desired outcome of reduced emergency hazards and risks
26 along state highway rights-of-way.

27 (10) (a) \$2,000,000 of the motor vehicle account—state
28 appropriation is provided solely for the department to contract with
29 the city of Fife to address the risks to safety and public health
30 associated with homeless encampments on department-owned rights-of-
31 way along the SR 167/SR 509 Puget Sound Gateway project corridor in
32 and adjacent to the city limits.

33 (b) The city must coordinate and work with the department and
34 local government officials and social service organizations who
35 provide services and direct people to housing alternatives that are
36 not in highway rights-of-way to help prevent future encampments from
37 forming on highway rights-of-way. State funds may be used to
38 reimburse the organizations doing this outreach assistance who
39 transition people into treatment or housing that is not on the
40 rights-of-way or for debris clean up on highway rights-of-way.

1 (c) The department may hire crews specializing in collecting and
2 disposing of garbage, clearing debris or hazardous material, and
3 implementing safety improvements where hazards exist to the traveling
4 public and department employees.

5 (d) Funds may also be used to reimburse local law enforcement
6 costs or the Washington state patrol if they are participating as
7 part of a state or local government agreement to provide enhanced
8 safety related activities along state highway rights-of-way.

9 (e) It is the intent of the legislature that the city and
10 collaborating partners should place particular emphasis on utilizing
11 available funds for addressing large scale and multiple homeless
12 encampments that impact public safety and health. Funding for
13 initiatives associated with such encampments may include targeted
14 assistance to local governments and social service organizations,
15 directing moneys toward not only initial efforts to clear
16 encampments, clean up debris and restore sightlines, but to ongoing
17 work, monitoring, and maintenance of efforts to place individuals in
18 housing, treatment and services, and to better ensure individuals
19 experiencing homelessness receive needed assistance while sites
20 remain safe and secure for the traveling public.

21 (11) \$100,000 of the motor vehicle account—state appropriation is
22 provided solely for the department to install fencing to delineate
23 between the privately leased property owned by the department and the
24 public right-of-way property maintained by the city of Seattle. The
25 parameters of the adjacent properties located under the Interstate 5
26 corridor, south of milepost 165, are south Jackson street and south
27 King street going north and south, and 8th avenue south and 9th
28 avenue south going west to east in the international district.

29 (12) During the 2021-2023 fiscal biennium, the department shall
30 conduct a pilot program authorizing commercial motor vehicles, as
31 defined in RCW 46.25.010, that are used in commerce solely to
32 transport property to park in areas designated by the department as
33 chain up and chain off areas along United States route number 2 and
34 Interstate 90 between May 1st and November 1st of each calendar year
35 of the biennium. Under the pilot program, parking is permitted for up
36 to an hour beyond federally mandated rest periods when signage posted
37 by the department authorizes the parking of these commercial motor
38 vehicles. Beginning July 1, 2022, the department shall post and
39 maintain signage authorizing the parking of these commercial motor
40 vehicles in chain up and chain off areas that it determines: (a) Have

1 sufficient space to accommodate commercial motor vehicles parking for
2 an extended period of time; and (b) where other safety concerns have
3 been addressed. The department shall notify the Washington state
4 patrol and the transportation committees of the legislature when it
5 posts signage authorizing commercial motor vehicle parking in a chain
6 up or chain off area.

7 (13) (a) \$5,000,000 of the motor vehicle account—state
8 appropriation is provided solely for additional resources for
9 operations, maintenance, facility replacements, security, and
10 upgrades to safety rest areas to ensure that safety rest areas owned
11 and operated by the department are open for use except for seasonal
12 closures or cleaning, maintenance, and repair.

13 (b) The department may use the funds for additional labor,
14 services, materials, or equipment needed to allow commercial vehicle
15 parking stalls to remain open when rest areas might otherwise be
16 closed.

17 (c) It is the intent of the legislature that these funds are
18 additional resources for the department and not meant to supplant
19 underlying resources for the maintenance and operations of safety
20 rest areas.

21 (d) The department must make a report to the transportation
22 committees of the legislature regarding the additional operations and
23 maintenance activities made at safety rest areas to ensure that rest
24 areas stayed open by November 15, 2022. The report must include the
25 status per safety rest area of openings and closures that were
26 impacted by the additional activities; the additional activities,
27 including security efforts, that were performed at the rest areas;
28 and an update on the status and a review of the safety rest area
29 strategic plan.

30 (14) (a) \$50,000 of the motor vehicle account—state appropriation
31 is provided solely for the department to install and inspect monthly
32 human trafficking informational posters in every rest room in every
33 safety rest area owned and operated by the department.

34 (b) In developing the informational posters, the department shall
35 consult with human trafficking victim advocates to determine content.

36 (c) The posters must:

37 (i) Be printed in a variety of languages;

38 (ii) Include contact information for seeking help, which may
39 include toll-free telephone numbers a person may call for assistance,
40 including the number for the national human trafficking resource

1 center and the number for the Washington state office of crime
2 victims advocacy; and
3 (iii) Be made of durable material and permanently affixed.
4 (c) The department shall install the informational posters in
5 every restroom at every safety rest area owned and operated by the
6 department by December 31, 2022.
7 (d) Beginning January 1, 2023, or one month after installation of
8 informational posters, whichever is sooner, the department shall
9 inspect the informational posters as part of its monthly maintenance
10 activities to ensure that the posters are in fair condition and
11 remain legible.
12 (e) The department must make a report to the transportation
13 committees of the legislature regarding the installation of
14 informational posters at safety rest areas by January 15, 2023. The
15 report must include the number of informational posters installed,
16 the location of the poster installations, and the completion date of
17 the poster installations.

18 **Sec. 216.** 2021 c 333 s 216 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—**
21 **OPERATING**

22	Motor Vehicle Account—State Appropriation.	((\$74,406,000))
23		<u>\$75,920,000</u>
24	Motor Vehicle Account—Federal Appropriation.	\$2,050,000
25	Motor Vehicle Account—Private/Local Appropriation.	((\$250,000))
26		<u>\$295,000</u>
27	State Route Number 520 Corridor Account—State	
28	Appropriation.	\$225,000
29	Tacoma Narrows Toll Bridge Account—State	
30	Appropriation.	\$40,000
31	Alaskan Way Viaduct Replacement Project Account—	
32	State Appropriation.	\$1,112,000
33	Interstate 405 and State Route Number 167 Express	
34	Toll Lanes Account—State Appropriation.	\$20,000
35	<u>Agency Financial Transaction Account—State</u>	
36	<u>Appropriation.</u>	<u>\$100,000</u>
37	TOTAL APPROPRIATION.	((\$78,103,000))
38		<u>\$79,762,000</u>

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

3 (1) \$6,000,000 of the motor vehicle account—state appropriation
4 is provided solely for low-cost enhancements. The department shall
5 give priority to low-cost enhancement projects that improve safety or
6 provide congestion relief. By December 15th of each odd-numbered
7 year, the department shall provide a report to the legislature
8 listing all low-cost enhancement projects completed in the prior
9 fiscal biennium.

10 (2) (a) During the 2021-2023 fiscal biennium, the department shall
11 continue a pilot program that expands private transportation
12 providers' access to high occupancy vehicle lanes. Under the pilot
13 program, when the department reserves a portion of a highway based on
14 the number of passengers in a vehicle, the following vehicles must be
15 authorized to use the reserved portion of the highway if the vehicle
16 has the capacity to carry eight or more passengers, regardless of the
17 number of passengers in the vehicle: (i) Auto transportation company
18 vehicles regulated under chapter 81.68 RCW; (ii) passenger charter
19 carrier vehicles regulated under chapter 81.70 RCW, except marked or
20 unmarked stretch limousines and stretch sport utility vehicles as
21 defined under department of licensing rules; (iii) private nonprofit
22 transportation provider vehicles regulated under chapter 81.66 RCW;
23 and (iv) private employer transportation service vehicles. For
24 purposes of this subsection, "private employer transportation
25 service" means regularly scheduled, fixed-route transportation
26 service that is offered by an employer for the benefit of its
27 employees. Nothing in this subsection is intended to authorize the
28 conversion of public infrastructure to private, for-profit purposes
29 or to otherwise create an entitlement or other claim by private users
30 to public infrastructure.

31 (b) The department shall expand the high occupancy vehicle lane
32 access pilot program to vehicles that deliver or collect blood,
33 tissue, or blood components for a blood-collecting or distributing
34 establishment regulated under chapter 70.335 RCW. Under the pilot
35 program, when the department reserves a portion of a highway based on
36 the number of passengers in a vehicle, blood-collecting or
37 distributing establishment vehicles that are clearly and identifiably
38 marked as such on all sides of the vehicle are considered emergency

1 vehicles and must be authorized to use the reserved portion of the
2 highway.

3 (c) The department shall expand the high occupancy vehicle lane
4 access pilot program to organ transport vehicles transporting a time
5 urgent organ for an organ procurement organization as defined in RCW
6 68.64.010. Under the pilot program, when the department reserves a
7 portion of a highway based on the number of passengers in a vehicle,
8 organ transport vehicles that are clearly and identifiably marked as
9 such on all sides of the vehicle are considered emergency vehicles
10 and must be authorized to use the reserved portion of the highway.

11 (d) The department shall expand the high occupancy vehicle lane
12 access pilot program to private, for hire vehicles regulated under
13 chapter 81.72 RCW that have been specially manufactured, designed, or
14 modified for the transportation of a person who has a mobility
15 disability and uses a wheelchair or other assistive device. Under the
16 pilot program, when the department reserves a portion of a highway
17 based on the number of passengers in a vehicle, wheelchair-accessible
18 taxicabs that are clearly and identifiably marked as such on all
19 sides of the vehicle are considered public transportation vehicles
20 and must be authorized to use the reserved portion of the highway.

21 (e) The department shall expand the high occupancy vehicle lane
22 access pilot program to for hire nonemergency medical transportation
23 vehicles, when in use for medical purposes, as described in section
24 208 (~~of this act~~), chapter 333, Laws of 2021. Under the pilot
25 program, when the department reserves a portion of a highway based on
26 the number of passengers in a vehicle, nonemergency medical
27 transportation vehicles that meet the requirements identified in
28 section 208 (~~of this act~~), chapter 333, Laws of 2021 must be
29 authorized to use the reserved portion of the highway.

30 (f) Nothing in this subsection (2) is intended to exempt these
31 vehicles from paying tolls when they do not meet the occupancy
32 requirements established by the department for express toll lanes.

33 (3) (a) The appropriations in this section assume implementation
34 of additional cost recovery mechanisms to recoup at least \$100,000 in
35 credit card and other financial transaction costs related to the
36 collection of fees imposed under RCW 46.44.0941 for driver and
37 vehicle fee transactions beginning January 1, 2023.

38 (b) The department may recover transaction fees incurred through
39 credit card transactions. At the direction of the office of financial
40 management, the department shall develop a method of tracking the

1 additional amount of credit card and other financial cost-recovery
2 revenues.

3 (c) In consultation with the office of financial management, the
4 department shall notify the office of the state treasurer of these
5 amounts and the state treasurer must deposit these revenues in the
6 agency financial transaction account created in RCW 46.01.385 on a
7 quarterly basis.

8 (d) The department shall also submit, as part of its 2023-2025
9 budget submittal, an overview of the credit card cost recovery
10 approach, including fee rates and the amount of revenue expected to
11 be generated in the 2021-2023 and 2023-2025 biennia.

12 (4) The department shall promote safety messages encouraging
13 drivers to slow down and move over and pay attention when emergency
14 lights are flashing on the side of the road and other suitable safety
15 messages on electronic message boards the department operates across
16 the state. The messages must be promoted multiple times each month
17 through June 30, 2023. The department may coordinate such messaging
18 with any statewide public awareness campaigns being developed by the
19 department of licensing or the Washington state traffic safety
20 commission or both.

21 **Sec. 217.** 2021 c 333 s 217 (uncodified) is amended to read as
22 follows:

23 **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND**
24 **SUPPORT—PROGRAM S**

25	Motor Vehicle Account—State Appropriation.	((\$37,361,000))
26		<u>\$39,325,000</u>
27	Motor Vehicle Account—Federal Appropriation.	\$780,000
28	Motor Vehicle Account—Private/Local Appropriation.	\$500,000
29	Multimodal Transportation Account—State	
30	Appropriation.	((\$5,129,000))
31		<u>\$6,629,000</u>
32	State Route Number 520 Corridor Account—State	
33	Appropriation.	\$186,000
34	Tacoma Narrows Toll Bridge Account—State	
35	Appropriation.	\$150,000
36	Alaskan Way Viaduct Replacement Project Account—	
37	State Appropriation.	\$121,000
38	Interstate 405 and State Route Number 167 Express	

1	Toll Lanes Account—State Appropriation.	\$77,000
2	<u>Puget Sound Ferry Operations Account—State</u>	
3	<u>Appropriation.</u>	<u>\$266,000</u>
4	TOTAL APPROPRIATION.	(((\$44,304,000))
5		<u>\$48,034,000</u>

6 The appropriations in this section are subject to the following
7 conditions and limitations: ~~(((\$4,000,000))~~

8 (1) \$5,500,000 of the multimodal transportation account—state
9 appropriation is provided solely for efforts to increase diversity in
10 the transportation construction and maritime workforce ~~((through-~~
11 ~~(1-))~~). Of this amount:

12 (a) \$4,000,000 of the multimodal transportation account—state
13 appropriation is provided solely for: (i) The preapprenticeship
14 support services (PASS) program, which aims to increase diversity in
15 the highway construction workforce and prepare individuals interested
16 in entering the highway construction workforce. In addition to the
17 services allowed by RCW 47.01.435, the PASS program may provide
18 housing assistance for youth aging out of the foster care and
19 juvenile rehabilitation systems in order to support the participation
20 of these youth in a transportation-related preapprenticeship program;
21 ~~((2-))~~ and (ii) assisting minority and women-owned businesses to
22 perform work in the highway construction industry. This assistance
23 shall include technical assistance, business training, counseling,
24 guidance, prime to subcontractor relationship building, and a
25 capacity building mentorship program. At a minimum, \$1,000,000 of the
26 total appropriation in this subsection shall be directed toward the
27 efforts outlined in (a)(ii) of this subsection ~~((2—of this~~
28 ~~section))~~.

29 (b) \$1,500,000 of the multimodal transportation account—state
30 appropriation is provided solely for expansion of the PASS program to
31 support apprenticeships and workforce development in the maritime
32 industry through preapprenticeship training for inland waterways
33 trades and support services to obtain necessary coast guard
34 certification.

35 (c) The provider(s) chosen to complete the work in this
36 subsection shall be selected through a competitive bidding process.
37 The program shall be administered by the Washington state department
38 of transportation's office of equal opportunity.

1 project overseen by the transportation commission using a portion of
2 the amount of the federal grant award. The purpose of the Forward
3 Drive road usage charge research project is to advance research in
4 key policy areas related to road usage charge including assessing
5 impacts of future mobility shifts on road usage charge revenues,
6 conducting an equity analysis, updating and assessing emerging
7 mileage reporting methods, determining opportunities to reduce cost
8 of collection, conducting small-scale pilot tests, and identifying a
9 long-term, detailed phase-in plan.

10 (2) \$2,879,000 of the Interstate 405 and state route number 167
11 express toll lanes account—state appropriation is provided solely for
12 completion of updating the state route number 167 master plan.

13 (3) (~~(\$250,000)~~) \$500,000 of the multimodal transportation
14 account—state appropriation is provided solely for the department to
15 partner with the department of commerce in developing vehicle miles
16 traveled targets (~~((for the counties in Washington state with (a) a~~
17 ~~population density of at least 100 people per square mile and a~~
18 ~~population of at least 200,000; or (b) a population density of at~~
19 ~~least 75 people per square mile and an annual growth rate of at least~~
20 ~~1.75 percent as determined by the office of financial management)).~~
21 Given land use patterns are key factors in travel demand and should
22 be taken into consideration when developing the targets, the
23 department and the department of commerce shall partner with local
24 jurisdictions, regional transportation planning organizations and
25 other stakeholders to inventory existing laws and rules that promote
26 transportation and land use, identify gaps and make recommendations
27 for changes in laws, rules and agency guidance, and establish a
28 framework for considering underserved and rural communities in the
29 evaluation. The department and the department of commerce shall
30 provide an initial technical report by December 31, 2021, an interim
31 report by June 22, 2022, and a final report to the governor and
32 appropriate committees of the legislature by June 30, 2023, that
33 includes a process for establishing vehicle miles traveled reduction
34 targets, a recommended suite of options for local jurisdictions to
35 achieve the targets, and funding requirements for state and local
36 jurisdictions.

37 (4) (~~(\$406,000)~~) \$451,000 of the state route number 520 corridor
38 account—state appropriation is provided solely for the department to
39 contract with the University of Washington department of mechanical

1 engineering, to study measures to reduce noise impacts from the state
2 route number 520 bridge expansion joints. The field testing shall be
3 scheduled during existing construction, maintenance, or other
4 scheduled closures to minimize impacts. The testing must also ensure
5 safety of the traveling public. The study shall examine testing
6 methodologies and project timelines and costs. A (~~final~~) draft
7 report must be submitted to the transportation committees of the
8 legislature and the governor by March 1, 2022. A final report must be
9 submitted to the transportation committees of the legislature and the
10 governor by June 30, 2022.

11 (5) \$5,900,000 of the motor vehicle account—federal appropriation
12 and \$400,000 of the motor vehicle account—private/local appropriation
13 are provided solely for delivery of the department's state planning
14 and research work program and pooled fund research projects, provided
15 that the department may not expend any amounts provided in this
16 section on a long-range plan or corridor scenario analysis for I-5
17 from Tumwater to Marysville. This is not intended to reference or
18 impact: The existing I-5 corridor from Mounts road to Tumwater design
19 and operations alternatives analysis; design studies related to HOV
20 lanes or operations; or where it is necessary to continue design and
21 operations analysis related to projects already under development.

