

ESSB 5974 - H AMD TO H AMD (H-2869.1/22) **1247**

By Representative Barkis

NOT ADOPTED 03/01/2022

1 On page 41, after line 21 of the striking amendment, insert the
2 following:

3 "NEW SECTION. **Sec. 301.** The legislature finds that many
4 transportation facilities provide a public good where user fares and
5 fees are insufficient to pay for the capital, maintenance, and
6 operating expenses of the facility, activity, service, or program. The
7 majority of revenue appropriated through the omnibus transportation
8 appropriations act for transportation facilities comes from fees or
9 taxes related to driving a vehicle. This is an unsustainable model of
10 funding in light of the trend to adopt laws that are meant to reduce
11 vehicle miles traveled, reduce the quantity of emissions of greenhouse
12 gases per distance traveled in the transportation sector, and reduce
13 the sale of fossil fuels on which many taxes are imposed. In order to
14 provide the caliber of transportation facilities and social services
15 that are being demanded by society, use of general fund resources is
16 the most equitable funding option. It is unfair and unsustainable to
17 make one mode of travel pay for all other modes. The general fund,
18 even during a pandemic, is experiencing substantial revenue growth
19 while the funds associated with the transportation budget are stagnant
20 or below revenue expectations and actual programmatic needs. Sections
21 301 through 306 of the act designate programs and activities that in
22 the future will receive funding from the general fund.

23
24 NEW SECTION. **Sec. 302.** A new section is added to chapter 43.79
25 RCW to read as follows:

26 (1)(a) The legislature has created several transportation
27 programs in the omnibus transportation appropriations act over the

1 course of time that continue to this day. These include many
2 transportation grant programs that the legislature intends to
3 continue funding in the future. The connecting Washington
4 transportation plan enacted in 2015 provided intent to fund a number
5 of grants and projects as identified in LEAP Transportation
6 Documents 2015 NL-1 and NL-2 that will continue to be funded, unless
7 there was a specific legal change in a subsequently adopted act.

8 (b) The legislature has also created several transportation-
9 related tax incentives, including tax incentives related to the
10 commute trip reduction program and the purchase of electric
11 vehicles. It is the intent of the legislature that beginning with
12 the 2025-2027 fiscal biennium, these tax incentives will be funded
13 by the omnibus appropriations act from accounts and sources of funds
14 other than those appropriated in the omnibus transportation
15 appropriations act.

16 (c) The legislature has also created several multimodal
17 transportation programs on a pilot basis that have expired or will
18 expire prior to the effective date of this section. Examples include
19 the student ORCA card pilot program first created in section
20 220(10), chapter 313, Laws of 2017; the transit coordination grant
21 program created in section 4, chapter 11, Laws of 2015 3rd sp.
22 sess.; and the green transportation capital grant program in RCW
23 47.66.120. It is the intent of the legislature that, if the
24 legislature acts to reprise or recreate any of these programs,
25 beginning with the 2025-2027 fiscal biennium, the reprised or
26 recreated program be funded by the omnibus appropriations act from
27 accounts and sources of funds other than those appropriated in the
28 omnibus transportation appropriations act.

29 (2) Beginning July 1, 2025, appropriations for the following
30 programs shall be paid out of the general fund:

31 (a) Projects that correct barriers for fish to swim upstream on
32 public lands;

33 (b) Americans with disabilities act upgrades to transportation
34 facilities;

1 (c) New buildings primarily where state transportation employees
2 work;

3 (d) Mobility and public transit-related grants, social services,
4 and programs, such as, but not limited to, regional mobility grants,
5 rural mobility grants, vanpool grants, and any pilot or expired
6 grants that are to be continued;

7 (e) Programs related to transitioning transportation programs,
8 systems, facilities, or vehicles designated as green or clean fuel
9 programs authorized in law, such as, but not limited to, green
10 transportation capital grants, the clean alternative fuel vehicle
11 charging and refueling infrastructure program, and the clean
12 alternative fuel car sharing program for underserved and low-income
13 communities;

14 (f) Programs that provide tax incentives for the purchase or
15 lease of vehicles with lithium-ion batteries or alternative fuel
16 vehicles, as well as for other equipment that supports vehicle
17 conversions to alternative fuels;

18 (g) Safe routes to schools grants;

19 (h) Bicycle and pedestrian pathways that are not an integrated
20 part of a highway project or are administered by any government
21 agency other than the department of transportation;

22 (i) Capital and operation costs for intercity passenger rail
23 service;

24 (j) Assistance funding for freight rail programs;

25 (k) Stormwater facility upgrades and maintenance of such
26 facilities near highways with high-density traffic near salmon-
27 bearing streams where untreated runoff containing 6 CPPD and 6 CPPD
28 quinone are killing significant amounts of salmon; and

29 (l) Any other programs as directed by law.