22 (6) \$800,000 of the motor vehicle account—state appropriation is
23 provided solely for WSDOT to do a corridor study of SR 302 (Victor
24 Area) to recommend safety and infrastructure improvements to address
25 current damage and prevent future roadway collapse and landslides
26 that have caused road closures.

27 (7) \$1,000,000 of the motor vehicle account—state appropriation
28 is provided solely for a study on the need for additional
29 connectivity in the area between SR 161, SR 7, SR 507, and I-5 in
30 South Pierce County.

31 **Sec. 219.** 2021 c 333 s 219 (uncodified) is amended to read as
32 follows:

33 **FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—**
34 **PROGRAM U**

35	Aeronautics Account—State Appropriation.	\$1,000
36	Transportation Partnership Account—State	
37	Appropriation.	((\$23,000))
38		<u>\$25,000</u>

1	Motor Vehicle Account—State Appropriation.	((\$99,515,000))
2		<u>\$100,011,000</u>
3	Puget Sound Ferry Operations Account—State	
4	Appropriation.	((\$220,000))
5		<u>\$244,000</u>
6	State Route Number 520 Corridor Account—State	
7	Appropriation.	\$26,000
8	Connecting Washington Account—State Appropriation.	((\$184,000))
9		<u>\$203,000</u>
10	Multimodal Transportation Account—State	
11	Appropriation.	((\$4,795,000))
12		<u>\$4,810,000</u>
13	Tacoma Narrows Toll Bridge Account—State	
14	Appropriation.	\$19,000
15	Alaskan Way Viaduct Replacement Project Account—	
16	State Appropriation.	\$14,000
17	Interstate 405 and State Route Number 167 Express	
18	Toll Lanes Account—State Appropriation.	\$15,000
19	TOTAL APPROPRIATION.	((\$104,812,000))
20		<u>\$105,368,000</u>

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

23 (1) Consistent with existing protocol and practices, for any
24 negotiated settlement of a claim against the state for the department
25 that exceeds five million dollars, the department, in conjunction
26 with the attorney general and the department of enterprise services,
27 shall notify the director of the office of financial management and
28 the transportation committees of the legislature.

29 (2) Beginning October 1, 2021, and semiannually thereafter, the
30 department, in conjunction with the attorney general and the
31 department of enterprise services, shall provide a report with
32 judgments and settlements dealing with the Washington state ferry
33 system to the director of the office of financial management and the
34 transportation committees of the legislature. The report must include
35 information on: (a) The number of claims and settlements by type; (b)
36 the average claim and settlement by type; (c) defense costs
37 associated with those claims and settlements; and (d) information on
38 the impacts of moving legal costs associated with the Washington
39 state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2021, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 220. 2021 c 333 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V	
State Vehicle Parking Account—State Appropriation.	\$784,000
Regional Mobility Grant Program Account—State Appropriation.	((\$104,478,000))
	<u>\$115,488,000</u>
Rural Mobility Grant Program Account—State Appropriation.	((\$33,168,000))
	<u>\$33,283,000</u>
Multimodal Transportation Account—State Appropriation.	((\$131,150,000))
	<u>\$134,584,000</u>
Multimodal Transportation Account—Federal Appropriation.	\$3,574,000
Multimodal Transportation Account—Local Appropriation.	\$100,000
<u>Carbon Emissions Reduction Account—State Appropriation.</u>	<u>\$54,260,000</u>
TOTAL APPROPRIATION.	((\$273,254,000))
	<u>\$342,073,000</u>

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

1 (1) \$67,821,000 of the multimodal transportation account—state
2 appropriation is provided solely for a grant program for special
3 needs transportation provided by transit agencies and nonprofit
4 providers of transportation. Of this amount:

5 (a) \$15,568,000 of the multimodal transportation account—state
6 appropriation is provided solely for grants to nonprofit providers of
7 special needs transportation. Grants for nonprofit providers must be
8 based on need, including the availability of other providers of
9 service in the area, efforts to coordinate trips among providers and
10 riders, and the cost effectiveness of trips provided. Fuel type may
11 not be a factor in the grant selection process.

12 (b) \$52,253,000 of the multimodal transportation account—state
13 appropriation is provided solely for grants to transit agencies to
14 transport persons with special transportation needs. To receive a
15 grant, the transit agency must, to the greatest extent practicable,
16 have a maintenance of effort for special needs transportation that is
17 no less than the previous year's maintenance of effort for special
18 needs transportation. Grants for transit agencies must be prorated
19 based on the amount expended for demand response service and route
20 deviated service in calendar year 2019 as reported in the "Summary of
21 Public Transportation - 2019" published by the department of
22 transportation. No transit agency may receive more than thirty
23 percent of these distributions. Fuel type may not be a factor in the
24 grant selection process.

25 (2) (~~(\$33,168,000)~~) \$33,283,000 of the rural mobility grant
26 program account—state appropriation is provided solely for grants to
27 aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel
28 type may not be a factor in the grant selection process.

29 (3) \$2,000,000 of the multimodal transportation account—state
30 appropriation is provided solely for a (~~vanpool~~) public transit
31 rideshare grant program for: (a) Public transit agencies to add
32 (~~vanpools~~) or replace (~~vans~~) rideshare vehicles; and (b)
33 incentives (~~for employers~~) and outreach to increase (~~employee~~
34 ~~vanpool~~) rideshare use. (~~The grant program for public transit~~
35 ~~agencies may cover capital costs only; operating costs for public~~
36 ~~transit agencies are not eligible for funding under this grant~~
37 ~~program. Additional employees may not be hired from the funds~~
38 ~~provided in this section for the vanpool grant program, and~~
39 ~~supplanting of transit funds currently funding vanpools is not~~

1 ~~allowed.~~) The department shall encourage grant applicants and
2 recipients to leverage funds other than state funds. Fuel type may
3 not be a factor in the grant selection process.

4 (4) (~~(\$26,800,000)~~) \$37,809,000 of the regional mobility grant
5 program account—state appropriation is reappropriated and provided
6 solely for the regional mobility grant projects identified in LEAP
7 Transportation Document (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed
8 (~~(April 23, 2021)~~) February 20, 2022, Program - Public Transportation
9 Program (V).

10 (5) (a) \$77,679,000 of the regional mobility grant program account
11 —state appropriation is provided solely for the regional mobility
12 grant projects identified in LEAP Transportation Document (~~(2021-2)~~)
13 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20,
14 2022, Program - Public Transportation Program (V). The department
15 shall review all projects receiving grant awards under this program
16 at least semiannually to determine whether the projects are making
17 satisfactory progress. Any project that has been awarded funds, but
18 does not report activity on the project within one year of the grant
19 award, must be reviewed by the department to determine whether the
20 grant should be terminated. The department shall promptly close out
21 grants when projects have been completed, and any remaining funds
22 must be used only to fund projects identified in the LEAP
23 transportation document referenced in this subsection. The department
24 shall provide annual status reports on December 15, 2021, and
25 December 15, 2022, to the office of financial management and the
26 transportation committees of the legislature regarding the projects
27 receiving the grants. It is the intent of the legislature to
28 appropriate funds through the regional mobility grant program only
29 for projects that will be completed on schedule. A grantee may not
30 receive more than twenty-five percent of the amount appropriated in
31 this subsection. Additionally, when allocating funding for the
32 2023-2025 biennium, no more than thirty percent of the total grant
33 program may directly benefit or support one grantee. The department
34 shall not approve any increases or changes to the scope of a project
35 for the purpose of a grantee expending remaining funds on an awarded
36 grant. Fuel type may not be a factor in the grant selection process.

37 (b) In order to be eligible to receive a grant under (a) of this
38 subsection during the 2021-2023 fiscal biennium, a transit agency
39 must establish a process for private transportation providers to
40 apply for the use of park and ride facilities. For purposes of this

1 subsection, (i) "private transportation provider" means: An auto
2 transportation company regulated under chapter 81.68 RCW; a passenger
3 charter carrier regulated under chapter 81.70 RCW, except marked or
4 unmarked stretch limousines and stretch sport utility vehicles as
5 defined under department of licensing rules; a private nonprofit
6 transportation provider regulated under chapter 81.66 RCW; or a
7 private employer transportation service provider; and (ii) "private
8 employer transportation service" means regularly scheduled, fixed-
9 route transportation service that is offered by an employer for the
10 benefit of its employees.

11 (6) Funds provided for the commute trip reduction (CTR) program
12 may also be used for the growth and transportation efficiency center
13 program.

14 (7) \$6,500,000 of the multimodal transportation account—state
15 appropriation and \$784,000 of the state vehicle parking account—state
16 appropriation are provided solely for CTR grants and activities. Fuel
17 type may not be a factor in the grant selection process. Of this
18 amount:

19 (a) \$30,000 of the state vehicle parking account—state
20 appropriation is provided solely for the STAR pass program for state
21 employees residing in Mason and Grays Harbor Counties. Use of the
22 pass is for public transportation between Mason County and Thurston
23 County, and Grays Harbor and Thurston County. The pass may also be
24 used within Grays Harbor County. The STAR pass commute trip reduction
25 program is open to any state employee who expresses intent to commute
26 to his or her assigned state worksite using a public transit system
27 currently participating in the STAR pass program.

28 (b) \$800,000 of the multimodal transportation account—state
29 appropriation is provided solely for continuation of the first mile/
30 last mile connections grant program. Eligible grant recipients
31 include cities, businesses, nonprofits, and transportation network
32 companies with first mile/last mile solution proposals. Transit
33 agencies are not eligible. The commute trip reduction board shall
34 develop grant parameters, evaluation criteria, and evaluate grant
35 proposals. The commute trip reduction board shall provide the
36 transportation committees of the legislature a report on the
37 effectiveness of this grant program and best practices for continuing
38 the program.

1 (8) Except as provided otherwise in this subsection,
2 (~~(\$28,263,000)~~) \$28,860,000 of the multimodal transportation account—
3 state appropriation is provided solely for connecting Washington
4 transit projects identified in LEAP Transportation Document
5 (~~(2021-2)~~) 2022-2 ALL PROJECTS as developed (~~(April 23, 2021)~~)
6 February 20, 2022. It is the intent of the legislature that entities
7 identified to receive funding in the LEAP document referenced in this
8 subsection receive the amounts specified in the time frame specified
9 in that LEAP document. If an entity has already completed a project
10 in the LEAP document referenced in this subsection before the time
11 frame identified, the entity may substitute another transit project
12 or projects that cost a similar or lesser amount.

13 (9) The department shall not require more than a ten percent
14 match from nonprofit transportation providers for state grants.

15 (10) (~~(\$21,858,000)~~) \$23,349,000 of the multimodal transportation
16 account—state appropriation is provided solely for the green
17 transportation capital grant program established in chapter 287, Laws
18 of 2019 (advancing green transportation adoption).

19 (11) \$555,000 of the multimodal transportation account—state
20 appropriation is provided solely for an interagency transfer to the
21 Washington State University extension energy program to establish and
22 administer a technical assistance and education program for public
23 agencies on the use of alternative fuel vehicles. The Washington
24 State University extension energy program shall prepare a report
25 regarding the utilization of the program and provide this report to
26 the transportation committees of the legislature by November 15,
27 2021.

28 (12) The department must provide telework assistance to employers
29 as part of its CTR activities. The objectives of telework assistance
30 include improving transportation system performance, supporting
31 economic vitality, and increasing equity and access to opportunity.

32 (13) \$150,000 of the multimodal transportation account—state
33 appropriation is provided solely for Intercity Transit for the Dash
34 shuttle program.

35 (14)(a) \$500,000 of the multimodal transportation account—state
36 appropriation is provided solely for King county metro to develop a
37 pilot program to place teams including human services personnel along
38 routes that are enduring significant public safety issues and various
39 disruptive behavior in south King county. The team would be available

1 to deescalate disruptions, provide immediate access to transit
2 resources, and refer customers to community resources to break cycles
3 of inappropriate behavior. The teams must be individuals trained in
4 deescalation and outreach. The function and duties should be
5 cocreated with community stakeholders.

6 (b) King county metro must provide a report to the transportation
7 committees of the legislature by June 30, 2023, regarding the
8 effectiveness of the program, any suggestions for improving its
9 efficacy, and any modifications that might be necessary for other
10 transit providers to institute similar programs.

11 (c) If King county metro does not provide at least \$500,000 to
12 develop the pilot program funded by this subsection, the amount
13 provided in this subsection lapses.

14 (15)(a) \$400,000 of the multimodal transportation account—state
15 appropriation is provided solely for the department to study and
16 develop a statewide standard for accessible frequent fixed route
17 transit. As part of this effort, the department must:

18 (i) Develop definitions of frequent fixed route transit and
19 accessible frequent fixed route transit.

20 (ii) Identify, to the extent possible using existing data,
21 current gaps in frequent fixed route transit and accessible walking
22 routes to frequent fixed route transit stops and analyze these gaps
23 for disparities in race, age, and disability.

24 (iii) While identifying service gaps, consider the unique
25 contexts found throughout the state, including in rural areas.

26 (iv) Develop goals for accessible frequent fixed route transit
27 for the state to achieve by 2030, and funding proposals to achieve
28 these goals.

29 (v) Develop a transportation justice screening tool available to
30 the public to:

31 (A) Identify the current baseline for accessible frequent
32 transit; and

33 (B) Identify disparities in access by census tract, race, age,
34 and disability.

35 (b) The department must conduct the study and develop the
36 statewide standard in collaboration with a statewide disability
37 rights organization and a statewide environmental justice
38 organization.

39 (c) (i) The department must provide an initial report to the
40 legislature by December 15, 2022, that proposes a definition of

1 frequent transit and documents how many people in Washington live
2 within a short walk of frequent transit.

3 (ii) The department must provide the final report to the
4 transportation committees of the legislature by June 30, 2023.

5 (iii) The department must be available to present both the
6 initial and final reports to the joint transportation committee.

7 (16) \$4,680,000 of the climate emissions reduction account—state
8 appropriation is provided solely for the projects and activities as
9 listed in LEAP Transportation Document 2022-NL-3 as developed
10 February 8, 2022. If amounts are appropriated for this specific
11 purpose in House Bill No. 2118 (additive transportation funding) or
12 Senate Bill No. 5975 (additive transportation funding) by June 30,
13 2022, the amount provided in this subsection lapses.

14 (17) \$14,120,000 of the climate emission reductions account—state
15 appropriation is provided solely for newly selected special needs
16 grants. If amounts are appropriated for this specific purpose in
17 House Bill No. 2118 (additive transportation funding) or Senate Bill
18 No. 5975 (additive transportation funding) by June 30, 2022, the
19 amount provided in this subsection lapses.

20 (18) \$29,750,000 of the climate emission reductions account—state
21 appropriation is provided solely for transit support grants. If
22 amounts are appropriated for this specific purpose in House Bill No.
23 2118 (additive transportation funding) or Senate Bill No. 5975
24 (additive transportation funding) by June 30, 2022, the amount
25 provided in this subsection lapses.

26 (19) \$4,710,000 of the climate emissions reduction account—state
27 appropriation is provided solely for newly selected green
28 transportation grants. If amounts are appropriated for this specific
29 purpose in House Bill No. 2118 (additive transportation funding) or
30 Senate Bill No. 5975 (additive transportation funding) by June 30,
31 2022, the amount provided in this subsection lapses.

32 (20) \$1,000,000 of the climate emissions reduction account—state
33 appropriation is provided solely for newly selected transit
34 coordination grants. The department shall give priority to grant
35 proposals that promote the formation of joint partnerships between
36 transit agencies or merge service delivery across entities. If
37 amounts are appropriated for this specific purpose in House Bill No.
38 2118 (additive transportation funding) or Senate Bill No. 5975

1 (additive transportation funding) by June 30, 2022, the amount
2 provided in this subsection lapses.

3 (21) Within existing resources, the department shall prepare a
4 report regarding the funding, implementation, and operation of the
5 grant management system or systems utilized by the public
6 transportation division. In preparing this report, the department
7 must survey and report on all grant recipients experience with the
8 operation of this system or systems. The department shall provide
9 this report to the transportation committees of the legislature by
10 November 15, 2022.

11 **Sec. 221.** 2021 c 333 s 221 (uncodified) is amended to read as
12 follows:

13 **FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

14 Puget Sound Ferry Operations Account—State	
15 Appropriation.	(((\$416,614,000))
16	<u>\$426,335,000</u>
17 Puget Sound Ferry Operations Account—Federal	
18 Appropriation.	(((\$124,000,000))
19	<u>\$158,865,000</u>
20 Puget Sound Ferry Operations Account—Private/Local	
21 Appropriation.	\$121,000
22 TOTAL APPROPRIATION.	(((\$540,735,000))
23	<u>\$585,321,000</u>

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

26 (1) The office of financial management budget instructions
27 require agencies to recast enacted budgets into activities. The
28 Washington state ferries shall include a greater level of detail in
29 its 2021-2023 supplemental and 2023-2025 omnibus transportation
30 appropriations act requests, as determined jointly by the office of
31 financial management, the Washington state ferries, and the
32 transportation committees of the legislature. This level of detail
33 must include the administrative functions in the operating as well as
34 capital programs. The data in the tables in the report must be
35 supplied in a digital file format.

36 (2) For the 2021-2023 fiscal biennium, the department may enter
37 into a distributor controlled fuel hedging program and other methods

1 of hedging approved by the fuel hedging committee, which must include
2 a representative of the department of enterprise services.

3 (3) (~~(\$17,000,000)~~) \$32,905,000 of the Puget Sound ferry
4 operations account—federal appropriation and \$53,794,000 of the Puget
5 Sound ferry operations account—state appropriation are provided
6 solely for auto ferry vessel operating fuel in the 2021-2023 fiscal
7 biennium, which reflect cost savings from a reduced biodiesel fuel
8 requirement and, therefore, is contingent upon the enactment of
9 section 703 of this act. The amount provided in this subsection
10 represents the fuel budget for the purposes of calculating any ferry
11 fare fuel surcharge. The department shall review future use of
12 alternative fuels and dual fuel configurations, including hydrogen.

13 (4) \$500,000 of the Puget Sound ferry operations account—state
14 appropriation is provided solely for operating costs related to
15 moving vessels for emergency capital repairs. Funds may only be spent
16 after approval by the office of financial management.

17 (5) \$2,400,000 of the Puget Sound ferry operations account—state
18 appropriation (~~(is)~~) and \$3,500,000 of the Puget Sound ferry
19 operations account—federal appropriation are provided solely for
20 staffing and overtime expenses incurred by engine and deck
21 crewmembers. The department must provide updated staffing cost
22 estimates for fiscal years 2022 and 2023 with its annual budget
23 submittal and updated estimates by January 1, 2022.

24 (6) \$688,000 of the Puget Sound ferry operations account—state
25 appropriation (~~(is)~~) and \$697,000 of the Puget Sound ferry operations
26 account—federal appropriation are provided solely for new employee
27 training. The department must work to increase its outreach and
28 recruitment of populations underrepresented in maritime careers and
29 continue working to expand apprenticeship and internship programs,
30 with an emphasis on programs that are shown to improve recruitment
31 for positions with the state ferry system.

32 (7) The department must request reimbursement from the federal
33 transit administration for the maximum amount of ferry operating
34 expenses eligible for reimbursement under federal law.

35 (8) (~~(\$1,978,000 of the Puget Sound ferry operations account—~~
36 ~~state appropriation is provided solely for restoration of service to~~
37 ~~reflect increased ridership, availability of crewing and available~~
38 ~~revenues. Expenditures may be made to resume service to Sidney,~~
39 ~~British Columbia, including any service to the San Juans; to provide~~

1 ~~Saturday service on the Fauntleroy-Vashon-Southworth route; and to~~
2 ~~resume late night service on other routes in the system.~~

3 ~~(9))~~ Within amounts provided in this section, the department
4 shall contract ~~((with uniformed officers))~~ for additional traffic
5 control assistance at the Kingston ferry terminal during peak ferry
6 travel times, with a particular focus on Sundays and holiday
7 weekends. Traffic control methods should include, but not be limited
8 to, holding traffic on the shoulder at Lindvog Road until space opens
9 for cars at the tollbooths and dock, and management of traffic on
10 Highway 104 in order to ensure Kingston residents and business owners
11 have access to businesses, roads, and driveways.

12 ~~((10))~~ (9) \$336,000 of the Puget Sound ferry operations account
13 —state appropriation is provided solely for evacuation slide
14 training.

15 ~~((11))~~ (10) \$336,000 of the Puget Sound ferry operations
16 account—state appropriation is provided solely for fall restraint
17 labor and industries inspections.

18 ~~((12))~~ (11) \$735,000 of the Puget Sound ferry operations
19 account—state appropriation ~~((is))~~ and \$410,000 of the Puget Sound
20 ferry operations account—federal are provided solely for
21 familiarization for new assignments of engine crew and terminal
22 staff.

23 ~~((13))~~ (12) \$160,000 of the Puget Sound ferry operations
24 account—state appropriation is provided solely for electronic
25 navigation training.

26 (13) \$8,419,000 of the Puget Sound ferry operations account—
27 federal appropriation is provided solely for Washington state ferries
28 to:

29 (a) Continuously recruit and hire deck, engine, and terminal
30 staff;

31 (b) Contract with an external recruitment firm to increase
32 recruitment efforts both locally and nationally with an emphasis on
33 attracting maritime workers from communities underrepresented in the
34 ferry system;

35 (c) Enhance employee retention by standardizing on-call worker
36 schedules;

37 (d) Increase training and development opportunities for
38 employees; and

1 (e) Make improvements to hiring processes by establishing
2 additional positions to support timely hiring of employees.

3 (14) For the Mukilteo multimodal terminal, the department must
4 submit a report showing for a 12-month period, on a monthly basis,
5 how much electricity is generated by solar power generated on site,
6 electricity usage, and actual electricity cost savings. In addition,
7 for comparison purposes, the report must include electricity usage
8 information for a similar time period for the previous Mukilteo
9 multimodal terminal. The report is due to the transportation
10 committees of the legislature by June 30, 2023.

11 (15) \$93,000 of the Puget Sound ferry operations account—state
12 appropriation is provided solely for Washington state ferries to
13 partner with local community colleges and universities to secure
14 housing for workforce training sessions and to pay in advance for the
15 costs of transportation worker identification credentials for
16 incoming ferry system employees and trainees.

17 (16) (a) For negotiation of the 2023-2025 collective bargaining
18 agreements, the department must conduct a review and analysis of the
19 collective bargaining agreements governing state ferry employees, to
20 identify provisions that create barriers for, or contribute to
21 creating a disparate impact on, newly hired ferry employees,
22 including those who are women, people of color, veterans, and other
23 employees belonging to communities that have historically been
24 underrepresented in the workforce. The review and analysis must
25 include, but not be limited to, provisions regarding seniority, work
26 assignments, and work shifts. The review and analysis must also
27 include consultation with the governor's office of labor relations,
28 the governor's office of equity and the attorney general's office.

29 (b) When negotiating the 2023-2025 collective bargaining
30 agreements, the collective bargaining representatives for the state
31 and ferry employee organizations shall consider the findings of the
32 review and analysis required in (a) of this subsection and negotiate
33 in a manner to remove identified barriers and address identified
34 impacts so as not to perpetuate negative impacts.

35 **Sec. 222.** 2021 c 333 s 222 (uncodified) is amended to read as
36 follows:

37 **FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**
38 **Multimodal Transportation Account—State**

1	Appropriation.	((\$80,704,000))
2		<u>\$68,326,000</u>
3	Multimodal Transportation Account—Private/Local	
4	Appropriation.	\$46,000
5	Multimodal Transportation Account—Federal	
6	Appropriation.	\$500,000
7	TOTAL APPROPRIATION.	((\$81,250,000))
8		<u>\$68,872,000</u>

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

11 (1) The department is directed to continue to pursue efforts to
12 reduce costs, increase ridership, and review Amtrak Cascades fares
13 and fare schedules. Within thirty days of each annual cost/revenue
14 reconciliation under the Amtrak service contract, the department
15 shall report annual credits to the office of financial management and
16 the legislative transportation committees. Annual credits from Amtrak
17 to the department including, but not limited to, credits due to
18 higher ridership, reduced level of service, and fare or fare schedule
19 adjustments, must be used to offset corresponding amounts of the
20 multimodal transportation account—state appropriation, which must be
21 placed in reserve.

22 (2) Consistent with the ongoing planning and service improvement
23 for the intercity passenger rail program, \$500,000 of the multimodal
24 transportation account—state is provided solely for the Cascades
25 service development plan. This funding is to be used to analyze
26 current and future market conditions and to develop a structured
27 assessment of service options and goals based on anticipated demand
28 and the results of the state and federally required 2019 state rail
29 plan, including identifying implementation alternatives to meet the
30 future service goals for the Amtrak Cascades route. The work must be
31 consistent with federal railroad administration guidance and
32 direction on developing service development plans. It must also
33 leverage the \$500,000 in federal funding appropriated for development
34 of a service development plan and comply with the planning and grant
35 award obligations of the consolidated rail infrastructure and safety
36 improvements (CRISI) program. A status report must be provided to the
37 transportation committees of the legislature by June 30, 2022.

38 (3) (a) \$4,000,000 of the multimodal transportation account—state
39 appropriation is provided solely for the continued coordination,

1 engagement, and planning for a new ultra high-speed ground
2 transportation corridor with participation from Washington, Oregon,
3 and British Columbia. This funding is contingent on meaningful
4 financial contributions for this effort by Oregon and British
5 Columbia. "Ultra high-speed" means a maximum testing speed of at
6 least 250 miles per hour. These efforts are to support and advance
7 activities and must abide by the memorandum of understanding signed
8 by the governors of Washington and Oregon, and the premier of the
9 province of British Columbia in November 2021. The department shall
10 establish a policy committee with participation from Washington,
11 Oregon, and British Columbia, including representation from the two
12 largest caucuses of each chamber of the Washington state legislature,
13 and coordinate the activities of the policy committee to include:

14 (i) Developing an organizational framework that facilitates input
15 in decision making from all parties;

16 (ii) Developing a public engagement approach with a focus on
17 equity, inclusion, and meaningful engagement with communities,
18 businesses, federal, state, provincial, and local governments,
19 including indigenous communities;

20 (iii) Developing and leading a collaborative approach to prepare
21 and apply for potential future federal, state, and provincial funding
22 opportunities, including development of strategies for incorporating
23 private sector participation and private sector contributions to
24 funding, including through the possible use of public-private
25 partnerships;

26 (iv) Beginning work on scenario analysis addressing advanced
27 transportation technologies, land use, and growth assumptions; and an
28 agreed to and defined corridor vision statement; and

29 (v) Developing a recommendation on the structure and membership
30 of a formal coordinating entity that will be responsible for
31 advancing the project through the project initiation stage to project
32 development.

33 (b) By June 30, 2023, the department shall provide to the
34 governor and the transportation committees of the legislature an
35 update on the work conducted by the policy committee and progress on
36 a recommendation for a coordinating entity. The report must also
37 include current activities and results relating to stakeholder
38 engagement, planning, and any federal funding application. As
39 applicable, the assessment should also be sent to the executive and

1 legislative branches of government in Oregon and appropriate
2 government bodies in the province of British Columbia.

3 **Sec. 223.** 2021 c 333 s 223 (uncodified) is amended to read as
4 follows:

5 **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—**
6 **OPERATING**

7	Motor Vehicle Account—State Appropriation.	((\$11,954,000))
8		<u>\$12,964,000</u>
9	Motor Vehicle Account—Federal Appropriation.	\$2,567,000
10	Multiuse Roadway Safety Account—State Appropriation.	\$900,000
11	<u>Multimodal Transportation Account—State</u>	
12	<u>Appropriation.</u>	<u>\$250,000</u>
13	<u>Cooper Jones Active Transportation Safety Account—</u>	
14	<u>State Appropriation.</u>	<u>\$400,000</u>
15	TOTAL APPROPRIATION.	((\$15,421,000))
16		<u>\$17,081,000</u>

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

19 (1) The entire multiuse roadway safety account—state
20 appropriation is provided solely for grants under RCW 46.09.540,
21 subject to the following limitations:

22 (a) Twenty-five percent of the amounts provided are reserved for
23 counties that each have a population of fifteen thousand persons or
24 less; and

25 (b) (i) Seventy-five percent of the amounts provided are reserved
26 for counties that each have a population exceeding fifteen thousand
27 persons; and

28 (ii) No county that receives a grant or grants under (a) of this
29 subsection may receive more than sixty thousand dollars in total
30 grants.

31 (2) \$1,023,000 of the motor vehicle account—state appropriation
32 is provided solely for the department, from amounts set aside out of
33 statewide fuel taxes distributed to counties according to RCW
34 46.68.120(3), to contract with the Washington state association of
35 counties to:

36 (a) In coordination with stakeholders, identify county-owned fish
37 passage barriers, and assess which barriers share the same stream
38 system as state-owned fish passage barriers;

1 (b) Streamline and update the county road administration board's
2 data dashboard, county reporting systems, and program management
3 software to provide a more detailed, more transparent, and user-
4 friendly platform for data management, reporting, and research by the
5 public and other interested parties; and

6 (c) Conduct a study of the use of county road right-of-way as a
7 potential source of revenue for county road operating and maintenance
8 needs with recommendations on their feasibility statewide.

9 ~~(3) ((a) By October 1, 2021, the department must report to the~~
10 ~~office of financial management and the transportation committees with~~
11 ~~recommendations regarding:~~

12 ~~(i) Modifications to the agreement with Wahkiakum county~~
13 ~~regarding future state reimbursement for the Wahkiakum ferry~~
14 ~~operating and maintenance deficit; and~~

15 ~~(ii) Cost-sharing models for operating and maintenance costs,~~
16 ~~which recognize the benefit of the ferry route to both Washington and~~
17 ~~Oregon.~~

18 ~~(b) The reimbursement recommendations must reflect a mutual~~
19 ~~agreement with Wahkiakum county, which considers future county ferry~~
20 ~~operating loss projections. The report may address the importance of~~
21 ~~the ferry route to the state highway system and whether there is a~~
22 ~~need for an increased role for the state department of transportation~~
23 ~~in the finance or operation of the ferry route.)~~ \$600,000 of the
24 motor vehicle account—state is provided solely for the city of
25 Seattle's office of planning and community development in support of
26 an equitable development initiative to reconnect the South Park
27 neighborhood, currently divided by state route number 99.

28 (a) The project must include:

29 (i) A public engagement and visioning process led by a
30 neighborhood-based, community organization; and

31 (ii) A feasibility study of decommissioning state route number 99
32 in the South Park neighborhood, to include, but not be limited to
33 traffic studies, environmental impact analysis, and development of
34 alternatives, including the transfer of the land to a neighborhood-
35 led community land trust.

36 (b) The project must be conducted in coordination and partnership
37 with neighborhood residents, neighborhood industrial and commercial
38 representatives, the state department of transportation, and other
39 entities and neighborhoods potentially impacted by changes to the
40 operation of state route number 99.

1 (c) The city must provide a report on the plan that includes
2 recommendations to the Seattle city council, state department of
3 transportation, state transportation commission, and the
4 transportation committees of the legislature by January 1, 2025.

5 NEW SECTION. Sec. 224. A new section is added to 2021 c 333
6 (uncodified) to read as follows:

7 **FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—**
8 **PROGRAM E—OPERATING**
9 Motor Vehicle Account—State Appropriation. \$12,396,000

(End of part)

1 **TRANSPORTATION AGENCIES—CAPITAL**

2 **Sec. 301.** 2021 c 333 s 301 (uncodified) is amended to read as
3 follows:

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

5 Freight Mobility Investment Account—State
6 Appropriation. ((~~\$16,577,000~~))
7 \$17,769,000
8 Freight Mobility Multimodal Account—State
9 Appropriation. ((~~\$15,195,000~~))
10 \$14,004,000
11 TOTAL APPROPRIATION. ((~~\$31,772,000~~))
12 \$31,773,000

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

15 (1) Except as otherwise provided in this section, the entire
16 appropriations in this section are provided solely for the projects
17 by amount, as listed in the LEAP Transportation Document ((~~2021-2~~)
18 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20,
19 2022, Freight Mobility Strategic Investment Board (FMSIB).

20 (2) Until directed by the legislature, the board may not initiate
21 a new call for projects.

22 (3) It is the intent of the legislature to continue to make
23 strategic investments in a statewide freight mobility transportation
24 system with the help of the freight mobility strategic investment
25 board, including projects that mitigate the impact of freight
26 movement on local communities. To that end, and in coordination with
27 WSDOT as it updates its federally-compliant freight plan, the board
28 is directed to identify the highest priority freight investments for
29 the state, across freight modes, state and local jurisdictions, and
30 regions of the state. By December 1, 2021, the board must submit a
31 preliminary report providing a status update on the process and
32 methodology for identifying and prioritizing investments. By December
33 1, 2022, the board must submit a prioritized list of freight
34 investments that are geographically balanced across the state and can
35 proceed to construction in a timely manner. The prioritized freight
36 project list for the state portion of national highway freight
37 program funds must first address shortfalls in funding for connecting
38 Washington act projects.

1 (4) (a) For the 2021-2023 project appropriations, unless otherwise
2 provided in this act, the director of the office of financial
3 management may authorize a transfer of appropriation authority
4 between projects managed by the freight mobility strategic investment
5 board in order for the board to manage project spending and support
6 the efficient and timely delivery of all projects in the program. The
7 office of financial management may authorize a transfer of
8 appropriation authority between projects under the following
9 conditions and limitations:

10 (i) Transfers from a project may not be made as a result of the
11 reduction of the scope of a project or be made to support increases
12 in the scope of a project;

13 (ii) Each transfer between projects may only occur if the
14 director of the office of financial management finds that any
15 resulting change will not hinder the completion of the projects on
16 the LEAP Transportation Document 2021-2 ALL PROJECT list;

17 (iii) Transfers between projects may be made by the board without
18 the formal written approval provided under this subsection (3) (a),
19 provided that the transfer amount does not exceed \$250,000 or 10
20 percent of the total project, whichever is less. These transfers must
21 be reported to the director of the office of financial management and
22 the chairs of the house of representatives and senate transportation
23 committees; and

24 (iv) Except for transfers made under (a) (iii) of this subsection,
25 transfers may only be made in fiscal year 2023.

26 (b) At the time the board submits a request to transfer funds
27 under this section, a copy of the request must be submitted to the
28 chairs and ranking members of the transportation committees of the
29 legislature.

30 (c) Before approval, the office of financial management shall
31 work with legislative staff of the house of representatives and
32 senate transportation committees to review the requested transfers in
33 a timely manner and consider any concerns raised by the chairs and
34 ranking members of the transportation committees.

35 (d) No fewer than 10 days after the receipt of a project transfer
36 request, the director of the office of financial management must
37 provide written notification to the board of any decision regarding
38 project transfers, with copies submitted to the transportation
39 committees of the legislature.

1 **Sec. 302.** 2021 c 333 s 302 (uncodified) is amended to read as
2 follows:

3 **FOR THE WASHINGTON STATE PATROL**

4 State Patrol Highway Account—State Appropriation. . . . (~~(\$4,196,000)~~)
5 \$4,803,000

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

8 (1) \$695,000 of the state patrol highway account—state
9 appropriation is provided solely for roof replacement.