30 (3) Projects agreed to as part of the nickel, transportation
31 partnership, and connecting Washington transportation package will
32 remain funded within the transportation appropriations act. However,
33 in situations where revenues appropriated through the transportation
34 appropriations act are insufficient to pay for the obligations

1 associated with those projects, general funds may be provided to
2 ensure the completion of the projects.

3

4 NEW SECTION. **Sec. 303.** (1)(a) The chairs of the transportation
5 committees of the house of representatives and senate shall convene
6 an internal legislative work group to be known as the budgets
7 transition work group to implement the transition in section 102 of
8 this act. At the end of the process, the budgets transition work
9 group members and staff should have identified the provisions that
10 need to be modified in future budgets to successfully shift funding
11 in accordance with this act. The members of the work group include:

12 (i) The chairs and ranking members of the committees on
13 transportation, or a designated alternative member of each caucus;

14 (ii) The chairs and ranking member of the house of
15 representatives' appropriations committee, or a designated
16 alternative member of each caucus; and

17 (iii) The chair and ranking member of the senate ways and means
18 committee, or a designated alternative member of each caucus.

19 (b) The director of the office of financial management, or a
20 designated employee of the agency with knowledge of the legislative
21 appropriations acts, may be invited to serve in an advisory capacity.

22 (2) Staff support for the budgets transition work group shall be
23 provided by senate committee services and the house of
24 representatives office of program research. The employees of the
25 office of financial management shall cooperate with the work group
26 to obtain information from state agencies as necessary to effectuate
27 the transition.

28 (3) Legislative members of the budgets transition work group
29 shall be reimbursed for travel expenses in accordance with RCW
30 44.04.120. Nonlegislative members, except those representing an
31 employer or organization, are entitled to be reimbursed for travel
32 expenses in accordance with RCW 43.03.050 and 43.03.060.

33 (4) The expenses of the budgets transition work group shall be
34 paid jointly by the senate and the house of representatives.

1 **Sec. 304.** RCW 46.68.135 and 2006 c 337 s 4 are each amended to
2 read as follows:

3 By July 1, 2006, and each year thereafter, the state treasurer
4 shall transfer two and one-half million dollars from the
5 ~~((multimodal account))~~ state general fund to the transportation
6 infrastructure account created under RCW 82.44.190. The funds must
7 be distributed for rail capital improvements only.

8

9 **Sec. 305.** RCW 46.68.320 and 2010 c 247 s 702 are each amended
10 to read as follows:

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

15 (2) Beginning with September 2007, by the last day of September,
16 December, March, and June of each year, the state treasurer shall
17 transfer from the ~~((multimodal transportation account))~~ state
18 general fund to the regional mobility grant program account five
19 million dollars.

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

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

29

30 **Sec. 306.** RCW 46.68.325 and 2021 c 333 s 708 are each amended
31 to read as follows:

32 (1) The rural mobility grant program account is created in the
33 state treasury. Moneys in the account may be spent only after
34

1 appropriation. Expenditures from the account may be used only for
2 the grants provided under RCW 47.66.100.

3 (2) Beginning September 2011, by the last day of September,
4 December, March, and June of each year, the state treasurer shall
5 transfer from the (~~multimodal transportation account~~) state
6 general fund to the rural mobility grant program account two million
7 five hundred thousand dollars.

8 (3) (~~During the 2015-2017 fiscal biennium, the legislature may~~
9 ~~transfer from the rural mobility grant program account to the~~
10 ~~multimodal transportation account such amounts as reflect the excess~~
11 ~~fund balance of the rural mobility grant program account.~~

12 (~~4~~)) During the (~~2017-2019, 2019-2021, and~~) 2021-2023 fiscal
13 (~~biennia~~) biennium, the legislature may direct the state treasurer
14 to make transfers of moneys in the rural mobility grant program
15 account to the multimodal transportation account."

16
17 Renumber the remaining sections consecutively and correct any
18 internal references accordingly. Correct the title.

19

EFFECT: Declares the intent of the Legislature regarding equitable funding for transportation. Identifies programs that will be funded by the general fund, beginning July 1, 2025, and declares that the Legislature will convene a work group regarding the transition of programs to being funded by the general fund. Changes the source of the recurring transfers to the transportation infrastructure account, regional mobility account, and rural mobility account from the multimodal transportation account to the general fund.

Fiscal Impact:

Increases general fund--state appropriations by \$600,000,000 over 16 years.

Decreases multimodal transportation account--state appropriations by \$600,000,000 over 16 years.

33

34

--- END ---