10 (2) \$3,501,000 of the state patrol highway account—state
11 appropriation is provided solely for the following projects:

- 12 (a) \$250,000 for emergency repairs;
- 13 (b) \$350,000 for fuel tank decommissioning;
- 14 (c) \$750,000 for generator and electrical replacement;
- 15 (d) \$195,000 for the exterior envelope of the Yakima office;
- 16 (e) \$466,000 for equipment shelters;
- 17 (f) \$650,000 for the weatherization projects;
- 18 (g) \$200,000 for roof replacements reappropriation; and
- 19 (h) \$640,000 for water and fire suppression systems
20 reappropriation and \$607,000 for additional water and fire
21 suppression systems costs.

22 (3) The Washington state patrol may transfer funds between
23 projects specified in this subsection to address cash flow
24 requirements. If a project specified in this subsection is completed
25 for less than the amount provided, the remainder may be transferred
26 to another project specified in this subsection not to exceed the
27 total appropriation provided in this subsection.

28 **Sec. 303.** 2021 c 333 s 303 (uncodified) is amended to read as
29 follows:

30 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

31 Rural Arterial Trust Account—State Appropriation. \$55,028,000
32 Motor Vehicle Account—State Appropriation. \$1,456,000
33 County Arterial Preservation Account—State
34 Appropriation. (~~(\$37,379,000)~~)
35 \$44,653,000
36 TOTAL APPROPRIATION. (~~(\$93,863,000)~~)
37 \$101,137,000

1	Coronavirus State Fiscal Recovery Fund—Federal	
2	Appropriation.	\$400,000,000
3	Motor Vehicle Account—Private/Local Appropriation.	((\$48,628,000))
4		<u>\$56,192,000</u>
5	Connecting Washington Account—State Appropriation. ((\$2,881,033,000))	
6		<u>\$2,156,569,000</u>
7	Special Category C Account—State Appropriation.	((\$105,363,000))
8		<u>\$86,198,000</u>
9	Multimodal Transportation Account—State	
10	Appropriation.	((\$10,784,000))
11		<u>\$10,792,000</u>
12	((State Route Number 520 Corridor Account—State	
13	 Appropriation.	(\$15,940,000))
14	Interstate 405 and State Route Number 167 Express	
15	Toll Lanes Account—State Appropriation.	((\$30,308,000))
16		<u>\$50,856,000</u>
17	<u>Puget Sound Gateway Facility Account—State</u>	
18	<u>Appropriation.</u>	<u>\$8,400,000</u>
19	TOTAL APPROPRIATION.	((\$4,089,878,000))
20		<u>\$3,499,277,000</u>

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

23 (1) Except as provided otherwise in this section, the entire
24 connecting Washington account—state appropriation and the entire
25 transportation partnership account—state appropriation are provided
26 solely for the projects and activities as listed by fund, project,
27 and amount in LEAP Transportation Document ((~~2021-1~~)) 2022-1 as
28 developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway
29 Improvements Program (I). However, limited transfers of specific
30 line-item project appropriations may occur between projects for those
31 amounts listed subject to the conditions and limitations in section
32 601 ((~~of this act~~)), chapter 333, Laws of 2021.

33 (2) Except as provided otherwise in this section, the entire
34 motor vehicle account—state appropriation and motor vehicle account—
35 federal appropriation are provided solely for the projects and
36 activities listed in LEAP Transportation Document ((~~2021-2~~)) 2022-2
37 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022,
38 Program - Highway Improvements Program (I). Any federal funds gained
39 through efficiencies, adjustments to the federal funds forecast, or

1 the federal funds redistribution process must then be applied to
2 highway and bridge preservation activities or fish passage barrier
3 corrections (OBI4001).

4 (3) Within the motor vehicle account—state appropriation,
5 connecting Washington account—state appropriation, and motor vehicle
6 account—federal appropriation, the department may transfer funds
7 between programs I and P, except for funds that are otherwise
8 restricted in this act. Ten days prior to any transfer, the
9 department must submit its request to the office of financial
10 management and the transportation committees of the legislature and
11 consider any concerns raised. The department shall submit a report on
12 fiscal year funds transferred in the prior fiscal year using this
13 subsection as part of the department's annual budget submittal. This
14 transfer authority allows the department to manage the appropriation
15 capacity most efficiently between the I and P programs consistent
16 with the 601 process.

17 (4) The connecting Washington account—state appropriation
18 includes up to (~~(\$2,230,636,000)~~) \$1,094,139,000 in proceeds from the
19 sale of bonds authorized in RCW 47.10.889.

20 (5) The special category C account—state appropriation includes
21 up to (~~(\$82,475,000)~~) \$51,460,000 in proceeds from the sale of bonds
22 authorized in RCW 47.10.812.

23 (6) The transportation partnership account—state appropriation
24 includes up to (~~(\$28,411,000)~~) \$124,636,000 in proceeds from the sale
25 of bonds authorized in RCW 47.10.873.

26 (7) \$60,450,000 of the transportation partnership account—state
27 appropriation, \$2,258,000 of the motor vehicle account—private/local
28 appropriation, and \$984,000 of the multimodal transportation account—
29 state appropriation are provided solely for the SR 99/Alaskan Way
30 Viaduct Replacement project (809936Z). It is the intent of the
31 legislature that any legal damages paid to the state as a result of a
32 lawsuit related to contractual provisions for construction and
33 delivery of the Alaskan Way viaduct replacement project be used to
34 repay project cost increases paid from the transportation partnership
35 account—state funds.

36 (8) \$193,699,000 of the connecting Washington account—state
37 appropriation is provided solely for the US 395 North Spokane
38 Corridor project (M00800R). It is the intent of the legislature,

1 consistent with the move ahead WA proposal, to advance future funding
2 for this project to accelerate delivery by up to two years.

3 (9) (a) \$14,827,000 of the Interstate 405 and state route number
4 167 express toll lanes account—state appropriation is provided solely
5 for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234)
6 for activities related to adding capacity on Interstate 405 between
7 state route number 522 and Interstate 5, with the goals of increasing
8 vehicle throughput and aligning project completion with the
9 implementation of bus rapid transit in the vicinity of the project.

10 (b) The department may advance the I-405/SR 522 to I-5 Capacity
11 Improvements project (L2000234) and construct the project earlier
12 than is scheduled in the LEAP transportation document referenced in
13 subsection (2) of this section if additional funding is identified
14 and submitted through the existing unanticipated receipts process by
15 September 1, 2021. The department and the state treasurer shall
16 pursue alternatives to toll revenue funding including but not limited
17 to federal loan and grant programs. The department shall explore
18 phasing and modifying the project to attempt to align project
19 completion with the anticipated deployment of bus rapid transit on
20 the corridor in the 2023-2025 biennium. The department shall report
21 back to the transportation committees of the legislature on this work
22 by September 15, 2021.

23 (10) (a) \$492,349,000 of the connecting Washington account—state
24 appropriation and \$355,000 of the motor vehicle account—private/local
25 appropriation are provided solely for the SR 520 Seattle Corridor
26 Improvements - West End project (M00400R).

27 (b) Upon completion of the Montlake Phase of the West End project
28 (current anticipated contract completion of 2023), the department
29 shall sell that portion of the property not used for permanent
30 transportation improvements and initiate a process to convey that
31 surplus property to a subsequent owner.

32 (11) \$382,880,000 of the connecting Washington account—state
33 appropriation, \$4,800,000 of the multimodal transportation account—
34 state appropriation, \$17,869,000 of the motor vehicle account—
35 private/local appropriation, and \$82,165,000 of the motor vehicle
36 account—federal appropriation are provided solely for the SR 167/SR
37 509 Puget Sound Gateway project (M00600R).

38 (a) Any savings on the project must stay on the Puget Sound
39 Gateway corridor until the project is complete.

1 (b) In making budget allocations to the Puget Sound Gateway
2 project, the department shall implement the project's construction as
3 a single corridor investment. The department shall continue to
4 collaborate with the affected stakeholders as it implements the
5 corridor construction and implementation plan for state route number
6 167 and state route number 509. Specific funding allocations must be
7 based on where and when specific project segments are ready for
8 construction to move forward and investments can be best optimized
9 for timely project completion. Emphasis must be placed on avoiding
10 gaps in fund expenditures for either project.

11 (c) It is the legislature's intent that the department shall
12 construct a full (~~(single-point)~~) urban interchange at the junction
13 of state route number 161 (Meridian avenue) and state route number
14 167 and a full directional interchange at the junction of state route
15 number 509 and 188th Street. (~~(If the department receives additional
16 funds from an outside source for this project after the base project
17 is fully funded, the funds must first be applied toward the
18 completion of these two interchanges.)~~)

19 (d) Of the amounts provided in this subsection, \$2,300,000 of the
20 multimodal transportation account—state appropriation is provided
21 solely for the design phase of the Puyallup to Tacoma multiuse trail
22 along the SR 167 right-of-way acquired for the project to connect a
23 network of new and existing trails from Mount Rainier to Point
24 Defiance Park.

25 (e) Of the amounts provided in this subsection, \$2,500,000 of the
26 multimodal transportation account—state appropriation is provided
27 solely for segment 2 of the state route number 167 completion project
28 shared-use path to provide connections to the interchange of state
29 route number 167 at 54th to the intersection of state route number
30 509 and Taylor Way in Tacoma.

31 (12)(a) \$26,928,000 of the motor vehicle account—state
32 appropriation and \$1,671,000 of the motor vehicle account—private/
33 local appropriation are provided solely to support a project office
34 and the continued work toward the I-5 Interstate Bridge Replacement
35 project (L2000370).

36 (b) The project office must also study the possible different
37 governance structures for a bridge authority that would provide for
38 the joint administration of the bridges over the Columbia river
39 between Oregon and Washington. As part of this study, the project

1 office must examine the feasibility and necessity of an interstate
2 compact in conjunction with the national center for interstate
3 compacts.

4 (c) During the 2021-2023 biennium, the department shall have as a
5 goal to:

6 (i) Conduct all work necessary to prepare and publish a draft
7 SEIS;

8 (ii) Coordinate with regulatory agencies to begin the process of
9 obtaining environmental approvals and permits;

10 (iii) Identify a locally preferred alternative; and

11 (iv) Begin preparing a final SEIS.

12 The department shall aim to provide progress reports on these
13 activities to the governor and the transportation committees of the
14 legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

15 (d) The Washington members of the joint Oregon-Washington
16 legislative action committee must report back to the Washington state
17 legislature, by August 1, 2022, regarding the progress of the
18 committee and its work to advance the project to build a new
19 Interstate 5 bridge spanning the Columbia river. The report must
20 include a description of the locally preferred alternative ultimately
21 identified as part of the Interstate Bridge Replacement project.

22 (13)(a) \$400,000,000 of the coronavirus state fiscal recovery
23 fund—federal appropriation, (~~(\$529,577,000)~~) \$25,327,000 of the
24 connecting Washington account—state appropriation, (~~(\$194,959,000)~~)
25 \$178,186,000 of the motor vehicle account—federal appropriation,
26 (~~(and \$1,849,000)~~) \$9,016,000 of the transportation partnership
27 account—state appropriation, \$6,853,000 of the motor vehicle account
28 —state appropriation, and \$5,618,000 of the motor vehicle account—
29 private/local appropriation are provided solely for the Fish Passage
30 Barrier Removal project (OBI4001) with the intent of fully complying
31 with the federal *U.S. v. Washington* court injunction by 2030. (~~(Of~~
32 ~~the amounts provided in this subsection, \$400,000,000 of the~~
33 ~~connecting Washington account—state appropriation must be initially~~
34 ~~placed in unallotted status during the 2021-2023 fiscal biennium, and~~
35 ~~may only be released by the office of financial management for~~
36 ~~allotment by the department if it is determined that the Fish Passage~~
37 ~~Barrier Removal project (OBI4001) is not an eligible use of amounts~~
38 ~~received by the state pursuant to the federal American rescue plan~~
39 ~~act of 2021.))~~)

1 (b) The department shall coordinate with the Brian Abbott fish
2 passage barrier removal board to use a watershed approach by
3 replacing both state and local culverts guided by the principle of
4 providing the greatest fish habitat gain at the earliest time. The
5 department shall deliver high habitat value fish passage barrier
6 corrections that it has identified, guided by the following factors:
7 Opportunity to bundle projects, tribal priorities, ability to
8 leverage investments by others, presence of other barriers, project
9 readiness, culvert conditions, other transportation projects in the
10 area, and transportation impacts. The department and Brian Abbott
11 fish barrier removal board must provide updates on the implementation
12 of the statewide culvert remediation plan to the legislature by
13 November 1, 2021, and June 1, 2022.

14 (c) The department must keep track of, for each barrier removed:
15 (i) The location; (ii) the amount of fish habitat gain; and (iii) the
16 amount spent to comply with the injunction.

17 (d) Of the amount provided in this subsection, \$142,923,000 of
18 the motor vehicle account—federal appropriation reflects the
19 department's portion of the unrestricted funds from the coronavirus
20 response and relief supplemental appropriations act of 2021. If the
21 final amount from this act changes while the legislature is not in
22 session, the department shall follow the existing unanticipated
23 receipt process and adjust the list referenced in subsection (1) of
24 this section accordingly, supplanting state funds with federal funds
25 if possible as directed in section 601 (~~(of this act)~~), chapter 333,
26 Laws of 2021.

27 (14) \$14,669,000 of the connecting Washington account—state
28 appropriation and \$3,037,000 of the motor vehicle account—private/
29 local appropriation are provided solely for the I-90/Barker to
30 Harvard - Improve Interchanges & Local Roads project (L2000122). The
31 connecting Washington account appropriation for the improvements that
32 fall within the city of Liberty Lake may only be expended if the city
33 of Liberty Lake agrees to cover any project costs within the city of
34 Liberty Lake above the \$20,900,000 of state appropriation provided
35 for the total project on the list referenced in subsection (1) of
36 this section.

37 (15) \$15,189,000 of the motor vehicle account—federal
38 appropriation, \$259,000 of the motor vehicle account—state
39 appropriation, and \$15,481,000 of the Interstate 405 and state route

1 number 167 express toll lanes account—state appropriation are
2 provided solely for the SR 167/SR 410 to SR 18 - Congestion
3 Management project (316706C).

4 (16) \$18,914,000 of the Special Category C account—state
5 appropriation is provided solely for the SR 18 Widening - Issaquah/
6 Hobart Rd to Raging River project (L1000199) for improving and
7 widening state route number 18 to four lanes from Issaquah-Hobart
8 Road to Raging River.

9 (17) (~~(\$1,000,000)~~) \$2,500,000 of the connecting Washington
10 account—state appropriation is provided solely for the North Lewis
11 County transportation study. The study shall examine new, alternate
12 routes for vehicular and truck traffic at the Harrison interchange
13 (Exit 82) in North Centralia and shall allow for a site and
14 configuration to be selected and feasibility to be conducted for
15 final design, permitting, and construction of the I-5/North Lewis
16 county Interchange project (L2000204). It is the intent of the
17 legislature to advance future funding for this project to accelerate
18 delivery by up to two years.

19 (18) \$1,090,000 of the motor vehicle account—state appropriation
20 is provided solely for the US 101/East Sequim Corridor Improvements
21 project (L2000343).

22 (19) \$12,139,000 of the motor vehicle account—state appropriation
23 and \$9,104,000 of the connecting Washington account—state
24 appropriation are provided solely for the SR 522/Paradise Lk Rd
25 Interchange & Widening on SR 522 (Design/Engineering) project
26 (NPARADI).

27 (20) \$1,378,000 of the motor vehicle account—federal
28 appropriation is provided solely for the US 101/Morse Creek Safety
29 Barrier project (L1000247).

30 (21) \$915,000 of the motor vehicle account—state appropriation is
31 provided solely for the SR 162/410 Interchange Design and Right of
32 Way project (L1000276).

33 (22) \$6,581,000 of the connecting Washington account—state
34 appropriation is provided solely for the US Hwy 2 Safety project
35 (N00200R).

36 (23) \$500,000 of the motor vehicle account—state appropriation is
37 provided solely for SR 162/SR 161 Additional Connectivity in South
38 Pierce County project (L1000312) to conduct a study on the need for

1 additional connectivity in the area between SR 162, south of Military
2 Road East and north of Orting, and SR 161 in South Pierce County.

3 (24) The department shall itemize all future requests for the
4 construction of buildings on a project list and submit them through
5 the transportation executive information system as part of the
6 department's annual budget submittal. It is the intent of the
7 legislature that new facility construction must be transparent and
8 not appropriated within larger highway construction projects.

9 ~~((24))~~ (25) Any advisory group that the department convenes
10 during the 2021-2023 fiscal biennium must consider the interests of
11 the entire state of Washington.

12 ~~((25))~~ (26) The legislature continues to prioritize the
13 replacement of the state's aging infrastructure and recognizes the
14 importance of reusing and recycling construction aggregate and
15 recycled concrete materials in our transportation system. To
16 accomplish Washington state's sustainability goals in transportation
17 and in accordance with RCW 70.95.805, the legislature reaffirms its
18 determination that recycled concrete aggregate and other
19 transportation building materials are natural resource construction
20 materials that are too valuable to be wasted and landfilled, and are
21 a commodity as defined in WAC 173-350-100.

22 Further, the legislature determines construction aggregate and
23 recycled concrete materials substantially meet widely recognized
24 international, national, and local standards and specifications
25 referenced in American society for testing and materials, American
26 concrete institute, Washington state department of transportation,
27 Seattle department of transportation, American public works
28 association, federal aviation administration, and federal highway
29 administration specifications, and are described as necessary and
30 desirable products for recycling and reuse by state and federal
31 agencies.

32 As these recyclable materials have well established markets, are
33 substantially a primary or secondary product of necessary
34 construction processes and production, and are managed as an item of
35 commercial value, construction aggregate and recycled concrete
36 materials are exempt from chapter 173-350 WAC.

37 **Sec. 306.** 2021 c 333 s 307 (uncodified) is amended to read as
38 follows:

39 **FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

1	Recreational Vehicle Account—State Appropriation.	\$1,520,000
2	Transportation 2003 Account (Nickel Account)—State	
3	Appropriation.	(\$49,105,000)
4		<u>\$53,911,000</u>
5	Transportation Partnership Account—State	
6	Appropriation.	(\$15,183,000)
7		<u>\$21,441,000</u>
8	Motor Vehicle Account—State Appropriation.	(\$85,444,000)
9		<u>\$111,174,000</u>
10	Motor Vehicle Account—Federal Appropriation.	(\$489,602,000)
11		<u>\$545,560,000</u>
12	Motor Vehicle Account—Private/Local Appropriation.	(\$10,792,000)
13		<u>\$13,735,000</u>
14	Connecting Washington Account—State Appropriation.	(\$159,043,000)
15		<u>\$222,548,000</u>
16	State Route Number 520 Corridor Account—State	
17	Appropriation.	(\$1,891,000)
18		<u>\$2,143,000</u>
19	Tacoma Narrows Toll Bridge Account—State	
20	Appropriation.	(\$9,730,000)
21		<u>\$5,676,000</u>
22	Alaskan Way Viaduct Replacement Project Account—	
23	State Appropriation.	(\$314,000)
24		<u>\$391,000</u>
25	Interstate 405 and State Route Number 167 Express	
26	Toll Lanes Account—State Appropriation.	(\$26,039,000)
27		<u>\$12,830,000</u>
28	TOTAL APPROPRIATION.	(\$848,663,000)
29		<u>\$990,929,000</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 connecting Washington account—state appropriation and the entire
34 transportation partnership account—state appropriation are provided
35 solely for the projects and activities as listed by fund, project,
36 and amount in LEAP Transportation Document ((2021-1)) 2022-1 as
37 developed ((~~April 23, 2021~~)) February 20, 2022, Program - Highway
38 Preservation Program (P). However, limited transfers of specific
39 line-item project appropriations may occur between projects for those

1 amounts listed subject to the conditions and limitations in section
2 601 (~~of this act~~), chapter 333, Laws of 2021.

3 (2) Except as provided otherwise in this section, the entire
4 motor vehicle account—state appropriation and motor vehicle account—
5 federal appropriation are provided solely for the projects and
6 activities listed in LEAP Transportation Document (~~(2021-2)~~) 2022-2
7 ALL PROJECTS as developed (~~(April 23, 2021)~~) February 20, 2022,
8 Program - Highway Preservation Program (P). Any federal funds gained
9 through efficiencies, adjustments to the federal funds forecast, or
10 the federal funds redistribution process must then be applied to
11 highway and bridge preservation activities or fish passage barrier
12 corrections (OBI4001).

13 (3) Within the motor vehicle account—state appropriation,
14 connecting Washington account—state appropriation, and motor vehicle
15 account—federal appropriation, the department may transfer funds
16 between programs I and P, except for funds that are otherwise
17 restricted in this act. Ten days prior to any transfer, the
18 department must submit its request to the office of financial
19 management and the transportation committees of the legislature and
20 consider any concerns raised. The department shall submit a report on
21 fiscal year funds transferred in the prior fiscal year using this
22 subsection as part of the department's annual budget submittal. This
23 transfer authority allows the department to manage the appropriation
24 capacity most efficiently between the I and P programs consistent
25 with the 601 process.

26 (4) \$5,166,000 of the connecting Washington account—state
27 appropriation is provided solely for the land mobile radio upgrade
28 (G2000055) and is subject to the conditions, limitations, and review
29 provided in section 701 (~~of this act~~), chapter 333, Laws of 2021.
30 The land mobile radio project is subject to technical oversight by
31 the office of the chief information officer. The department, in
32 collaboration with the office of the chief information officer, shall
33 identify where existing or proposed mobile radio technology
34 investments should be consolidated, identify when existing or
35 proposed mobile radio technology investments can be reused or
36 leveraged to meet multiagency needs, increase mobile radio
37 interoperability between agencies, and identify how redundant
38 investments can be reduced over time. The department shall also

1 provide quarterly reports to the technology services board on project
2 progress.

3 (5) \$5,000,000 of the motor vehicle account—state appropriation
4 is provided solely for extraordinary costs incurred from litigation
5 awards, settlements, or dispute mitigation activities not eligible
6 for funding from the self-insurance fund (L2000290). The amount
7 provided in this subsection must be held in unallotted status until
8 the department submits a request to the office of financial
9 management that includes documentation detailing litigation-related
10 expenses. The office of financial management may release the funds
11 only when it determines that all other funds designated for
12 litigation awards, settlements, and dispute mitigation activities
13 have been exhausted. No funds provided in this subsection may be
14 expended on any legal fees related to the SR 99/Alaskan Way viaduct
15 replacement project (809936Z).

16 (6) \$11,679,000 of the motor vehicle account—federal
17 appropriation is provided solely for preservation projects within
18 project L1100071 that ensure the reliable movement of freight on the
19 national highway freight system. The department shall give priority
20 to those projects that can be advertised by September 30, 2021.

21 (7) The appropriation in this section includes funding for
22 starting planning, engineering, and construction of the Elwha River
23 bridge replacement. To the greatest extent practicable, the
24 department shall maintain public access on the existing route.

25 (8) Within the connecting Washington account—state appropriation,
26 the department may transfer funds from Highway System Preservation
27 (L1100071) to other preservation projects listed in the LEAP
28 transportation document identified in subsection (1) of this section,
29 if it is determined necessary for completion of these high priority
30 preservation projects. The department's next budget submittal after
31 using this subsection must appropriately reflect the transfer.

32 (9) \$1,700,000 of the motor vehicle account—state appropriation
33 is provided solely for the SR 109/88 Corner Roadway project
34 (G2000106).

35 **Sec. 307.** 2021 c 333 s 308 (uncodified) is amended to read as
36 follows:

37 **FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—**
38 **CAPITAL**

1	Motor Vehicle Account—State Appropriation.	((\$8,273,000))
2		<u>\$9,618,000</u>
3	Motor Vehicle Account—Federal Appropriation.	((\$5,289,000))
4		<u>\$11,215,000</u>
5	Motor Vehicle Account—Private/Local Appropriation.	\$500,000
6	Interstate 405 and State Route Number 167 Express	
7	Toll Lanes Account—State Appropriation.	\$900,000
8	TOTAL APPROPRIATION.	((\$14,962,000))
9		<u>\$22,233,000</u>

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

12 (1) \$579,000 of the motor vehicle account—state appropriation is
13 provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

14 (2) \$1,000,000 of the motor vehicle account—state appropriation
15 is provided solely for the Challenge Seattle project (000009Q). The
16 department shall provide a progress report on this project to the
17 transportation committees of the legislature by January 15, 2022.

18 **Sec. 308.** 2021 c 333 s 309 (uncodified) is amended to read as
19 follows:

20 **FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES**
21 **CONSTRUCTION—PROGRAM W**

22	Puget Sound Capital Construction Account—State	
23	Appropriation.	((\$128,759,000))
24		<u>\$167,033,000</u>
25	Puget Sound Capital Construction Account—Federal	
26	Appropriation.	((\$139,188,000))
27		<u>\$174,571,000</u>
28	Puget Sound Capital Construction Account—	
29	Private/Local Appropriation.	((\$312,000))
30		<u>\$2,181,000</u>
31	Transportation Partnership Account—State	
32	Appropriation.	((\$8,410,000))
33		<u>\$9,432,000</u>
34	Connecting Washington Account—State Appropriation.	((\$75,640,000))
35		<u>\$99,141,000</u>
36	Capital Vessel Replacement Account—State	
37	Appropriation.	((\$152,453,000))
38		<u>\$45,668,000</u>

1	<u>Motor Vehicle Account—State Appropriation.</u>	<u>\$1,000</u>
2	<u>Transportation 2003 Account (Nickel Account)—State</u>	
3	<u>Appropriation.</u>	<u>\$987,000</u>
4	TOTAL APPROPRIATION.	((\$504,762,000))
5		<u>\$499,014,000</u>

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

8 (1) Except as provided otherwise in this section, the entire
9 appropriations in this section are provided solely for the projects
10 and activities as listed in LEAP Transportation Document ((~~2021-2~~))
11 2022-2 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20,
12 2022, Program - Washington State Ferries Capital Program (W).

13 (2) For the 2021-2023 biennium, the marine division shall provide
14 to the office of financial management and the legislative
15 transportation committees the following reports on ferry capital
16 projects:

17 (a) On a semiannual basis the report must include a status update
18 on projects with funding provided in subsections (4), (5), (6), and
19 (8) of this section including, but not limited to, the following:

- 20 (i) Anticipated cost increases and cost savings;
- 21 (ii) Anticipated cash flow and schedule changes; and
- 22 (iii) Explanations for the changes.

23 (b) On an annual basis the report must include a status update on
24 vessel and terminal preservation and improvement plans including, but
25 not limited to, the following:

- 26 (i) What work has been done;
- 27 (ii) How have schedules shifted; and
- 28 (iii) Associated changes in funding among projects, accompanied
29 by explanations for the changes.

30 (c) On an annual basis the report must include an update on the
31 implementation of the maintenance management system with
32 recommendations for using the system to improve the efficiency of
33 project reporting under this subsection.

34 (3) ((~~\$5,000,000~~)) \$12,232,000 of the Puget Sound capital
35 construction account—state appropriation is provided solely for
36 emergency capital repair costs (999910K). Funds may only be spent
37 after approval by the office of financial management.

38 (4) ((~~\$1,277,000~~)) \$2,385,000 of the Puget Sound capital
39 construction account—state appropriation is provided solely for the

1 ORCA card next generation project (L2000300). The ferry system shall
2 work with Washington technology solutions and the tolling division on
3 the development of a new, interoperable ticketing system.

4 (5) (~~(\$24,750,000)~~) \$28,134,000 of the Puget Sound capital
5 construction account—state appropriation is provided solely for the
6 conversion of up to two Jumbo Mark II vessels to electric hybrid
7 propulsion (G2000084). The department shall seek additional funds for
8 the purposes of this subsection. The department may spend from the
9 Puget Sound capital construction account—state appropriation in this
10 section only as much as the department receives in Volkswagen
11 settlement funds for the purposes of this subsection.

12 (6) (~~(\$152,453,000)~~) \$45,668,000 of the capital vessel
13 replacement account—state appropriation is provided solely for the
14 acquisition of a 144-car hybrid-electric vessel (L2000329). Of the
15 amounts appropriated in this subsection, \$200,000 is provided solely
16 for hiring an independent owner's representative to perform quality
17 oversight, manage the change order process, and ensure contract
18 compliance. In 2019 the legislature amended RCW 47.60.810 to direct
19 the department to modify an existing vessel construction contract to
20 provide for an additional five ferries. As such, it is the intent of
21 the legislature that the department award the contract for the hybrid
22 electric Olympic class vessel #5(L2000329) in a timely manner. In
23 addition, the legislature intends to minimize costs and maximize
24 construction efficiency by providing sufficient funding for
25 construction of all five vessels, including funding for long lead
26 time materials procured at the lowest possible prices. The
27 commencement of construction of new vessels for the ferry system is
28 important not only for safety reasons, but also to keep skilled
29 marine construction jobs in the Puget Sound region and to sustain the
30 capacity of the region to meet the ongoing construction and
31 preservation needs of the ferry system fleet of vessels. The
32 legislature has determined that the current vessel procurement
33 process must move forward with all due speed, balancing the interests
34 of both the taxpayers and shipyards. To accomplish construction of
35 vessels in accordance with RCW 47.60.810, the prevailing shipbuilder,
36 for vessels initially funded after July 1, 2020, is encouraged to
37 follow the historical practice of subcontracting the construction of
38 ferry superstructures to a separate nonaffiliated contractor located

1 within the Puget Sound region, that is qualified in accordance with
2 RCW 47.60.690.

3 (7) The capital vessel replacement account—state appropriation
4 includes up to (~~(\$152,453,000)~~) \$45,668,000 in proceeds from the sale
5 of bonds authorized in RCW 47.10.873.

6 (8) \$4,200,000 of the connecting Washington account—state
7 appropriation and \$2,200,000 of the Puget Sound (~~(operating)~~) capital
8 construction account (~~([Puget Sound capital construction account])~~)—
9 federal appropriation are provided solely for ferry vessel and
10 terminal preservation (L2000110). The funds provided in this
11 subsection must be used for unplanned preservation needs before
12 shifting funding from other preservation projects.

13 **Sec. 309.** 2021 c 333 s 310 (uncodified) is amended to read as
14 follows:

15	FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL	
16	Essential Rail Assistance Account—State	
17	Appropriation.	((\$550,000))
18		<u>\$1,108,000</u>
19	Transportation Infrastructure Account—State	
20	Appropriation.	((\$5,456,000))
21		<u>\$6,218,000</u>
22	Multimodal Transportation Account—State	
23	Appropriation.	((\$82,493,000))
24		<u>\$118,320,000</u>
25	Multimodal Transportation Account—Federal	
26	Appropriation.	((\$41,219,000))
27		<u>\$6,567,000</u>
28	<u>Multimodal Transportation Account—Private/Local</u>	
29	<u>Appropriation.</u>	<u>\$13,000</u>
30	<u>Motor Vehicle Account—State Appropriation.</u>	<u>\$1,810,000</u>
31	<u>Carbon Emissions Reduction Account—State</u>	
32	<u>Appropriation.</u>	<u>\$50,000,000</u>
33	TOTAL APPROPRIATION.	((\$129,718,000))
34		<u>\$184,036,000</u>

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

37 (1) Except as provided otherwise in this section, the entire
38 appropriations in this section are provided solely for the projects

1 and activities as listed by project and amount in LEAP Transportation
2 Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April 23,
3 2021)) February 20, 2022, Program - Rail Program (Y).

4 (2) \$5,089,000 of the transportation infrastructure account—state
5 appropriation is provided solely for new low-interest loans approved
6 by the department through the freight rail investment bank (FRIB)
7 program. The department shall issue FRIB program loans with a
8 repayment period of no more than ten years, and charge only so much
9 interest as is necessary to recoup the department's costs to
10 administer the loans. The department shall report annually to the
11 transportation committees of the legislature and the office of
12 financial management on all FRIB loans issued. FRIB program loans may
13 be recommended by the department for 2022 supplemental transportation
14 appropriations up to the amount provided in this appropriation that
15 has not been provided for the projects listed in 2021-2 ALL PROJECTS,
16 as referenced in subsection (1) of this section. The department shall
17 submit a prioritized list for any loans recommended to the office of
18 financial management and the transportation committees of the
19 legislature by November 15, 2021.

20 (3) ((~~\$6,817,000~~)) \$7,041,000 of the multimodal transportation
21 account—state appropriation is provided solely for new statewide
22 emergent freight rail assistance projects identified in the LEAP
23 transportation document referenced in subsection (1) of this section.

24 (4) \$367,000 of the transportation infrastructure account—state
25 appropriation and \$1,100,000 of the multimodal transportation account
26 —state appropriation are provided solely to reimburse Highline Grain,
27 LLC for approved work completed on Palouse River and Coulee City
28 (PCC) railroad track in Spokane county between the BNSF Railway
29 Interchange at Cheney and Geiger Junction and must be administered in
30 a manner consistent with freight rail assistance program projects.
31 The value of the public benefit of this project is expected to meet
32 or exceed the cost of this project in: Shipper savings on
33 transportation costs; jobs saved in rail-dependent industries; and/or
34 reduced future costs to repair wear and tear on state and local
35 highways due to fewer annual truck trips (reduced vehicle miles
36 traveled). The amounts provided in this subsection are not a
37 commitment for future legislatures, but it is the legislature's
38 intent that future legislatures will work to approve biennial

1 appropriations until the full \$7,337,000 cost of this project is
2 reimbursed.

3 (5) (a) (~~(\$550,000)~~) \$1,008,000 of the essential rail assistance
4 account—state appropriation is provided solely for the purpose of the
5 rehabilitation and maintenance of the Palouse river and Coulee City
6 railroad line (F01111B).

7 (b) Expenditures from the essential rail assistance account—state
8 in this subsection may not exceed the combined total of:

9 (i) Revenues and transfers deposited into the essential rail
10 assistance account from leases and sale of property relating to the
11 Palouse river and Coulee City railroad;

12 (ii) Revenues from trackage rights agreement fees paid by
13 shippers; and

14 (iii) Revenues and transfers transferred from the miscellaneous
15 program account to the essential rail assistance account, pursuant to
16 RCW 47.76.360, for the purpose of sustaining the grain train program
17 by maintaining the Palouse river and Coulee City railroad.

18 (6) The department shall issue a call for projects for the
19 freight rail assistance program, and shall evaluate the applications
20 in a manner consistent with past practices as specified in section
21 309, chapter 367, Laws of 2011. By November 15, 2022, the department
22 shall submit a prioritized list of recommended projects to the office
23 of financial management and the transportation committees of the
24 legislature.

25 (7) (~~(\$33,964,000)~~) \$32,996,000 of the multimodal transportation
26 account—state appropriation (~~(and \$37,500,000 of the multimodal~~
27 ~~transportation account federal appropriation are)~~) is provided solely
28 for Passenger Rail Equipment Replacement (~~(project 700010C.)~~)
29 (project 700010C). The (~~appropriations~~) appropriation in this
30 subsection include insurance proceeds received by the state. The
31 department must use these funds only to purchase replacement
32 equipment that has been competitively procured and for service
33 recovery needs and corrective actions related to the December 2017
34 derailment.

35 (8) \$223,000 of the multimodal transportation account—state
36 appropriation is provided solely for contingency funding for emergent
37 freight rail assistance projects funded in subsection (3) of this
38 section. Project sponsors may apply to the department for contingency
39 funds needed due to unforeseeable cost increases. The department

1 shall submit a report of any contingency funds provided under this
2 subsection as part of the department's annual budget submittal.

3 (9) It is the intent of the legislature to encourage the
4 department to pursue federal grant opportunities leveraging up to
5 \$6,696,000 in connecting Washington programmed funds to be used as a
6 state match to improve the state-owned Palouse river and Coulee City
7 system. The amount listed in this subsection is not a commitment for
8 future legislatures, but is the legislature's intent that future
9 legislatures will work to approve biennial appropriations up to a
10 state match share not to exceed \$6,696,000 of a grant award.

11 (10) \$50,000,000 of the carbon emissions reduction account—state
12 appropriation is provided solely for state match contributions to
13 support the department's application for pending federal grant
14 opportunities. These funds are to remain in unallotted status and are
15 available only upon receipt of federal funds. The department must
16 provide draft applications for federal grant opportunities to the
17 transportation committees of the legislature for review and comment
18 prior to submission. If amounts are appropriated for this specific
19 purpose in House Bill No. 2118 (additive transportation funding) or
20 Senate Bill No. 5975 (additive transportation funding) by June 30,
21 2022, this subsection lapses.

22 (11) \$500,000 of the multimodal transportation account—state
23 appropriation is provided solely for the Chelatchie Prairie railroad
24 for track improvement activities on the northern part of the railroad
25 (L1000311).

26 **Sec. 310.** 2021 c 333 s 311 (uncodified) is amended to read as
27 follows:

28 **FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—**
29 **CAPITAL**

30 Highway Infrastructure Account—State Appropriation.	((\$793,000))
	<u>\$1,744,000</u>
32 Highway Infrastructure Account—Federal Appropriation	
33	((\$1,600,000))
	<u>\$2,935,000</u>
35 Transportation Partnership Account—State	
36 Appropriation.	((\$750,000))
	<u>\$1,000,000</u>
38 Motor Vehicle Account—State Appropriation.	((\$11,064,000))

1		<u>\$23,651,000</u>
2	Motor Vehicle Account—Federal Appropriation.	((\$55,751,000))
3		<u>\$79,306,000</u>
4	Motor Vehicle Account—Private/Local Appropriation.	\$6,600,000
5	Connecting Washington Account—State Appropriation.	((\$123,292,000))
6		<u>\$176,755,000</u>
7	Multimodal Transportation Account—State	
8	Appropriation.	((\$71,615,000))
9		<u>\$96,354,000</u>
10	<u>Carbon Emissions Reduction Account—State</u>	
11	<u>Appropriation.</u>	<u>\$19,360,000</u>
12	TOTAL APPROPRIATION.	((\$271,465,000))
13		<u>\$407,705,000</u>

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

16 (1) Except as provided otherwise in this section, the entire
17 appropriations in this section are provided solely for the projects
18 and activities as listed by project and amount in LEAP Transportation
19 Document ((~~2021-2~~)) 2022-2 ALL PROJECTS as developed ((~~April 23,~~
20 ~~2021~~)) February 20, 2022, Program - Local Programs Program (Z).

21 (2) The amounts identified in the LEAP transportation document
22 referenced under subsection (1) of this section for pedestrian
23 safety/safe routes to school are as follows:

24 (a) ((~~\$32,613,000~~)) \$46,163,000 of the multimodal transportation
25 account—state appropriation is provided solely for pedestrian and
26 bicycle safety program projects (L2000188).

27 (b) ((~~\$19,344,000~~)) \$26,086,000 of the motor vehicle account—
28 federal appropriation and ((~~\$17,397,000~~)) \$21,656,000 of the
29 multimodal transportation account—state appropriation are provided
30 solely for safe routes to school projects (L2000189). The department
31 may consider the special situations facing high-need areas, as
32 defined by schools or project areas in which the percentage of the
33 children eligible to receive free and reduced-price meals under the
34 national school lunch program is equal to, or greater than, the state
35 average as determined by the department, when evaluating project
36 proposals against established funding criteria while ensuring
37 continued compliance with federal eligibility requirements.

38 (3) The department shall submit a report to the transportation
39 committees of the legislature by December 1, 2021, and December 1,

1 2022, on the status of projects funded as part of the pedestrian
2 safety/safe routes to school grant program. The report must include,
3 but is not limited to, a list of projects selected and a brief
4 description of each project's status. In its December 1, 2021, report
5 the department must also include recommended changes to the
6 pedestrian safety/safe routes to school grant program application and
7 selection processes to increase utilization by a greater diversity of
8 jurisdictions.

9 (4) (~~(\$6,561,000)~~) \$11,987,000 of the multimodal transportation
10 account—state appropriation is provided solely for bicycle and
11 pedestrian projects listed in the LEAP transportation document
12 referenced in subsection (1) of this section.

13 (5) It is the expectation of the legislature that the department
14 will be administering a local railroad crossing safety grant program
15 for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

16 (6) (~~(\$12,500,000)~~) \$17,438,000 of the motor vehicle account—
17 federal appropriation is provided solely for national highway freight
18 network projects identified on the project list submitted in
19 accordance with section 218(4)(b), chapter 14, Laws of 2016 on
20 October 31, 2016 (L1000169).

21 (7) When the department updates its federally-compliant freight
22 plan, it shall consult the freight mobility strategic investment
23 board on the freight plan update and on the investment plan component
24 that describes how the estimated funding allocation for the national
25 highway freight program for federal fiscal years 2022-2025 will be
26 invested and matched. The investment plan component for the state
27 portion of national highway freight program funds must first address
28 shortfalls in funding for connecting Washington act projects. The
29 department shall complete the freight plan update in compliance with
30 federal requirements and deadlines and shall provide an update on the
31 development of the freight plan, including the investment plan
32 component, when submitting its 2022 supplemental appropriations
33 request.

34 (8) (~~(\$11,679,000)~~) \$35,411,000 of the motor vehicle account—
35 federal appropriation is provided solely for acceleration of local
36 preservation projects that ensure the reliable movement of freight on
37 the national highway freight system (G2000100). The department will
38 identify projects through its current national highway system asset
39 management call for projects with applications due in February 2021.

1 The department shall give priority to those projects that can be
2 obligated by September 30, 2021.

3 (9) \$6,890,000 of the climate emissions reduction account—state
4 appropriation is provided solely for the projects and activities as
5 listed in LEAP Transportation Document 2022-NL-2 as developed
6 February 8, 2022. If amounts are appropriated for this specific
7 purpose in House Bill No. 2118 (additive transportation funding) or
8 Senate Bill No. 5975 (additive transportation funding) by June 30,
9 2022, the amount provided in this subsection lapses.

10 (10) \$5,640,000 of the climate emission reductions account—state
11 appropriation is provided solely for newly selected pedestrian and
12 bicycle safety program grants. If amounts are appropriated for this
13 specific purpose in House Bill No. 2118 (additive transportation
14 funding) or Senate Bill No. 5975 (additive transportation funding) by
15 June 30, 2022, the amount provided in this subsection lapses.

16 (11) \$6,830,000 of the climate emission reductions account—state
17 appropriation is provided solely for safe routes to school program
18 grants. If amounts are appropriated for this specific purpose in
19 House Bill No. 2118 (additive transportation funding) or Senate Bill
20 No. 5975 (additive transportation funding) by June 30, 2022, the
21 amount provided in this subsection lapses.

22 (12) \$1,063,000 of the motor vehicle account—state appropriation
23 is provided solely for repairs and rehabilitation of the Pierce
24 county ferry landings at Anderson Island and Steilacoom.

25 (13) \$500,000 of the motor vehicle account—state appropriation
26 designated for the traffic avenue/SR 410 interchange project
27 (L1000165) in LEAP Transportation Document 2022-2 ALL PROJECTS as
28 developed February 20, 2022, Local Programs Program (Z) is
29 redesignated and provided solely for the 166th/SR 410 Interchange -
30 Sumner.

31 (14) \$300,000 of the motor vehicle account—state appropriation is
32 provided solely for the city of Spokane for preliminary engineering
33 of the US 195/Inland Empire Way project. Funds may be used for
34 predesign environmental assessment work, community engagement,
35 design, and project cost estimation.

36 (15) \$529,000 of the multimodal transportation account—state
37 appropriation is provided solely for a commuter bus for the Sauk-
38 Suiattle tribe, town of Darrington, North county family services and
39 surrounding citizens.

1 **Sec. 311.** 2021 c 333 s 313 (uncodified) is amended to read as
2 follows:

3 **QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

4 On a quarterly basis, the department of transportation shall
5 provide to the office of financial management and the legislative
6 transportation committees a report for all capital projects, except
7 for ferry projects subject to the reporting requirements established
8 in section 309 (~~of this act~~), chapter 333, Laws of 2021, that must
9 include:

10 (1) A TEIS version containing actual capital expenditures for all
11 projects consistent with the structure of the most recently enacted
12 budget;

13 (2) Anticipated cost savings, cost increases, reappropriations,
14 and schedule adjustments for all projects consistent with the
15 structure of the most recently enacted budget;

16 (3) The award amount, the engineer's estimate, and the number of
17 bidders for all active projects consistent with the structure of the
18 most recently enacted budget; and

19 (4) Risk reserves and contingency amounts for all projects
20 consistent with the structure of the most recently enacted budget.

(End of part)

1 TRANSFERS AND DISTRIBUTIONS

2 Sec. 401. 2021 c 333 s 401 (uncodified) is amended to read as
3 follows:

4 FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING
5 BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND
6 DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND
7 REVENUE

8	Transportation Partnership Account—State	
9	Appropriation.	((\$904,000))
10		<u>\$795,000</u>
11	Connecting Washington Account—State Appropriation.	((\$11,153,000))
12		<u>\$5,584,000</u>
13	Special Category C Account—State Appropriation.	((\$412,000))
14		<u>\$257,000</u>
15	Highway Bond Retirement Account—State	
16	Appropriation.	((\$1,483,793,000))
17		<u>\$1,424,896,000</u>
18	Ferry Bond Retirement Account—State Appropriation.	\$17,150,000
19	Transportation Improvement Board Bond Retirement	
20	Account—State Appropriation.	((\$11,770,000))
21		<u>\$17,566,000</u>
22	Nondebt-Limit Reimbursable Bond Retirement Account—	
23	State Appropriation.	((\$29,323,000))
24		<u>\$26,278,000</u>
25	Toll Facility Bond Retirement Account—State	
26	Appropriation.	\$76,376,000
27	TOTAL APPROPRIATION.	((\$1,630,881,000))
28		<u>\$1,568,177,000</u>

29 The appropriations in this section are subject to the following
30 conditions and limitations: Up to \$6,451,550 of the transportation
31 improvement board bond retirement account—state appropriation is
32 provided solely for the prepayment of certain outstanding bonds and
33 debt service.

34 Sec. 402. 2021 c 333 s 402 (uncodified) is amended to read as
35 follows:

1 Motor Vehicle Account—State Appropriation: For motor
2 vehicle fuel tax refunds and transfers. (~~(\$235,675,000)~~)
3 \$240,330,000

4 **Sec. 406.** 2021 c 333 s 406 (uncodified) is amended to read as
5 follows:

6 **FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

7 (1) Highway Safety Account—State Appropriation:
8 For transfer to the State Patrol Highway
9 Account—State. \$47,000,000

10 (2) (a) Transportation Partnership Account—State
11 Appropriation: For transfer to the Capital Vessel
12 Replacement Account—State. (~~(\$152,453,000)~~)
13 \$45,668,000

14 (b) The amount transferred in this subsection represents proceeds
15 from the sale of bonds authorized in RCW 47.10.873.

16 (3) (a) Transportation Partnership Account—State
17 Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account
18 —State. \$30,293,000

19 (b) It is the intent of the legislature that this transfer is
20 temporary, for the purpose of minimizing the impact of toll
21 increases. An equivalent reimbursing transfer is to occur after the
22 debt service and deferred sales tax on the Tacoma Narrows bridge
23 construction costs are fully repaid in accordance with chapter 195,
24 Laws of 2018.

25 (4) (a) Motor Vehicle Account—State Appropriation:
26 For transfer to Alaskan Way Viaduct Account
27 —State. \$6,000,000

28 (b) The funds provided in (a) of this subsection are a loan to
29 the Alaskan Way viaduct replacement project account—state, and the
30 legislature assumes that these funds will be reimbursed to the motor
31 vehicle account—state at a later date when traffic on the toll
32 facility has recovered from the COVID-19 pandemic.

33 (5) Motor Vehicle Account—State Appropriation:
34 For transfer to the County Arterial Preservation
35 Account—State. \$7,666,000

36 (6) Motor Vehicle Account—State Appropriation:
37 For transfer to the Freight Mobility Investment
38 Account—State. \$5,511,000

1 (7) Motor Vehicle Account—State Appropriation:
2 For transfer to the Rural Arterial Trust Account—State. . . \$9,331,000
3 (8) Motor Vehicle Account—State Appropriation:
4 For transfer to the Transportation Improvement
5 Account—State. \$9,688,000
6 (9) Rural Mobility Grant Program Account—State
7 Appropriation: For transfer to the Multimodal
8 Transportation Account—State. \$3,000,000
9 (10) (a) State Route Number 520 Civil Penalties
10 Account—State Appropriation: For transfer to the
11 Motor Vehicle Account—State
12 \$2,000,000
13 (b) The transfer in this subsection is to repay moneys loaned to
14 the state route number 520 civil penalties account in the 2019-2021
15 fiscal biennium.
16 (11) State Route Number 520 Civil Penalties
17 Account—State Appropriation: For transfer to the
18 State Route Number 520 Corridor Account—State. \$1,532,000
19 (12) Capital Vessel Replacement Account—State
20 Appropriation: For transfer to the Connecting
21 Washington Account—State. \$35,000,000
22 (13) (a) Capital Vessel Replacement Account—State
23 Appropriation: For transfer to the Transportation
24 Partnership Account—State. (~~(\$10,305,000)~~)
25 \$1,542,000
26 (b) The amount transferred in this subsection represents
27 repayment of debt service incurred for the construction of the Hybrid
28 Electric Olympic Class (144-auto) Vessel #5 project (L2000329).
29 (14) Multimodal Transportation Account—State
30 Appropriation: For transfer to the Complete Streets
31 Grant Program Account—State. \$14,670,000
32 (15) Multimodal Transportation Account—State
33 Appropriation: For transfer to the Connecting
34 Washington Account—State. \$200,000,000
35 (16) Multimodal Transportation Account—State
36 Appropriation: For transfer to the Freight Mobility
37 Multimodal Account—State. \$4,011,000
38 (17) Multimodal Transportation Account—State
39 Appropriation: For transfer to the Ignition Interlock

1 Device Revolving Account—State. \$600,000
2 (18) Multimodal Transportation Account—State
3 Appropriation: For transfer to the Pilotage
4 Account—State. (~~(\$1,500,000)~~)
5 \$2,000,000
6 (19) Multimodal Transportation Account—State
7 Appropriation: For transfer to the Puget Sound
8 Capital Construction Account—State. \$60,000,000
9 (20) Multimodal Transportation Account—State
10 Appropriation: For transfer to the Regional Mobility
11 Grant Program Account—State. \$27,679,000
12 (21) Multimodal Transportation Account—State
13 Appropriation: For transfer to the Rural Mobility
14 Grant Program Account—State. \$15,223,000
15 (22) (a) Alaskan Way Viaduct Replacement Project
16 Account—State Appropriation: For transfer to the
17 Transportation Partnership Account—State. \$22,884,000
18 (b) The amount transferred in this subsection represents
19 repayment of debt service incurred for the construction of the SR 99/
20 Alaskan Way Viaduct Replacement project (809936Z).
21 (23) Tacoma Narrows Toll Bridge Account—State
22 Appropriation: For transfer to the Motor Vehicle
23 Account—State. \$950,000
24 (24) Puget Sound Ferry Operations Account—State
25 Appropriation: For transfer to the Puget Sound
26 Capital Construction Account—State. \$60,000,000
27 (25) (a) General Fund Account—State
28 Appropriation: For transfer to the State Patrol
29 Highway Account—State. \$625,000
30 (b) The state treasurer shall transfer the funds only after
31 receiving notification from the Washington state patrol under section
32 207(2) (~~of this act~~), chapter 333, Laws of 2021.

(End of part)

1 **COMPENSATION**

2 **Sec. 501.** 2021 c 333 s 502 (uncodified) is amended to read as
3 follows:

4 **COLLECTIVE BARGAINING AGREEMENTS**

5 Sections 503 through 520 (~~(of this act)~~), chapter 333, Laws of
6 2021 represent the results of the 2021-2023 collective bargaining
7 process required under chapters 41.80, 47.64, and 41.56 RCW.
8 Provisions of the collective bargaining agreements contained in
9 sections 503 through 520 (~~(of this act)~~), chapter 333, Laws of 2021
10 are described in general terms. Only major economic terms are
11 included in the descriptions. These descriptions do not contain the
12 complete contents of the agreements. The collective bargaining
13 agreements contained in sections 503 through 520 (~~(of this act)~~),
14 chapter 333, Laws of 2021 may also be funded by expenditures from
15 nonappropriated accounts. If positions are funded with lidded grants
16 or dedicated fund sources with insufficient revenue, additional
17 funding from other sources is not provided.

18 **Sec. 502.** 2021 c 333 s 503 (uncodified) is amended to read as
19 follows:

20 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
21 **AGREEMENTS—OPEIU**

22 (1) An agreement has been reached between the governor and the
23 office and professional employees international union local eight
24 (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal
25 biennium. Funding is provided to fund the agreement, which does not
26 include wage increases but does include furloughs. The agreement
27 provides that positions designated by the employer as not requiring
28 backfill take 24 furlough days during the biennium. In addition, the
29 following positions are not subject to the furlough requirement: Bid
30 administrator, dispatch, dispatch coordinator, and relief positions.

31 (2) An agreement has been reached between the governor and the
32 office and professional employees international union local eight
33 (OPEIU) pursuant to chapter 47.64 RCW for fiscal year 2023. The
34 agreement includes and funding is provided for a general wage
35 increase of 3.25 percent for fiscal year 2023 and a lump sum payment
36 for employees hired before July 1, 2022.

1 **Sec. 503.** 2021 c 333 s 504 (uncodified) is amended to read as
2 follows:

3 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
4 **AGREEMENTS—FASPAA**

5 (1) An agreement has been reached between the governor and the
6 ferry agents, supervisors, and project administrators association
7 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium.
8 Funding is provided to fund the agreement, which does not include
9 wage increases but does include furloughs. The agreement provides
10 that positions designated by the employer as not requiring backfill
11 take 24 furlough days during the biennium.

12 (2) An agreement has been reached between the governor and the
13 ferry agents, supervisors, and project administrators association
14 pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement
15 includes and funding is provided for a general wage increase of 3.25
16 percent for fiscal year 2023 and a lump sum payment for employees
17 hired before July 1, 2022.

18 **Sec. 504.** 2021 c 333 s 505 (uncodified) is amended to read as
19 follows:

20 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
21 **AGREEMENTS—SEIU LOCAL 6**

22 (1) An agreement has been reached between the governor and the
23 service employees international union local 6 pursuant to chapter
24 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to
25 fund the agreement, which does not include wage increases but does
26 include furloughs. The agreement provides that positions designated
27 by the employer as not requiring backfill take 24 furlough days
28 during the biennium.

29 (2) An agreement has been reached between the governor and the
30 service employees international union local 6 pursuant to chapter
31 47.64 RCW for fiscal year 2023. The agreement includes and funding is
32 provided for a general wage increase of 3.25 percent for fiscal year
33 2023 and a lump sum payment for employees hired before July 1, 2022.

34 **Sec. 505.** 2021 c 333 s 506 (uncodified) is amended to read as
35 follows:

36 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
37 **AGREEMENTS—CARPENTERS**

1 (1) An agreement has been reached between the governor and the
2 Pacific Northwest regional council of carpenters pursuant to chapter
3 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to
4 fund the agreement, which does not include wage increases but does
5 include furloughs. The agreement provides that positions designated
6 by the employer as not requiring backfill take 24 furlough days
7 during the biennium.

8 (2) An agreement has been reached between the governor and the
9 Pacific Northwest regional council of carpenters pursuant to chapter
10 47.64 RCW for fiscal year 2023. The agreement includes and funding is
11 provided for a general wage increase of 3.25 percent for fiscal year
12 2023 and a lump sum payment for employees hired before July 1, 2022.

13 **Sec. 506.** 2021 c 333 s 507 (uncodified) is amended to read as
14 follows:

15 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
16 **AGREEMENTS—METAL TRADES**

17 (1) An agreement has been reached between the governor and the
18 Puget Sound metal trades council through an interest arbitration
19 award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal
20 biennium. The arbitration award imposed and funding is provided to
21 implement a 1.9% general wage decrease from July 1, 2021, through
22 June 30, 2022, and exempted these employees from the furlough
23 requirement.

24 (2) An agreement has been reached between the governor and the
25 Puget Sound metal trades council pursuant to chapter 47.64 RCW for
26 fiscal year 2023. The agreement includes and funding is provided for
27 a general wage increase of 3.25 percent for fiscal year 2023 and a
28 lump sum payment for employees hired before July 1, 2022.

29 **Sec. 507.** 2021 c 333 s 508 (uncodified) is amended to read as
30 follows:

31 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
32 **AGREEMENTS—MEBA-UL**

33 (1) An agreement has been reached between the governor and the
34 marine engineers' beneficial association unlicensed engine room
35 employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal
36 biennium. Funding is provided to fund the agreement, which does not
37 include either wage increases or the furlough requirement.

1 (2) An agreement has been reached between the governor and the
2 marine engineers' beneficial association unlicensed engine room
3 employees pursuant to chapter 47.64 RCW for fiscal year 2023. The
4 agreement includes and funding is provided for a general wage
5 increase of 3.25 percent for fiscal year 2023 and a lump sum payment
6 for employees hired before July 1, 2022.

7 **Sec. 508.** 2021 c 333 s 509 (uncodified) is amended to read as
8 follows:

9 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
10 **AGREEMENTS—MEBA—L**

11 (1) An agreement has been reached between the governor and the
12 marine engineers' beneficial association licensed engineer officers
13 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium.
14 Funding is provided to fund the agreement, which does not include
15 either wage increases or the furlough requirement.

16 (2) An agreement has been reached between the governor and the
17 marine engineers' beneficial association licensed engineer officers
18 pursuant to chapter 47.64 RCW for fiscal year 2023. The agreement
19 includes and funding is provided for a general wage increase of 3.25
20 percent for fiscal year 2023 and a lump sum payment for employees
21 hired before July 1, 2022.

22 **Sec. 509.** 2021 c 333 s 510 (uncodified) is amended to read as
23 follows:

24 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
25 **AGREEMENTS—MEBA—PORT ENGINEERS**

26 (1) An agreement has been reached between the governor and the
27 marine engineers' beneficial association port engineers pursuant to
28 chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is
29 provided to fund the agreement, which does not include wage increases
30 but does include furloughs. The agreement provides that positions
31 designated by the employer as not requiring backfill take 24 furlough
32 days during the biennium.

33 (2) An agreement has been reached between the governor and the
34 marine engineers' beneficial association port engineers pursuant to
35 chapter 47.64 RCW for fiscal year 2023. The agreement includes and
36 funding is provided for a general wage increase of 3.25 percent for
37 fiscal year 2023 and a lump sum payment for employees hired before
38 July 1, 2022.

1 **Sec. 510.** 2021 c 333 s 511 (uncodified) is amended to read as
2 follows:

3 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
4 **AGREEMENTS—MM&P MATES**

5 (1) An agreement has been reached between the governor and the
6 masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for
7 the 2021-2023 fiscal biennium. Funding is provided to fund the
8 agreement, which includes a two percent wage increase for second
9 mates, and does not include the furlough requirement.

10 (2) An agreement has been reached between the governor and the
11 masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for
12 fiscal year 2023. The agreement includes and funding is provided for
13 a general wage increase of 3.25 percent for fiscal year 2023 and a
14 lump sum payment for employees hired before July 1, 2022.

15 **Sec. 511.** 2021 c 333 s 512 (uncodified) is amended to read as
16 follows:

17 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
18 **AGREEMENTS—MM&P MASTERS**

19 (1) An agreement has been reached between the governor and the
20 masters, mates, and pilots - masters pursuant to chapter 47.64 RCW
21 for the 2021-2023 fiscal biennium. Funding is provided to fund the
22 agreement, which does not include either wage increases or the
23 furlough requirement.

24 (2) An agreement has been reached between the governor and the
25 masters, mates, and pilots - masters pursuant to chapter 47.64 RCW
26 for fiscal year 2023. The agreement includes and funding is provided
27 for a general wage increase of 3.25 percent for fiscal year 2023 and
28 a lump sum payment for employees hired before July 1, 2022.

29 **Sec. 512.** 2021 c 333 s 513 (uncodified) is amended to read as
30 follows:

31 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
32 **AGREEMENTS—MM&P WATCH CENTER SUPERVISORS**

33 (1) An agreement has been reached between the governor and the
34 masters, mates, and pilots - watch center supervisors pursuant to
35 chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is
36 provided to fund the agreement, which does not include wage increases

1 but does include furloughs only for the following positions: Fleet
2 facility security officers and workforce development leads.

3 (2) An agreement has been reached between the governor and the
4 masters, mates, and pilots - watch center supervisors pursuant to
5 chapter 47.64 RCW for fiscal year 2023. The agreement includes and
6 funding is provided for a general wage increase of 3.25 percent for
7 fiscal year 2023 and a lump sum payment for employees hired before
8 July 1, 2022.

9 **Sec. 513.** 2021 c 333 s 514 (uncodified) is amended to read as
10 follows:

11 **DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING**
12 **AGREEMENTS—IBU**

13 (1) An agreement has been reached between the governor and the
14 inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW
15 through an interest arbitration award for the 2021-2023 fiscal
16 biennium. Funding is provided to fund the agreement, which does not
17 include wage increases, but does include furlough days for employees
18 in positions that do not require the position to be backfilled.

19 (2) An agreement has been reached between the governor and the
20 inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW
21 for fiscal year 2023. The agreement includes and funding is provided
22 for a general wage increase of 3.25 percent for fiscal year 2023 and
23 a lump sum payment for employees hired before July 1, 2022.

24 **Sec. 514.** 2021 c 333 s 519 (uncodified) is amended to read as
25 follows:

26 **COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

27 (1) An agreement has been reached between the governor and the
28 Washington state patrol troopers association under the provisions of
29 chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is
30 provided to fund the agreement, which does not include general wages
31 increases but does provide the ability to request to reopen the
32 compensation article for the purpose of bargaining base rate of pay
33 for fiscal year 2023.

34 (2) An agreement has been reached between the governor and the
35 Washington state patrol troopers association under the provisions of
36 chapter 41.56 RCW for fiscal year 2023. The agreement includes and
37 funding is provided for a general wage increase of 10 percent for
38 fiscal year 2023.

1 **Sec. 515.** 2021 c 333 s 520 (uncodified) is amended to read as
2 follows:

3 **COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS**
4 **ASSOCIATION**

5 (1) An agreement has been reached between the governor and the
6 Washington state patrol lieutenants and captains association under
7 the provisions of chapter 41.56 RCW for the 2021-2023 fiscal
8 biennium. Funding is provided to fund the agreement, which does not
9 include general wages increases but does provide the ability to
10 request to reopen the compensation article for the purpose of
11 bargaining base rate of pay for fiscal year 2023.

12 (2) An agreement has been reached between the governor and the
13 Washington state patrol lieutenants and captains association under
14 the provisions of chapter 41.56 RCW for fiscal year 2023. The
15 agreement includes and funding is provided for a general wage
16 increase of 10 percent for fiscal year 2023.

17 **Sec. 516.** 2021 c 333 s 521 (uncodified) is amended to read as
18 follows:

19 **COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE**
20 **BENEFITS**

21 An agreement was reached for the 2021-2023 biennium between the
22 governor and the health care coalition under the provisions of
23 chapter 41.80 RCW. Appropriations in this act for state agencies,
24 including institutions of higher education, are sufficient to
25 implement the provisions of the 2021-2023 collective bargaining
26 agreement, which maintains the provisions of the 2019-2021 agreement,
27 and are subject to the following conditions and limitations:

28 The monthly employer funding rate for insurance benefit premiums,
29 public employees' benefits board administration, and the uniform
30 medical plan, shall not exceed \$936 per eligible employee for fiscal
31 year 2022. For fiscal year 2023, the monthly employer funding rate
32 shall not exceed (~~(\$1091)~~) \$1130 per eligible employee.

33 The board shall collect a \$25 per month surcharge payment from
34 members who use tobacco products and a surcharge payment of not less
35 than \$50 per month from members who cover a spouse or domestic
36 partner where the spouse or domestic partner has chosen not to enroll
37 in another employer-based group health insurance that has benefits
38 and premiums with an actuarial value of not less than 95 percent of
39 the actuarial value of the public employees' benefits board plan with

1 the largest enrollment. The surcharge payments shall be collected in
2 addition to the member premium payment if directed by the
3 legislature.

4 **Sec. 517.** 2021 c 333 s 522 (uncodified) is amended to read as
5 follows:

6 **COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—**
7 **INSURANCE BENEFITS**

8 Appropriations for state agencies in this act are sufficient for
9 represented employees outside the coalition for health benefits, and
10 are subject to the following conditions and limitations: The monthly
11 employer funding rate for insurance benefit premiums, public
12 employees' benefits board administration, and the uniform medical
13 plan, may not exceed \$936 per eligible employee for fiscal year 2022.
14 For fiscal year 2023, the monthly employer funding rate may not
15 exceed (~~(\$1091)~~) \$1130 per eligible employee.

16 NEW SECTION. **Sec. 518.** The following acts or parts of acts are
17 each repealed:

- 18 (1) 2021 c 333 s 526 (uncodified);
19 (2) 2021 c 333 s 527 (uncodified);
20 (3) 2021 c 333 s 528 (uncodified);
21 (4) 2021 c 333 s 529 (uncodified);
22 (5) 2021 c 333 s 530 (uncodified);
23 (6) 2021 c 333 s 531 (uncodified);
24 (7) 2021 c 333 s 532 (uncodified); and
25 (8) 2021 c 333 s 537 (uncodified).

(End of part)

1 **IMPLEMENTING PROVISIONS**

2 **Sec. 601.** 2021 c 333 s 601 (uncodified) is amended to read as
3 follows:

4 **MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN**
5 **SESSION**

6 (1) The 2005 transportation partnership projects or improvements
7 and 2015 connecting Washington projects or improvements are listed in
8 the LEAP Transportation Document (~~(2021-1)~~) 2022-1 as developed
9 (~~(April 23, 2021)~~) February 20, 2022, which consists of a list of
10 specific projects by fund source and amount over a sixteen-year
11 period. Current fiscal biennium funding for each project is a line-
12 item appropriation, while the outer year funding allocations
13 represent a sixteen-year plan. The department of transportation is
14 expected to use the flexibility provided in this section to assist in
15 the delivery and completion of all transportation partnership account
16 and connecting Washington account projects on the LEAP transportation
17 document referenced in this subsection. For the 2021-2023 project
18 appropriations, unless otherwise provided in this act, the director
19 of the office of financial management may provide written
20 authorization for a transfer of appropriation authority between
21 projects funded with transportation partnership account
22 appropriations or connecting Washington account appropriations to
23 manage project spending and efficiently deliver all projects in the
24 respective program under the following conditions and limitations:

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

27 (b) Transfers from a project may not be made as a result of the
28 reduction of the scope of a project or be made to support increases
29 in the scope of a project;

30 (c) Transfers from a project may be made if the funds
31 appropriated to the project are in excess of the amount needed in the
32 current fiscal biennium;

33 (d) Transfers may not occur for projects not identified on the
34 applicable project list;

35 (e) Transfers to a project may not occur if that project is a
36 programmatic funding item described in broad general terms on the
37 applicable project list without referencing a specific state route
38 number;

1 (f) Transfers may not be made while the legislature is in
2 session;

3 (g) Transfers to a project may not be made with funds designated
4 as attributable to practical design savings as described in RCW
5 47.01.480;

6 (h) Except for transfers made under (l) of this subsection,
7 transfers may only be made in fiscal year 2023;

8 (i) The total amount of transfers under this section may not
9 exceed \$50,000,000;

10 (j) Except as otherwise provided in (l) of this subsection,
11 transfers made to a single project may not cumulatively total more
12 than \$20,000,000 per biennium;

13 (k) Each transfer between projects may only occur if the director
14 of the office of financial management finds that any resulting change
15 will not hinder the completion of the projects as approved by the
16 legislature; and

17 (l) Transfers between projects may be made by the department of
18 transportation without the formal written approval provided under
19 this subsection (1), provided that the transfer amount to a single
20 project does not exceed two hundred fifty thousand dollars or ten
21 percent of the total project per biennium, whichever is less. These
22 transfers must be reported quarterly to the director of the office of
23 financial management and the chairs of the house of representatives
24 and senate transportation committees.

25 (2) The department of transportation must submit quarterly all
26 transfers authorized under this section in the transportation
27 executive information system. The office of financial management must
28 maintain a legislative baseline project list identified in the LEAP
29 transportation documents referenced in this act, and update that
30 project list with all authorized transfers under this section,
31 including any effects to the total project budgets and schedules
32 beyond the current biennium.

33 (3) At the time the department submits a request to transfer
34 funds under this section, a copy of the request must be submitted to
35 the chairs and ranking members of the transportation committees of
36 the legislature.

37 (4) Before approval, the office of financial management shall
38 work with legislative staff of the house of representatives and
39 senate transportation committees to review the requested transfers in

1 a timely manner and address any concerns raised by the chairs and
2 ranking members of the transportation committees.

3 (5) No fewer than ten days after the receipt of a project
4 transfer request, the director of the office of financial management
5 must provide written notification to the department of any decision
6 regarding project transfers, with copies submitted to the
7 transportation committees of the legislature.

8 (6) The department must submit annually as part of its budget
9 submittal a report detailing all transfers made pursuant to this
10 section, including any effects to the total project budgets and
11 schedules beyond the current biennium.

12 (7)(a) If the department of transportation receives federal
13 funding not appropriated in this act, the department shall apply such
14 funds to any of the following activities in lieu of state funds, if
15 compliant with federal funding restrictions, and in the order that
16 most reduces administrative burden and minimizes the use of bond
17 proceeds:

18 (i) Projects on LEAP Transportation Document ((~~2021-2~~)) 2022-2
19 ALL PROJECTS as developed ((~~April 23, 2021~~)) February 20, 2022; or

20 (ii) Other department of transportation operating or capital
21 expenditures funded by appropriations from state accounts in this
22 act.

23 (b) However, if the funds received may not be used for any of the
24 purposes enumerated in this section and must be obligated before the
25 next regular legislative session, then the department may program the
26 funds for other transportation-related activities, provided that
27 these actions do not initiate any new programs, policies, or
28 expenditure levels requiring additional one-time or ongoing state
29 funds that have not been expressly authorized by the legislature. The
30 department shall follow the existing unanticipated receipt process to
31 notify the legislative standing committees on transportation and the
32 office of financial management of the amount of federal funds
33 received in addition to those appropriated in this act and the
34 projects or activities receiving funding through this process.

35 **Sec. 602.** 2021 c 333 s 606 (uncodified) is amended to read as
36 follows:

37 **TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

38 (1) By November 15th of each year, the department of
39 transportation must report on amounts expended to benefit transit,

1 bicycle, or pedestrian elements within all connecting Washington
2 projects in programs I, P, and Z identified in LEAP Transportation
3 Document ((2021-2)) 2022-2 ALL PROJECTS as developed ((April-23,
4 2021)) February 20, 2022. The report must address each modal category
5 separately and identify if eighteenth amendment protected funds have
6 been used and, if not, the source of funding.

7 (2) To facilitate the report in subsection (1) of this section,
8 the department of transportation must require that all bids on
9 connecting Washington projects include an estimate on the cost to
10 implement any transit, bicycle, or pedestrian project elements.

11 NEW SECTION. Sec. 603. A new section is added to 2021 c 333
12 (uncodified) to read as follows:

13 **INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDS ALLOCATIONS**

14 The legislature acknowledges that the manner in which the
15 allocation of formula program funding from federal funding
16 authorization acts between the state and local governments has been
17 determined in the past by work groups composed of a number of
18 stakeholders to advise the governor and the legislature. It is the
19 intent of the legislature that a similar process be undertaken for
20 the allocation of formula program funds from the infrastructure
21 investment and jobs act for federal fiscal years after 2023, as
22 provided in section 204(13) of this act. For the purposes of federal
23 fiscal year 2023 and for the purposes of ensuring the efficient and
24 timely obligation of federal funds, the legislature finds that a
25 schedule of formula program allocations be applied, as provided in
26 this section, based on a modification of the allocation schedule
27 under the fixing America's surface transportation act.

28 (1) Amounts received by the state of Washington from the federal
29 infrastructure investment and jobs act for federal fiscal year 2023
30 are assumed to be allocated in the following manner:

31 (a) Eighty-seven percent of national highway performance program
32 funds is allocated to the state and 13 percent is allocated to local
33 governments;

34 (b) Thirty percent of highway safety improvement grants is
35 allocated to the state and 70 percent is allocated to local
36 governments;

37 (c) One hundred percent of national highway freight program funds
38 is allocated to the state;

1 (d) One hundred percent of statewide planning & research funds is
2 allocated to the state;

3 (e) Eighty-five percent of bridge replacement program funds is
4 allocated to the state and 15 percent is allocated to local
5 governments;

6 (f) Thirty-five percent of carbon reduction program funds is
7 allocated to the state and 65 percent is allocated to local
8 governments;

9 (g) One hundred percent of national vehicle electric funds is
10 allocated to the state; and

11 (h) One hundred percent of promoting resilient operations for
12 transformative, efficient, and cost-saving transportation grant
13 program funds is allocated to the state.

14 (2) Additionally, amounts received by the state of Washington
15 from the federal infrastructure investment and jobs act for federal
16 fiscal year 2023 for the surface transportation block grant
17 subprograms are assumed to be allocated in the following manner:

18 (a) One hundred percent of the surface transportation block
19 grant program amounts for off-system bridges is allocated to local
20 governments;

21 (b) One hundred percent of the surface transportation block
22 bridge grant program amounts for distribution based on population is
23 allocated to local governments;

24 (c) Eighty-six percent of the surface transportation block grant
25 program amounts for distribution to any area of the state is
26 allocated to the state and 14 percent is allocated to local
27 governments.

(End of part)

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

Sec. 701. 2021 c 333 s 701 (uncodified) is amended to read as follows:

INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

- (i) Fund sources;
(ii) Full time equivalent staffing level to include job classification assumptions;
(iii) Discrete financial budget codes to include at least the appropriation index and program index;
(iv) Object and subobject codes of expenditures;
(v) Anticipated deliverables;
(vi) Historical budget and expenditure detail by fiscal year; and

1 (vii) Maintenance and operations costs by fiscal year for at
2 least five years as a separate worksheet.

3 (c) If a project technology budget changes and a revised
4 technology budget is completed, a comparison of the revised
5 technology budget to the last approved technology budget must be
6 posted to the dashboard, to include a narrative rationale on what
7 changed, why, and how that impacts the project in scope, budget, and
8 schedule.

9 (3) (a) Each project must have an investment plan that includes:

10 (i) An organizational chart of the project management team that
11 identifies team members and their roles and responsibilities;

12 (ii) The office of the chief information officer staff assigned
13 to the project;

14 (iii) An implementation schedule covering activities, critical
15 milestones, and deliverables at each stage of the project for the
16 life of the project at each agency affected by the project;

17 (iv) Performance measures used to determine that the project is
18 on time, within budget, and meeting expectations for quality of work
19 product;

20 (v) Ongoing maintenance and operations cost of the project post
21 implementation and close out delineated by agency staffing,
22 contracted staffing, and service level agreements; and

23 (vi) Financial budget coding to include at least discrete
24 financial coding for the project.

25 (4) Projects with estimated costs greater than \$100,000,000 from
26 initiation to completion and implementation may be divided into
27 discrete subprojects as determined by the office of the state chief
28 information officer. Each subproject must have a technology budget
29 and investment plan as provided in this section.

30 (5) (a) The office of the chief information officer shall maintain
31 an information technology project dashboard that provides updated
32 information each fiscal month on projects subject to this section.
33 This includes, at least:

34 (i) Project changes each fiscal month;

35 (ii) Noting if the project has a completed market requirements
36 document, and when it was completed;

37 (iii) Financial status of information technology projects under
38 oversight;

39 (iv) Coordination with agencies;

40 (v) Monthly quality assurance reports, if applicable;

1 (vi) Monthly office of the chief information officer status
2 reports;

3 (vii) Historical project budget and expenditures through fiscal
4 year 2021;

5 (viii) Budget and expenditures each fiscal month;

6 (ix) Estimated annual maintenance and operations costs by fiscal
7 year; and

8 (x) Posting monthly project status assessments on scope,
9 schedule, budget, and overall by the:

10 (A) Office of the chief information officer;

11 (B) Agency project team; and

12 (C) Quality assurance vendor, if applicable to the project.

13 (b) The dashboard must retain a roll up of the entire project
14 cost, including all subprojects, that can display subproject detail.
15 This includes coalition projects that are active.

16 (6) If the project affects more than one agency:

17 (a) A separate technology budget and investment plan must be
18 prepared for each agency; and

19 (b) The dashboard must contain a statewide project technology
20 budget roll up that includes each affected agency at the subproject
21 level.

22 (7) For any project that exceeds \$2,000,000 in total funds to
23 complete, requires more than one biennium to complete, or is financed
24 through financial contracts, bonds, or other indebtedness:

25 (a) Quality assurance for the project must report independently
26 to the office of the chief information officer;

27 (b) The office of the chief information officer must review, and,
28 if necessary, revise the proposed project to ensure it is flexible
29 and adaptable to advances in technology;

30 (c) The technology budget must specifically identify the uses of
31 any financing proceeds. No more than 30 percent of the financing
32 proceeds may be used for payroll-related costs for state employees
33 assigned to project management, installation, testing, or training;

34 (d) The agency must consult with the office of the state
35 treasurer during the competitive procurement process to evaluate
36 early in the process whether products and services to be solicited
37 and the responsive bids from a solicitation may be financed; and

38 (e) The agency must consult with the contracting division of the
39 department of enterprise services for a review of all contracts and

1 agreements related to the project's information technology
2 procurements.

3 (8) The office of the chief information officer must evaluate the
4 project at each stage and certify whether the project is planned,
5 managed, and meeting deliverable targets as defined in the project's
6 approved technology budget and investment plan.

7 (9) The office of the chief information officer may suspend or
8 terminate a project at any time if it determines that the project is
9 not meeting or not expected to meet anticipated performance and
10 technology outcomes. Once suspension or termination occurs, the
11 agency shall unallot any unused funding and shall not make any
12 expenditure for the project without the approval of the office of
13 financial management. The office of the chief information officer
14 must report on July 1st and December 1st each calendar year any
15 suspension or termination of a project in the previous six-month
16 period to the legislative fiscal committees.

17 (10) The office of the chief information officer, in consultation
18 with the office of financial management, may identify additional
19 projects to be subject to this section, including projects that are
20 not separately identified within an agency budget. The office of the
21 chief information officer must report on July 1st and December 1st
22 each calendar year any additional projects to be subjected to this
23 section that were identified in the previous six-month period to the
24 legislative fiscal committees.

25 (11) The following transportation projects are subject to the
26 conditions, limitations, and review provided in this section:

27 (a) For the Washington state patrol: Aerial criminal
28 investigation tools;

29 (b) For the department of licensing: Website accessibility and
30 usability; and

31 (c) For the department of transportation: Maintenance management
32 system, land mobile radio system replacement (~~(, new esc system and~~
33 ~~operator)~~), PROPEL - WSDOT support of one Washington, and capital
34 systems replacement.

35 **Sec. 702.** 2021 c 333 s 702 (uncodified) is amended to read as
36 follows:

37 **ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

38 (1) The department of transportation is authorized, subject to
39 the conditions in section 305(2) (~~(of this act)~~), chapter 333, Laws

1 of 2021, to enter into a financing contract pursuant to chapter 39.94
2 RCW through the state treasurer's lease-purchase program for the
3 purposes indicated. The department may use any funds, appropriated or
4 nonappropriated, in not more than the principal amounts indicated,
5 plus financing expenses and required reserves, if any. Expenditures
6 made by the department of transportation for the indicated purposes
7 before the issue date of the authorized financing contract and any
8 certificates of participation therein may be reimbursed from proceeds
9 of the financing contract and any certificates of participation
10 therein to the extent provided in the agency's financing plan
11 approved by the state finance committee.

12 (2) Department of transportation: Enter into a financing contract
13 for up to \$32,500,000 plus financing expenses and required reserves
14 pursuant to chapter 39.94 RCW to renovate the existing office
15 building at 15700 Dayton Ave N, Shoreline. If the department of
16 transportation has entered into a financing agreement for the
17 purposes specified in this subsection prior to June 30, 2021, this
18 subsection has no force and effect.

19 **Sec. 703.** RCW 46.68.410 and 2010 c 161 s 812 are each amended to
20 read as follows:

21 (1) The vehicle identification number inspection fee collected
22 under RCW 46.17.130 must be distributed as follows:

23 ~~((1) Fifteen dollars))~~ (a) \$15 to the state patrol highway
24 account created in RCW 46.68.030; and

25 ~~((2) Fifty dollars))~~ (b) \$50 to the motor vehicle fund created
26 in RCW 46.68.070.

27 (2) During the 2021-2023 fiscal biennium, the entire vehicle
28 identification number inspection fee collected under RCW 46.17.130
29 must be distributed to the state patrol highway account created in
30 RCW 46.68.030.

31 **Sec. 704.** RCW 46.68.480 and 2020 c 224 s 2 are each amended to
32 read as follows:

33 The Cooper Jones active transportation safety account is created
34 in the state treasury. All receipts from penalties collected under
35 RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures
36 from the account may be used only to fund grant projects or programs
37 for bicycle, pedestrian, and nonmotorist safety improvement
38 administered by the Washington traffic safety commission. For the

1 2021-2023 biennium, expenditures from the account may also be used to
2 fund grant projects or programs for bicycle, pedestrian, and
3 nonmotorist safety improvement administered by the Washington state
4 department of transportation. The account is subject to allotment
5 procedures under chapter 43.88 RCW. Moneys in the account may be
6 spent only after appropriation.

7 **Sec. 705.** RCW 47.12.063 and 2015 3rd sp.s. c 13 s 2 are each
8 amended to read as follows:

9 (1) It is the intent of the legislature to continue the
10 department's policy giving priority consideration to abutting
11 property owners in agricultural areas when disposing of property
12 through its surplus property program under this section.

13 (2) Whenever the department determines that any real property
14 owned by the state of Washington and under the jurisdiction of the
15 department is no longer required for transportation purposes and that
16 it is in the public interest to do so, the department may sell the
17 property or exchange it in full or part consideration for land or
18 building improvements or for construction of highway improvements at
19 fair market value to any person through the solicitation of written
20 bids through public advertising in the manner prescribed under RCW
21 47.28.050 or in the manner prescribed under RCW 47.12.283.

22 (3) The department may forego the processes prescribed by RCW
23 47.28.050 and 47.12.283 and sell the real property to any of the
24 following entities or persons at fair market value, except as
25 specified in subsection (9) of this section during the 2021-2023
26 fiscal biennium:

27 (a) Any other state agency;
28 (b) The city or county in which the property is situated;
29 (c) Any other municipal corporation;
30 (d) Regional transit authorities created under chapter 81.112
31 RCW;

32 (e) The former owner of the property from whom the state acquired
33 title;

34 (f) In the case of residentially improved property, a tenant of
35 the department who has resided thereon for not less than six months
36 and who is not delinquent in paying rent to the state;

37 (g) Any abutting private owner but only after each other abutting
38 private owner (if any), as shown in the records of the county
39 assessor, is notified in writing of the proposed sale. If more than

1 one abutting private owner requests in writing the right to purchase
2 the property within fifteen days after receiving notice of the
3 proposed sale, the property shall be sold at public auction in the
4 manner provided in RCW 47.12.283;

5 (h) To any other owner of real property required for
6 transportation purposes;

7 (i) In the case of property suitable for residential use, any
8 nonprofit organization dedicated to providing affordable housing to
9 very low-income, low-income, and moderate-income households as
10 defined in RCW 43.63A.510 and is eligible to receive assistance
11 through the Washington housing trust fund created in chapter 43.185
12 RCW; (~~to~~)

13 (j) During the 2021-2023 fiscal biennium, any nonprofit
14 organization that identifies real property to be sold or conveyed as
15 a substitute for real property owned by the nonprofit within the city
16 of Seattle to be redeveloped for the purpose of affordable housing;
17 or

18 (k) A federally recognized Indian tribe within whose reservation
19 boundary the property is located.

20 (4) When selling real property pursuant to RCW 47.12.283, the
21 department may withhold or withdraw the property from an auction when
22 requested by one of the entities or persons listed in subsection (3)
23 of this section and only after the receipt of a nonrefundable deposit
24 equal to (~~ten~~) 10 percent of the fair market value of the real
25 property or (~~five thousand dollars~~) \$5,000, whichever is less. This
26 subsection does not prohibit the department from exercising its
27 discretion to withhold or withdraw the real property from an auction
28 if the department determines that the property is no longer surplus
29 or chooses to sell the property through one of the other means listed
30 in subsection (2) of this section. If a transaction under this
31 subsection is not completed within (~~sixty~~) 60 days, the real
32 property must be put back up for sale.

33 (5) Sales to purchasers may, at the department's option, be for
34 cash, by real estate contract, or exchange of land or highway
35 improvements. Transactions involving the construction of improvements
36 must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as
37 applicable, and must comply with all other applicable laws and rules.

38 (6) Conveyances made pursuant to this section shall be by deed
39 executed by the secretary of transportation and shall be duly
40 acknowledged.

1 (7) Unless otherwise provided, all moneys received pursuant to
2 the provisions of this section less any real estate broker
3 commissions paid pursuant to RCW 47.12.320 shall be deposited in the
4 motor vehicle fund.

5 (8) The department may not enter into equal value exchanges or
6 property acquisitions for building improvements without first
7 consulting with the office of financial management and the joint
8 transportation committee.

9 (9) During the 2021-2023 fiscal biennium, the department may sell
10 or convey surplus property at less than its fair market value when
11 the department finds that it is in the public interest to do so
12 because:

13 (a) The surplus property will be used as a substitute for
14 property to be redeveloped to provide the public benefit of
15 affordable housing; and

16 (b) The development of affordable housing on that property would
17 not otherwise be adequately compensated.

18 **Sec. 706.** RCW 46.01.385 and 2021 c 32 s 2 are each amended to
19 read as follows:

20 The agency financial transaction account is created in the state
21 treasury. Receipts directed by law to the account from cost recovery
22 charges for credit card and other financial transaction fees must be
23 deposited into the account. Moneys in the account may be spent only
24 after appropriation. Expenditures from the account may be used only
25 for paying credit card and financial transaction fees, and other
26 related costs incurred by state agencies. During the 2021-2023 fiscal
27 biennium, expenditures from the account may also be used for
28 additional information technology costs related to supporting the
29 department of licensing operations and addressing staffing shortages.

30 **Sec. 707.** 2021 c 333 s 719 (uncodified) is amended to read as
31 follows:

32 (1) The state commercial aviation coordinating commission will
33 review existing data and conduct research to determine Washington's
34 long-range commercial aviation facility needs and the site of a new
35 primary commercial aviation facility. Research for each potential
36 site must include the feasibility of constructing a commercial
37 aviation facility in that location and its potential environmental,
38 community, and economic impacts. Options for a new primary commercial

1 aviation facility in Washington may include expansion of an existing
2 airport facility but may not include siting a facility on or in the
3 vicinity of a military installation that would be incompatible with
4 the installation's ability to carry out its mission requirements. The
5 work of the commission shall include the following:

6 (a) Recommendations to the legislature on future Washington state
7 long-range commercial aviation facility needs including possible
8 additional aviation facilities or expansion of current aviation
9 facilities, excluding those located in a county with a population of
10 two million or more, to meet anticipated commercial aviation, general
11 aviation, and air cargo demands;

12 (b) Identifying a preferred location for a new primary commercial
13 aviation facility. The commission shall make recommendations and
14 shall select a single preferred location by a sixty percent majority
15 vote using the following process:

16 (i) Initiating a broad review of potential sites;

17 (ii) Recommending a final short list of no more than six
18 locations by February 15, 2022;

19 (iii) Identifying the top two locations from the final six
20 locations by October 15, 2022; and

21 (iv) Identifying a single preferred location for a new primary
22 commercial aviation facility by (~~February~~) June 15, 2023; and

23 (c) A projected timeline for the development of an additional
24 commercial aviation facility that is completed and functional by
25 2040.

26 (2) The commission shall submit a report of its findings and
27 recommendations to the transportation committees of the legislature
28 by (~~February~~) June 15, 2023. The commission must allow a minority
29 report to be included with the commission report if requested by a
30 voting member of the commission.

31 (3) Nothing in this section shall be construed to endorse, limit,
32 or otherwise alter existing or future plans for capital development
33 and capacity enhancement at existing commercial airports in
34 Washington.

35 (4) This section expires June 30, 2023.

(End of part)

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
8 the state government and its existing public institutions, and takes
9 effect immediately."

10 Correct the title.

(End of Bill)

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